

# City of Sandusky Zoning Ordinance

*Adopted April 19 2021*

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<b>ZONING ORDINANCE AMENDMENT</b>	
<b>Adoption Date</b>	<b>Description</b>
April 19 2021	The Zoning Ordinance Update was adopted by City Council.



# ARTICLE 1: ADMINISTRATION AND ENFORCEMENT

## 1.1 INTENT AND PURPOSE

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in the Michigan Zoning Enabling Act (PA 110 of 2006, as amended). This Ordinance is based on the City of Sandusky Master Plan and is intended to carry out the objectives of that Plan.

This Ordinance has further been established for the purposes of:

- A. Regulating the intensity of land use to promote and protect the public health, safety, and general welfare,
- B. Providing for the needs of recreation, residence, and commerce,
- C. Providing adequate light, air, privacy, and convenience of access to property,
- D. Promoting healthful surroundings for family life in residential and rural areas,
- E. Fixing reasonable standards to which structures and other site improvements shall conform,
- F. Prohibiting certain uses or structures within specific zoning districts,
- G. Preventing the overcrowding of land by regulating density and the use, height, location, and bulk of buildings in relation to the surrounding land,
- H. Providing for the completion, restoration, reconstruction, extension, or substitution of nonconforming uses,
- I. Establishing and defining the duties and responsibilities of the Planning Commission and Zoning Board of Appeals under this Ordinance,
- J. Designating and defining the powers and duties of the zoning official(s) in charge of the administration and enforcement of this Ordinance,
- K. Providing for the payment of fees for zoning permits and approvals required by this Ordinance, and
- L. Providing for penalties for the violation of this Ordinance.

## 1.2 SCOPE

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed, or commenced, nor any structure constructed, altered, relocated, or extended, except in compliance with this Ordinance.

- A. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, convenience, comfort, and general welfare.
- B. **Relationship to other ordinances or agreements.** The Zoning Ordinance text adopted by the City of Sandusky City Council on April 19, 2021 and the Zoning Map adopted by the City of Sandusky City Council on April 19, 2021, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Zoning Ordinance and Zoning Map and their amendments does not affect or impair any act done, offense committed, or right accruing, occurred, or acquired, or any liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted. All other ordinances conflicting or inconsistent with the provisions of this ordinance, to the extent of such conflict or inconsistency only, are hereby repealed. Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Ordinance.
- C. **Unlawful structures and uses.** A structure or use not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance.
- D. **Vested right.** Nothing in this Ordinance shall 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 activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort, or general welfare.

**1.3 SHORT TITLE**

This Ordinance shall be known and may be cited as the City of Sandusky Zoning Ordinance, as amended and is referred to herein as the "Ordinance."

**1.4 AREA OF JURISDICTION**

The provisions of this Ordinance shall apply to all development, public and private, throughout the incorporated areas of the City of Sandusky, Sanilac County, Michigan, to the extent permitted by law. The area of jurisdiction is referred to herein as the "City."

**1.5 ENABLING AUTHORITY**

This Zoning Ordinance has been prepared for and adopted by the City Council of the City of Sandusky under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006, as amended), following compliance with all procedures required by this Act.

**1.6 AUTHORITY, DUTIES, AND RESPONSIBILITIES**

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the following boards, commissions, and persons that are charged with administering, implementing, and enforcing the provisions of this Ordinance:

- A. City Council.
- B. Planning Commission.

- C. Zoning Board of Appeals.
- D. City Manager.
- E. City Clerk.
- F. Designated zoning officials, including the Zoning Administrator, Code Enforcement Officer, and City Planner.

Authority and responsibility for the administration and enforcement of all provisions of this Ordinance shall be as follows:

#### **1.6.1 General Limitations.**

The Zoning Administrator, Code Enforcement Officer, and any other City officials or representatives as designated and authorized by the City Council shall have the responsibility of carrying out such administrative and enforcement duties as specified in this Ordinance or as directed by the City Council for the purpose of implementing these regulations.

- A. All zoning officials shall administer and enforce this Ordinance precisely as written and shall not modify or vary the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance. Under no circumstances shall any zoning official ignore the terms of this Ordinance in carrying out designated duties.
- B. It shall be unlawful for a zoning official to approve any plans or issue any permits or other approvals under this Ordinance unless such plans have been determined to conform to all applicable provisions of this Ordinance.
- C. Zoning officials shall not refuse to approve a zoning permit upon determination that the permit applicant has complied with all conditions imposed by this Ordinance, despite violations of private contracts, covenants or private agreements that may occur upon the approval of the permit.

#### **1.7 CITY COUNCIL AUTHORITY AND RESPONSIBILITIES.**

The City Council shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

- A. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended), the City Council shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with the Amendments Section in Article 14. Adoption of any change to this Ordinance shall be by an amendatory ordinance.
- B. **Review and approval of planned unit developments.** City Council review and approval shall be required for all planned developments, in accordance with Article 16 (Planned Unit Developments).

- C. **Setting of fees.** The City Council shall have the authority to set by resolution all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance, to defray expenses incurred in processing such permits, applications, and requests for action. In the absence of specific action taken by City Council to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. **Appointment, oversight, and removal of zoning officials.** The City Council shall appoint a Zoning Administrator to act as its officer for the proper administration of this Ordinance; and may appoint a Code Enforcement Officer to act as its officer for the proper enforcement of this Ordinance.
1. The Zoning Administrator and Code Enforcement Officer shall be appointed by the City Council for such term, rate of compensation, and employment terms and conditions as the Council shall determine.
  2. The Zoning Administrator or Code Enforcement Officer may be removed from office by the City Council in accordance with such employment terms and conditions as the Council shall determine.
  3. The duties and responsibilities of the Zoning Administrator and Code Enforcement Officer positions may be vested in one (1) person; divided among two (2) or more persons; or delegated to designated City consultants, as the City Council may determine.

## 1.8 PLANNING COMMISSION AUTHORITY AND RESPONSIBILITIES.

The Planning Commission is hereby established in accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), and shall have the authority and responsibilities specified in the Michigan Planning Enabling Act (PA 33 of 2008, as amended) and the Michigan Zoning Enabling Act (PA 110 of 2006, as amended); all of which enables and governs the activities and procedures under this Ordinance.

### 1.8.1 Membership.

Members of the Planning Commission shall be appointed by the Mayor with the approval of City Council by majority vote. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the Planning Commission shall be set forth below and in accordance with the Michigan Planning Enabling Act PA 33 of 2008.

- A. The Planning Commission shall consist of seven (7) members.
- B. One (1) member shall be a member of City Council and one (1) appointed member may be a member of the Zoning Board of Appeals. Other than the previous two (2) exceptions, an appointed member of the Commission shall not hold another municipal office.
- C. All members shall have been a resident of the City for at least one (1) year prior to the date of appointment and shall be a qualified and registered elector of the City on such day and throughout his or her tenure of office.

- D. The term of each appointed member shall be three (3) years, or until his or her successor takes office except that the respective terms of two (2) of the members first appointed shall be for one (1) year and two (2) for two (2) years.
- E. All appointed members of the Commission shall be compensated at a rate to be determined by the appointing or legislative body.
- F. Members of the Planning Commission may be removed from office for neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter after written charges have been filed with the City Clerk and a public hearing has been held by City Council. A vacancy on the Planning Commission occurring otherwise than through the expiration of term shall be filled for the un-expired.

### 1.8.2 Jurisdiction.

The Planning Commission shall have such powers, duties, and responsibilities as are expressly provided for in this Ordinance, according to the Michigan Planning Enabling Act (PA 33 of 2008, as amended) and the Michigan Zoning Enabling Act (PA 110 of 2006, as amended). The Planning Commission shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance and the Michigan Planning Enabling Act (PA 33 of 2008, as amended), and any adopted Planning Commission bylaws and rules of procedure.

### 1.8.3 Duties.

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

- A. **Zoning Ordinance.** The Planning Commission shall perform the zoning duties of said commission as provided in the Michigan Zoning Enabling Act (PA 110 of 2006, as amended). The Planning Commission shall be responsible for formulation of the Zoning Ordinance; formulation, review, and recommendation of amendments to the Zoning Ordinance; holding hearings on a proposed Zoning Ordinance or amendments; and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to City Council.
- B. **Site Plan Approval.** The Planning Commission shall be responsible for reviewing site plans and making determinations to approve, approve subject to conditions, or deny applications for site plan approval in accordance with Site Plan Review Section in Article 14.
- C. **Special Use Approval.** The Planning Commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions, or deny applications for special uses in accordance with Special Uses Section in Article 14.
- D. **Planned Unit Development Review.** The Planning Commission shall be responsible for holding hearings and reviewing all applications for planned unit development approval in accordance with Article 16 (Planned Unit Developments). The Planning Commission shall be responsible for making a recommendation to City Council to grant approval, approval with conditions, or denial of a proposed planned unit development.

- E. **Master Plan.** The Planning Commission is hereby designated as the commission specified in the Michigan Planning Enabling Act (PA 33 of 2008, as amended), and shall perform the planning duties of said commission as provided in the statute. The Planning Commission shall recommend the Master Plan to the City Council for final approval.
- F. **Other Duties and Responsibilities.** The Planning Commission shall be responsible for review of plats and any other matters relating to land development referred to the Commission by City Council. The Planning Commission shall recommend appropriate regulations and action on such matters.
- G. **Meeting Frequency.** The Planning Commission shall hold not less than four (4) regular meetings each year.

**1.9 ZONING BOARD OF APPEALS AUTHORITY AND RESPONSIBILITIES.**

The Zoning Board of Appeals shall have the authority and responsibilities specified in Article 19 (Zoning Board of Appeals) of this Ordinance and as authorized by the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).

**1.10 CITY MANAGER AUTHORITY AND RESPONSIBILITIES.**

The City Manager, as chief administrative official for the City of Sandusky, shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance. The City Manager may delegate this authority to a Zoning Administrator.

**1.11 CITY CLERK AUTHORITY AND RESPONSIBILITIES.**

The City Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

- A. Publish all notices required by these regulations, or verify such publication by the Zoning Administrator.
- B. Maintain official records and file all official minutes and documents in an orderly and timely fashion.
- C. Perform other related duties required to administer these regulations.

**1.12 ZONING ADMINISTRATOR DUTIES AND RESPONSIBILITIES.**

City of Sandusky shall appoint a Zoning Administrator to act as its officer for the proper administration of this Ordinance. The Zoning Administrator shall be appointed or hired by the City Council for such term, subject to such conditions, and at such rate of compensation as the Council shall determine. The Zoning Administrator shall be responsible for administration of this Ordinance, as follows:

- A. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters and shall assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning matters.

- B. The Zoning Administrator shall periodically report to City Council and Planning Commission on the status of City's zoning administration.
- C. The Zoning Administrator shall distribute all applications for zoning or development approval (such as site plan review, special use review, and planned unit development review) to copies of the site plan and application to designated City officials and consultants for review and comment.
- D. The Zoning Administrator shall publish all notices required by these regulations, or assist the City Clerk with such publication.
- E. The Zoning Administrator shall forward to the City Council, Planning Commission, and Zoning Board of Appeals all materials related to completed applications recommendations, petitions, or other matters on which the board or commission is required to act.
- F. The Zoning Administrator shall, in consultation with the City Clerk, maintain the current Official Zoning Map of the City and an up-to-date Zoning Ordinance text by recording all adopted amendments.
- G. The Zoning Administrator shall review and approve zoning permit applications in compliance with the provisions of this Ordinance.
- H. The Zoning Administrator shall initiate investigations into alleged violations of these regulations in consultation with the Code Enforcement Officer and City Council.
- I. In carrying out designated duties, the Zoning Administrator shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the City Council.

**1.13 CODE ENFORCEMENT OFFICER DUTIES AND RESPONSIBILITIES.**

The provisions of this Ordinance shall be enforced by the Code Enforcement Officer, deputies of his department, and such other persons as the City Council may designate.

- A. The Code Enforcement Officer shall have the authority to investigate complaints of Ordinance violations; issue warnings and citations; and make Inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
- B. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he or she shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- C. The Code Enforcement Officer shall order discontinuance of any unlawful work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.
- D. The Code Enforcement Officer shall be responsible for making periodic inspections of the City or parts thereof for the purpose of finding violations of this Ordinance.

#### **1.14 CITY PLANNER RESPONSIBILITIES.**

The City may employ a City Planner, who may be a member of City staff; or a firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the City Council, Planning Commission, or other authorized City body or official, the City Planner may fulfill following responsibilities:

- A. Prepare and administer such plans and ordinances as are appropriate for the City and its environs, within the scope of the appropriate Michigan planning and zoning enabling acts.
- B. Advise and assist the City Council, Planning Commission, Zoning Board of Appeals, and other authorized City bodies or officials; and be responsible for carrying out the directives of the Planning Commission.
- C. Provide citizens and public officials with information relative to these regulations and related matters.
- D. At request of the City, review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
- E. At the request of the Planning Commission or City Council, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the City
- F. Periodically report to the Planning Commission on the status of City's zoning and planning administration.
- G. Perform other related duties, as authorized, to administer these regulations.
- H. Provide citizens and public officials with information relative to these regulations and related matters.

#### **1.15 ZONING PERMITS.**

No structure or site greater than two hundred (200) square feet shall be used, erected, moved, enlarged, altered, or demolished until the owner or occupant has applied for and obtained a zoning permit. No zoning permit shall be issued to use, erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance.

The applicant shall furnish permits or approvals from the county or state agencies, if required, before the Zoning Administrator may issue a permit. A copy of each zoning permit will be retained by the Zoning Administrator as a part of the permanent records of the City. The Zoning Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed structure or use does not comply with the provisions of this Ordinance. Issuance of a zoning permit, or approval of a site plan for a permitted use or special land use permit does not waive the requirements to comply with all applicable local, state and federal codes and statutes, including, but not limited to State Construction Code, Electrical Code, Property Maintenance Code, Mechanical Code, and Fire Prevention Code. Where a provision of this Ordinance requires approval of a zoning permit, such approval shall be subject to the following:



**1.15.1 Application.**

Zoning permit applications shall be filed with the Zoning Administrator, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform to the provisions of this Ordinance. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:

A plot plan drawn to scale illustrating:

- A. The location, shape, area, and dimensions of the lot or parcel involved.
- B. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the lot or parcel.
- C. The existing and proposed use of the lot or parcel and all structures upon it.
- D. The location and dimensions of any existing and proposed yard, open space, and parking areas.
- E. Proposed setbacks of structures from lot lines, streets, lakes, and streams.
- F. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.

**1.15.2 Permit Issuance.**

Issuance of zoning permits under this Ordinance shall be subject to the following:

- A. The Zoning Administrator shall issue a zoning permit within ten (10) business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.
- B. It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that does not or has not been determined to conform to all applicable provisions of this Ordinance.
- C. No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special use or other necessary approval from the Planning Commission, including any conditions of approval.
- D. In all cases where the Zoning Administrator shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
- E. Proof of zoning permit approval shall be posted upon the premises.

**1.15.3 Revocation.**

The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or

misrepresentation made in the application for the permit. The Zoning Administrator shall notify the owner of such revocation in writing.

#### **1.15.4 Duration.**

A zoning permit issued by the Zoning Administrator in accordance with this Section shall be valid for a period of three hundred sixty five (365) calendar days from the date of issuance. If construction is not started within this period, the zoning permit shall become void. Upon written request, the Zoning Administrator may grant one (1) extension of zoning permit approval for up to one hundred eighty (180) calendar days. Such request shall be filed no later than five (5) business days following the expiration of zoning permit approval.

#### **1.15.5 Zoning Inspections.**

It shall be the duty of the holder of every permit to notify the City of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Zoning Administrator or Code Enforcement Officer to inspect work performed under an approved zoning permit for compliance with the provisions of this Ordinance.

#### **1.15.6 Building Permits.**

A separate building permit may be required in accordance with the State Construction Code enforced by the Sanilac County. Issuance of a building permit by the Sanilac County Chief Building Official shall not exempt a building permit holder from compliance with the requirements of this Article and Ordinance.

### **1.16 COMPLIANCE REQUIRED.**

No structure, site or part thereof shall be constructed, altered or maintained and no new use of any structure or land shall be established, altered, or maintained except in conformity with this Ordinance.

### **1.17 FEES AND PERFORMANCE GUARANTEES.**

The City Council shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance. No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full. The schedule of fees shall be posted on public display in the City offices, and online and may be changed only by the City Council.

#### **1.17.1 Fees in Escrow for Professional Reviews.**

An escrow fee may be required by the Zoning Administrator with any application for approval under this Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the City values to review the proposed application.

- A. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within ninety (90) days of final City action on the

applicant's request, or within ninety (90) days of withdraw of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the City.

- B. The professional review will result in a written report indicating the extent of conformance or nonconformance with this Ordinance, and identifying any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any written reports and statement of expenses for the professional services rendered, upon request.

#### **1.17.2 Performance Guarantees.**

To ensure compliance with this Ordinance and faithful completion of required improvements, the Zoning Administrator may require that the applicant deposit with the City Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any permits, and shall be subject to the following:

- A. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant or designated City consultants.
- B. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the City and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.
- C. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the City Council.
- D. Performance guarantees shall continue until such time as the City notifies the surety that the conditions imposed upon the development have been met. The surety shall not release the performance guarantee until the Zoning Administrator is satisfied that the conditions for such action have been met.
- E. As work progresses, the City may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. Ten percent (10%) of the guarantee shall be retained by the City pending a successful final inspection by the Zoning Administrator or Code Enforcement Officer of all required improvements.

#### **1.18 VIOLATION AND PENALTIES.**

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

**1.18.1 Violation.**

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction citation and other measures allowed by law. The imposition of any fine or other penalty by the court shall not exempt the violator from compliance with the provisions of this Ordinance and fines for such infractions as set forth in Appendix F, Annual Fee Resolution, Chapter 10, Civil Infractions.

**1.18.2 Correction Period.**

All violations shall be corrected within thirty (30) days following the receipt of an order to correct from the Zoning Administrator or Code Enforcement Officer. The Zoning Administrator or Code Enforcement Officer may grant an extension of up to one hundred eighty (180) days upon determining that the additional time is necessary for correction. The Zoning Administrator or Code Enforcement Officer may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

**1.18.3 Penalties.**

The violation of any provision of this Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a municipal civil infraction, for which the fine shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense and not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for subsequent offenses, plus costs and other sanctions ordered by the court.

- A. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- B. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within three hundred sixty five (365) calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
- C. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

**1.18.4 Public Nuisance Per Se**

Any structure which is erected, altered, or converted, or any use of any structure or lot which is established or altered in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**1.18.5 Nuisance Abatement**

In addition to enforcing this Ordinance as a municipal civil infraction, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**ARTICLE 2: ZONING DISTRICTS AND MAP**

**2.1 PURPOSE OF DISTRICTS.**

**2.2 ZONING DISTRICTS.**

For the purpose of this Ordinance, the City of Sandusky is hereby divided into districts as follows:

<b>DISTRICT NAME</b>	<b>SYMBOL</b>
Single-Family Residential District	R
Multiple-Family Residential District	RM
Manufactured Housing Park District	MHP
Neighborhood Business District	NB
Community Business District 1	CB1
Community Business District 2	CB2
General Business District	GB
Industrial-Research District	I-1
General Industrial District	I-2

**2.2.1 Single-Family Residential (R) District.**

The Single-Family Residential (R) District is established for the purpose of providing housing choice and limiting uses that would adversely impact residential neighborhoods. The intent of this district is to provide for an environment of predominantly single-family detached dwellings and two-family residential units, along with other associated uses and facilities that serve residents in the district.



It is the further intent of the district to prohibit or restrict any land use that would substantially interfere with development or continuation of single-family detached dwellings and two-family residential units, would generate traffic on minor or local streets in excess of normal traffic serving the residences on those streets or would, because of its character or size, create requirements and costs for public services (such as fire, police protection, water supply or sewerage), substantially in excess of such requirements and costs if the district were developed solely for residential use.

SINGLE-FAMILY RESIDENTIAL DISTRICT		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	55 ft.	4.1A
Min. Lot Area	5,500 sq. ft.	4.1
Max. Lot Coverage	35%	
Max. Impervious Coverage	50%	4.11
<b>Principal Building</b>		
Min. Front Setback	25 ft.	4.2
Min. Side Setback	8 ft.	
Min. Rear Setback	30 ft.	
Max. Height	2.5 stories / 30 ft.	4.5
Min. Gross Floor Area	1,000 sq. ft.	
<b>Accessory Building</b>		
Permitted Location	Rear & side yard only	17.1
Front Setback	---	
Side Setback	3 ft.	17.1
Rear Setback	3 ft.	
Principal Building Setback	10 ft.	
Max. Height	15 ft.	
Max. Ground Floor Area	≤ Principal building	
Accessory Dwelling Units	Permitted	5.3.1
<b>Parking</b>		
Permitted Location	Rear & side yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	
<b>Additional Requirements</b>		
1. Residential structures shall include an entry on the street-facing façade.		
2. Front entrances shall connect with the street right-of-way with walkway made of durable materials such as concrete, brick or stone pavers, and asphalt. Dirt walkways are prohibited.		

**2.2.2 Multiple-Family Residential (RM) District.**

The Multiple-Family Residential (RM) District is established to promote a harmonious mixture of higher density housing options (such as apartments, townhouses, condominiums and stacked flats) at planned locations in the community to meet the various needs of residents. Associated uses and facilities that serve the residents in the district shall also be provided within a primarily residential environment.



Uses in this district should be located near streets with adequate planned capacity to accommodate the traffic volumes typically generated by higher density development, and shall be served by public water and sewage systems and other appropriate utilities and services. Development in the Multiple Family Residential District shall be subject to appropriate design, density, and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light, air, privacy and recreation areas) that are intended to prevent congestion on public streets, reduce hazards to life and property, provide adequate recreation areas and basic amenities, and ensure compatibility with the adjacent Single-Family Residential District.

MULTIPLE FAMILY RESIDENTIAL DISTRICT		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	55 ft.	<u>4.1A</u>
Min. Lot Area	6,000 sq. ft.	
Max. Lot Coverage	60%	
Max. Impervious Coverage	70%	<u>4.11</u>
<b>Principal Building</b>		
Front Setback Range	10 ft. - 25 ft.	<u>4.2</u>
Min. Side Setback	8 ft.	
Min. Rear Setback	30 ft.	
Max. Height	4 stories / 40 ft.	<u>4.5</u>
Min. Gross Floor Area	500 sq. ft.	
<b>Accessory Building</b>		
Permitted Location	Rear yard only	<u>17.1</u>
Front Setback	---	
Side Setback	3 ft.	<u>17.1</u>
Rear Setback	3 ft.	
Principal Building Setback	10 ft.	
Max. Height	15 ft.	
Max. Ground Floor Area	≤ Principal building	
<b>Parking</b>		
Permitted Location	Rear & side yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	
<b>Additional Requirements</b>		
1. Residential structures shall include an entry on the street-facing façade. 2. Front entrances shall connect with the street right-of-way with walkway made of durable materials such as concrete, brick or stone pavers, and asphalt. Dirt walkways are prohibited. 3. <u>Section 5.3.7</u>		

**2.2.3 Manufactured Housing Park (MHP) District.**

The Manufactured Housing Park (MHP) District is established to provide for the location and regulation of manufactured housing parks (formerly known as “mobile home parks”), as defined by the Mobile Home Commission Act, (PA 96 of 1987, as amended), and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be in areas where they will be compatible with adjacent land uses.



The regulations and rules established by the Mobile Home Commission Act (PA 96 of 1987, as amended) and the Manufactured Housing Commission shall govern all manufactured housing parks. Where regulations in this Article and Ordinance exceed the state law or general rules, they are intended to promote the health, safety, and welfare of the City's residents, and to ensure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this Ordinance for comparable residential developments in the City. Further, the district is intended to meet the needs of the different age and family groups in the community, prevent congestion on the public streets, minimize hazards to life and property, and ensure sufficient provisions for light, air, privacy, recreation areas and basic amenities to serve the residents of the district.

MANUFACTURED HOUSING PARK DISTRICT	
<b>Lot Occupation</b>	
Min. Lot Width	See <a href="#">section 5.3.6</a>
Min. Lot Area	
Max. Lot Coverage	
Max. Impervious Coverage	
<b>Principal Building</b>	
Front Setback Range	See <a href="#">section 5.3.6</a>
Min. Side Setback	
Min. Rear Setback	
Max. Height	
Min. Gross Floor Area	
<b>Accessory Building</b>	
Permitted Location	See <a href="#">section 5.3.6</a>
Front Setback	
Side Setback	
Rear Setback	
Principal Building Setback	
Max. Height	
Max. Ground Floor Area	
<b>Parking</b>	
Permitted Location	See <a href="#">section 5.3.6</a>
Front Setback	
Rear Setback	
Side Setback	



**2.2.4 Neighborhood Business (NB) District.**

The Neighborhood Business (NB) District is established to provide for housing, local service, and convenience shopping facilities to meet the day-to-day needs of persons residing in nearby residential areas. This district is intended for single-family residential development, mixed housing formats, and compatible commercial uses. Building sizes for permitted uses are limited to promote such appropriately scaled business development in the district. Uses which would create hazards, loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited. Unless otherwise specified, automotive-related services and other uses that typically interfere with the continuity of retail frontage, hinder pedestrian circulation, and disrupt the functioning of this district shall also be prohibited.



NEIGHBORHOOD BUSINESS DISTRICT		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	50 ft.	<u>4.1</u>
Min. Lot Area	---	
Max. Lot Coverage	60%	<u>4.11</u>
Max. Impervious Coverage	80%	
<b>Principal Building</b>		
Front Setback	Varies	<u>4.2</u>
Min. Side Setback	5 ft.	<u>4.3</u>
Min. Rear Setback	0 ft.	<u>4.4</u>
Max. Height	2 stories / 30 ft.	<u>4.5</u>
Min. Gross Floor Area	500 sq. ft.	
<b>Accessory Building</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Side Setback	Same setback as the principal building	
Rear Setback	3 ft.	
Principal Building Setback	10 ft.	
Max. Height	≤ Principal building	
Max. Ground Floor Area	25% of principal building	<u>17.1</u>
<b>Parking</b>		
Permitted Location	Rear & side yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	
<b>Additional Requirements</b>		
1. Residential structures shall include an entry on the street-facing façade.		
2. Front entrances shall connect with the street right-of-way with walkway made of durable materials such as concrete, brick or stone pavers, and asphalt. Dirt walkways are prohibited.		

**2.2.5 Community Business (CB1) District.**

The Community Business (CB1) District is established to primarily meet the day-to-day needs of City residents, visitors, and surrounding rural areas for convenience and durable goods, personal services, food, entertainment, shopping, office space, and related activities. It is the intent of the Community Business (CB1) District to encourage commercial and business facilities surrounding the Community Business (CB2) District so as to economically and effectively



serve the general City area with a wide variety of commercial retail uses. It is the intent of this district to preserve the existing downtown character, strengthen and extend the historic development pattern, and promote a highly concentrated and pedestrian-accessible mix of complementary housing, retail, restaurant, entertainment, office, and service uses. Building owners are encouraged to provide retail or personal service uses at the street level. In buildings without such uses, other active uses of visual interest to pedestrians should be displayed. Building sizes for permitted uses are limited to promote such appropriately scaled business development.

COMMUNITY BUSINESS 1 DISTRICT		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	---	4.1A
Min. Lot Area	---	
Max. Lot Coverage	70%	
Max. Impervious Coverage	90%	4.11
Density Bonus	Permitted	4.6
<b>Principal Building</b>		
Min. Front Setback	0 ft.	4.2
Min. Side Setback	0 ft.	4.3
Min. Rear Setback	0 ft.	4.4
Max. Height	3 stories / 36 ft.	4.5
Min. Gross Floor Area	500 sq. ft.	
<b>Accessory Building</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Side Setback	Same setback as the principal building	
Rear Setback	3 ft.	
Principal Building Setback	10 ft.	
Max. Height	15 ft.	
Max. Ground Floor Area	25% of principal building	17.1
<b>Parking</b>		
Permitted Location	Rear & side yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	
<b>Additional Requirements</b>		
* The height for the ground floor commercial use shall be a minimum of 12 feet.		

**2.2.6 Community Business (CB2) District**

The Community Business (CB2) District is established to provide for various types of office, convenience, and comparison-shopping goods to meet the day-to-day needs of City residents, visitors, and surrounding rural areas for convenience and durable goods, personal services, food, entertainment, shopping, and related activities. It is the intent of the Community Business (CB2) District to encourage commercial and business facilities in the centralized business district to economically, efficiently, and effectively serve the general City area with a wide variety of commercial retail uses.



It is the intent of the Community Business (CB2) District to preserve the existing downtown character, strengthen and extend the historic development pattern, and promote a highly concentrated and pedestrian-accessible mix of complementary housing, retail, restaurant, entertainment, office, and service uses. Building owners in the Community Business (CB2) District are encouraged to provide retail or personal service uses at the street level. In buildings without such uses, other active uses of visual interest to pedestrians should be displayed, including office or lobby areas, showrooms, classrooms, kitchens, or similar activities. Building sizes for permitted uses are limited to promote such appropriately scaled business development in the district. Uses that would create hazards, loud noises, vibration, smoke, glare or heavy traffic shall be prohibited.

COMMUNITY BUSINESS 2 DISTRICT (DOWNTOWN)		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	---	4.1A
Min. Lot Area	---	
Max. Lot Coverage	90%	
Max. Impervious Coverage	95%	4.11
Density Bonus	Permitted	4.6
<b>Principal Building</b>		
Front Setback (Min. and Max.)	0 ft.	4.2
Min. Side Setback	0 ft.	4.3
Min. Rear Setback	0 ft.	4.4
Max. Height	4 stories / 45 ft.	4.5
Min. Height*	2 stories / 24 ft.	
Min. Gross Floor Area	500 sq. ft.	
<b>Parking</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	
<b>Additional Requirements</b>		
* The height for the ground floor commercial use shall be a minimum of 12 feet.		

**2.2.7 General Business (GB) District.**

The General Business (GB) District is established to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Community Business District and which are oriented to serving the needs of "passer-by" traffic within the City and surrounding region. This district is further intended to provide opportunities for automobile-related businesses, uses that generate large traffic volumes or require substantial off-street parking facilities, and other uses incompatible in character, scale, and mix of permitted uses in the Community Business or Neighborhood Business Districts. Accordingly, this district should be generally located near major streets and thoroughfares to prevent potential nuisances and use conflicts, but still be pedestrian-accessible.



Because of the types of uses permitted in the General Business District, detailed attention shall be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Development in the district shall be compatible in design with the overall City character, designed in coordination with adjoining sites, buffered from or located away from residential areas, and accessible to pedestrians and other nonmotorized travelers.

GENERAL COMMERCIAL DISTRICT		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	100	4.1A
Min. Lot Area	---	
Max. Lot Coverage	70%	4.11
Max. Impervious Coverage	80%	
<b>Principal Building</b>		
Min. Front Setback	20 ft.	4.2
Min. Side Setback	10 ft.	
Min. Rear Setback	20 ft.	
Max. Height	3 stories / 36 ft.	4.5
<b>Accessory Building</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Side Setback	Same setback as the principal building	
Rear Setback	3 ft.	
Principal Building Setback	10 ft.	
Max. Height	24 ft.	
Max. Ground Floor Area	25% of principal building	17.1
<b>Parking</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	
<b>Additional Requirements</b>		

**2.2.8 Industrial-Research (I-1) District.**

The Industrial-Research (I-1) District is established for the purpose of permitting certain industries of light manufacturing, research, warehousing, retail, and wholesaling in planned areas of the City where such uses will not have a detrimental impact on surrounding neighborhoods. This district is not intended for the processing of raw materials for bulk shipment or use in industrial operations at other locations. The retail use refers to the sale of consumer products made on site; up to 10% of the structure's total square footage may be dedicated to retail space to sell aforementioned goods.



It is further intended that the Industrial-Research District provide specific use and site development standards designed to promote the creation of high-quality office, research, warehousing, wholesaling, and manufacturing facilities. To meet the purpose and intent of this district, certain land uses are prohibited, including, but not limited to uses that would create excessive or unusual danger of fire, explosion, toxicity, or exposure to radiation or other unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration.

INDUSTRIAL RESEARCH DISTRICT		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	100	4.1A
Min. Lot Area	43,560 sq. ft. (1 acre)	
Max. Lot Coverage	70%	
Max. Impervious Coverage	80%	4.11
<b>Principal Building</b>		
Min. Front Setback	40 ft.	4.2
Min. Side Setback	20 ft.	
Min. Rear Setback	40 ft.	
Max. Height	3 stories / 45 ft.	4.5
<b>Accessory Building</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Side Setback	Same setback as the principal building	
Rear Setback	10 ft.	
Principal Building Setback	10 ft.	
Max. Height	24 ft. or ≤ Principal building, whichever is less	
Max. Ground Floor Area	≤ Principal building	17.1
<b>Parking</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	

**2.2.9 General Industrial (I-2) District.**

The General Industrial (I-2) District is established for the purpose of permitting a wide range of manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations in planned areas of the City where such uses and facilities would have very limited detrimental impacts on surrounding neighborhoods or the City as a whole. The intent of the General



Industrial District is to promote the creation of high quality industrial, research, and manufacturing jobs and permit more intensive, large-scale or specialized industrial operations requiring special sites or public and utility services. It is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials as well as from previously prepared material. Reasonable regulations and limitations apply to these more intense uses to minimize any adverse effects on other areas of the City.

To meet the purpose and intent of this district, certain land uses are prohibited, including but not limited to uses that would create excessive or unusual danger of fire, explosion, toxicity, or exposure to radiation or other unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration.

GENERAL INDUSTRIAL DISTRICT		ADDITIONAL STANDARDS
<b>Lot Occupation</b>		
Min. Lot Width	100	<u>4.1A</u>
Min. Lot Area	43,560 sq. ft. (1 acre)	
Max. Lot Coverage	70%	
Max. Impervious Coverage	80%	<u>4.11</u>
<b>Principal Building</b>		
Min. Front Setback	40 ft.	<u>4.2</u>
Min. Side Setback	20 ft.	
Min. Rear Setback	40 ft.	
Max. Height	60 ft.	<u>4.5</u>
<b>Accessory Building</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Side Setback	Same setback as the principal building	
Rear Setback	10 ft.	
Principal Building Setback	10 ft.	
Max. Height	24 ft. or ≤ Principal building, whichever is less	
Max. Ground Floor Area	≤ Principal building	<u>17.1</u>
<b>Parking</b>		
Permitted Location	Rear yard only	
Front Setback	---	
Rear Setback	0 ft.	
Side Setback	5 ft.	
<b>Additional Requirements</b>		

### **2.3 ZONING MAP.**

The City is hereby divided into districts, with the district areas and boundaries as shown on the Official City Zoning Map, along with all proper notations, references, and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance. This Map shall be identified by the signature of the Mayor and attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Sandusky, effective as of April 27, 2021."

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment has been approved by the City Council. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in the Amendments Section in Article 14, or in conformity with the procedures set forth in the City and the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) for adoption of a new Official Zoning Map. The Official Zoning Map shall be kept in the office of the City Clerk and shall be the final authority as to the current zoning status of land, water areas, and structures in the City.

### **2.4 GENERAL STANDARDS**

#### **2.4.1 Principal Uses and Special Uses.**

In all districts, no structure or land shall be used or occupied, except in conformance with Section 3.2 (Table of Permitted Land Uses by District), and as otherwise provided for in this Ordinance. Uses subject to special conditions may be permitted in accordance with Section 3.2 (Table of Permitted Land Uses by District), subject to a public hearing and approval by the Planning Commission in accordance with the procedures and conditions defined in Article 14 (Special Uses).

#### **2.4.2 Prohibited Uses.**

Uses that are not specifically listed as a principal or special use permitted by this Ordinance in a zoning district, or otherwise determined to be similar to a listed and permitted use, shall be prohibited in the district.

#### **2.4.3 Design and Development Requirements.**

All uses shall comply with any applicable requirements of Article 5 (Supplemental Use Standards), and all other applicable provisions of this Ordinance and other City Codes and Ordinances. No structure shall be erected, reconstructed, altered, or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Ordinance and other City Codes and Ordinances.

#### **2.4.4 District Boundaries.**

The boundaries of zoning districts, as shown on the map accompanying and made a part of this Ordinance, unless otherwise shown, are lot or tract lines or the center lines of streets, roads or alleys or the extension thereof, railroad right-of-way lines, and the corporate limits of the City of Sandusky.

Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, the Zoning Administrator shall interpret the boundaries. If the Zoning Administrator finds these standards inadequate to interpret the location of a zoning district boundary, or if a property owner wishes to dispute the Zoning Administrator's interpretation, the Zoning Board of Appeals may interpret the Zoning Map under the provisions of Interpretations of Zoning District Boundaries Section in Article 19.

#### **2.4.5 Street, Alley and Railroad Rights-of-Way.**

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

#### **2.4.6 Zoning of Annexed Areas.**

Wherever any area is annexed to the City of Sandusky or the boundaries of the City are otherwise extended to include additional land area, zoning classification of the land area shall be subject to the following:

- A. The land area shall automatically be classified as a Single-Family Residential (R) District until such time as the City Council may adopt a new Official Zoning Map for the land area.
- B. The City Council may adopt a new Official Zoning Map for the land area following a public hearing and recommendation from the Planning Commission, per the Amendments Section in Article 14.
- C. In making a recommendation to City Council on the zoning classification(s) for such land areas, the Planning Commission shall consider any previous city or county zoning classifications that existed for the land prior to extension of the City boundaries, the adopted Master Plan recommendations, and planned future land use designations for the land area or adjacent areas within the City.

#### **2.4.7 Zoning of Vacated Areas.**

Any street, alley, railroad right-of-way or other public way or portion thereof within the City of Sandusky not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the parcel(s) to which it attaches.

#### **2.4.8 Properties with Multiple Zoning Designations**

When an individual recorded parcel, which exists at the time of adoption of this Ordinance, has more than one zoning classification, the zoning designation which comprises the majority of the parcel area shall be applied to the entire parcel.



## ARTICLE 3: LAND USE TABLE

### 3.1 KEY DESIGNATIONS IN TABLE OF USES.

SYMBOL	KEY	
<b>P</b>	Permitted Uses	Principal Use
<b>S</b>		Special Use
<b>A</b>		Accessory Use
[blank]	Prohibited Uses in the District	

SYMBOL	DISTRICT NAME
<b>R</b>	Single-Family Residential District
<b>RM</b>	Multiple-Family Residential District
<b>MHP</b>	Manufactured Housing Park District
<b>NB</b>	Neighborhood Business District
<b>CB1</b>	Community Business District 1
<b>CB2</b>	Community Business District 2
<b>GB</b>	General Business District
<b>I-1</b>	Industrial-Research District
<b>I-2</b>	General Industrial District

### 3.2 TABLE OF PERMITTED USES BY DISTRICT.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups, based upon certain characteristics that the grouped uses may share. These use groups are described below:

- A. **Residential Uses.** These uses primarily include housing of various types, densities, and associated uses typically found in a residential neighborhood.
- B. **Office, Service, and Community Uses.** Community uses that are publicly owned or operated; uses of a not-for-profit nature; uses that involve benefits or services generally provided to a significant portion of the population; or uses that serve as focal or gathering points for the community.
- C. **Commercial Uses.** These are uses of a generally for-profit nature and may include retail sales, food service, entertainment, repair services, and similar associated uses.
- D. **Industrial, Research and Laboratory Uses.** These are uses that are generally of a light manufacturing, research, warehousing, or wholesaling character or that involve compounding, processing, packaging, assembly, storage or treatment of products or materials.
- E. **Other Uses.** These are uses that, because of unusual character, intensity, or nuisance factors, do not fit well into the preceding use groups.
- F. **Similar Uses Not Specified.** In recognition that every potential use cannot be addressed in this Ordinance, the Zoning Board of Appeals, upon referral by the Zoning Administrator or appeal of the Zoning Administrator's determination, decides whether the proposed use not listed in this Ordinance is similar to a principal or special approval use.

Regulated Uses	Zoning Districts									Use-Specific Standards	
	R	RM	MHP	NB	CB-1	CB-2	GB	I-1	I-2		
<b>Residential Uses</b>											
Accessory Dwelling Units	A										<a href="#">Section 5.3.1</a>
Bed and Breakfast Inn	P	P				P					<a href="#">Section 5.3.2</a>
Bungalow / Cottage Courts		P									<a href="#">Section 5.3.10</a>
Dwelling Units Above 1 <sup>st</sup> Floor Nonresidential Use					P	P	P				
Senior and Elderly Housing, Dependent	S	P		P							<a href="#">Section 5.3.8</a>
Senior or Elderly Housing, Independent	S	P		P							<a href="#">Section 5.3.8</a>
Family Child Day Care Home	P	P									
Group Child Day Care Home	S	S									<a href="#">Section 5.3.4</a>
Foster Care Family Home	P	P									
Foster Care Small or Large Group Home	S	P									<a href="#">Section 5.3.3</a>
Foster Care Congregate Care Facility		S									<a href="#">Section 5.3.3</a>
Home Occupation	A	A									<a href="#">Section 5.3.5</a>
Live/Work Units						P	P				
Manufactured Housing Park			P								<a href="#">Section 5.3.6</a>
Multiplex (5-10 units)		P			P	P					<a href="#">Section 5.3.7</a>
Multiplex (10 units or more)		P					P				<a href="#">Section 5.3.7</a>
Rowhouses, townhouses, stacked flats	S	P			P		P				
Religious Institutions	P						P				
Quadplex (Four-Family Dwelling)		P		P							<a href="#">Section 5.3.7</a>
Single Family Dwelling, Detached	P			P							<a href="#">Section 5.3.9</a>
State-Licensed and Other Managed Residential Facilities not otherwise listed in this table		S									<a href="#">Section 5.3.3</a>
Transient Housing		S									<a href="#">Section 5.3.11</a>
Two-Family or Duplex Dwelling	P	P		P							<a href="#">Section 5.3.9</a>
Triplex (Three-Family Dwelling)		P		P							<a href="#">Section 5.3.9</a>
<b>Office, Service, and Community Uses</b>											
Banks and Financial Institutions				P	P	P	P				
Barber Shop, Beauty Salon, and Nail Care				P	P	P	P				
Body Art Facility				S	S	P					
Catering Facilities				A	A	P	P				<a href="#">Section 5.4.1</a>

Regulated Uses	Zoning Districts									Use-Specific Standards
	R	RM	MHP	NB	CB-1	CB-2	GB	I-1	I-2	
Cemeteries	S								P	<a href="#">Section 5.4.2</a>
Child or Adult Day Care Center or Child Caring Institution				S	S	S	P	A	A	<a href="#">Section 5.4.3</a>
Golf Facilities	P									<a href="#">Section 5.4.5</a>
Funeral Parlor or Mortuary				S			P			<a href="#">Section 5.4.4</a>
Government Offices, and Fire and Police Stations	S	S	S	S	P	P	P	P	P	
Health Club or Fitness Center		A	A	P	P	P	P	A	A	
Hospital or Urgent Care Center					S		S	S	S	<a href="#">Section 5.4.6</a>
Institutional Uses	S	S	S	S			P			<a href="#">Section 5.4.7</a>
Medical, Osteopathic, Chiropractic, Optical or Dental Offices, Clinics or Laboratories, Massage Therapists, and Physical Therapy Facilities				P	P		P	A	A	
Offices for Professional, Executive, or Administrative Uses			A	P	P	P	P	A	A	<a href="#">Section 5.4.12</a>
Recreation Facilities, Private, or Restricted Access	S	P	P							<a href="#">Section 5.4.8</a>
Recreation Facilities, Publicly Owned	P	P	P	P	P	P	P	P	P	
Tattoo Parlor or Body Piercing Salon (moved to body art)										
Veterinary Clinic				P	P		P	S	S	<a href="#">Section 5.4.10</a>
Workshops and Studios				P	P	P	P	P	P	<a href="#">Section 5.4.11</a>
<b>Commercial Uses</b>										
Amusement Centers, Indoor – Arcades, Bowling Alleys, Pool or Billiard Halls or Similar Facilities				S	S	S	P			<a href="#">Section 5.5.1</a>
Amusement Centers, Outdoor - Miniature Golf, Batting Cages or Similar Facilities							P			<a href="#">Section 5.5.1</a>
Bakeries				P	P	P	P	P		<a href="#">Section 5.5.2</a>
Big Box Commercial Uses, with more than 50,000 square-feet of total gross floor area							P			<a href="#">Section 5.5.3</a>
Co-Working Facility				P	P	P	P			
Car Wash, Automatic or Self-service							P			<a href="#">Section 5.5.4</a>
Commercial Kitchen					P		P			
Data Processing Facility							P			
Dealership Showroom (indoor only) for Sales or Rentals of Motor Vehicles, Recreational Vehicles, Construction or Farming Equipment or Similar Durable Goods							P			
Drive-In or Drive-Through Lane or Facility							P			<a href="#">Section 5.5.5</a>

Regulated Uses	Zoning Districts									Use-Specific Standards
	R	RM	MHP	NB	CB-1	CB-2	GB	I-1	I-2	
Farm Market				S	P	P	P			<u>Section 5.5.6</u>
Gunsmith or Licensed Firearms Dealer					S	S	P			
Hardware, Home Improvement, and Building Supply Store (indoor only)				P	P	P	P			
Hotel or Inn					P	P	P			<u>Section 5.5.7</u>
Laundromat and Dry-Cleaning Customer Pick-up/Drop- Off Only				P	P	P	P			
Makers space					S	S	P	P	P	
Manufactured Housing Sales			S				P			
Motion Picture Cinema, Indoor				S	P	P	P			<u>Section 5.5.8</u>
Motion Picture Cinema, Outdoor							P			<u>Section 5.5.8</u>
Motor Vehicle Fueling Station							P			<u>Section 5.5.9</u>
Motor Vehicle Repair Station							S	P		<u>Section 5.5.9</u>
Motor Vehicle Service Center							P	P		<u>Section 5.5.9</u>
Outdoor Café or Outdoor Eating Area				S	P	P	P			<u>Section 5.5.10</u>
Open Air Business, Outdoor Display Area, Garden Center or Dealership Sales Lot				P	P	P	P			<u>Section 5.5.11</u>
Pawnshop					S		P			
Pharmacy, Drugstore, or Medical Supply Store				P	P	P	P			
Restaurants, Coffeehouses, Doughnut Shops, Delicatessens, and other Food or Beverage Service Establishments				P	P	P	P			
Retail Stores				P	P	P	P			
Tavern, Pub, Brewpub, Cocktail Lounge, or Night Club					P	P	P			
Tobacconists or Cigar/Cigarette Shop					P	P	P			
<b>Industrial, Research, and Laboratory Uses</b>										
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Woodworking Shops, and Similar Uses							S	P	P	
Bottling Works, Feed or Flour Mills, Grain Elevators, Smoking or Curing Plants, and similar Food Processing Uses								P	P	
Brewery, Distillery, or Winery					S	S		P	P	
Carpet and Rug Cleaning and Similar Cleaning Businesses								P	P	
Crematorium, Blast Furnace, Lumber Mill, Power Plant or Similar Use									P	<u>Section 5.6.2</u>
Distribution Facilities and Truck Terminals								P	P	

Regulated Uses	Zoning Districts									Use-Specific Standards
	R	RM	MHP	NB	CB-1	CB-2	GB	I-1	I-2	
Dry Cleaner Central Cleaning/Processing Facilities								P	P	<u>Section 5.6.1</u>
Electroplating, Paint Mixing or Spraying, Metal Casting, Smelting, Plating, Dyeing or Similar Uses								S	P	<u>Section 5.6.2</u>
Fabrication or Assembly of Motor Vehicles, Recreational Vehicles, Boats, Trailers, Bicycles, Electronic Equipment, Manufactured/ Modular Housing, and Similar Products								P	P	
Hazardous Materials Storage									S	<u>Section 5.6.1</u>
Machine Shop, Welding Shop, Sheet Metal Shop, Stone Finishing and Carving or Similar Use							S	P	P	
Manufacture, Compounding, Processing, Packaging, or Treatment of Cosmetics, Pharmaceuticals, Toiletries, Hardware, and Similar Products							S	P	P	
Manufacture of Products from Metals, Brick, Clay, Fabric, Glass, Shale, Tile, Terra Cotta, Bone, Leather, Paper, Plastics, Rubber or Similar Materials								P	P	
Manufacture, Processing, Production or Wholesale Storage of Chemicals, Petroleum or Paper Products, Cement, Lime, Gypsum, Glue, Soap, Soda, Salt, Potash or Similar Materials									S	<u>Section 5.6.2</u>
Outdoor Storage, General								P	P	<u>Section 5.6.3</u>
Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Manufactured Houses and Similar Items									S	<u>Section 5.6.4</u>
Recycling Collection Facilities and Composting Centers								P	P	<u>Section 5.6.5</u>
Research, Development, and Laboratory Facilities							S	P	P	
Self-Storage Warehouse							S	P	P	<u>Section 5.6.6</u>
Stamping Plant; Injection Molding; Shearing, Punching, and Automatic Screw Machines; Rolling Mill or Similar Use									P	<u>Section 5.6.2</u>
Warehouses and Non-Farm Bulk Indoor Storage							S	P	P	<u>Section 5.6.7</u>
<b>Other Uses</b>										
Off-Street Parking Lot	A	A	A	A	A	A	A	A	A	<u>Article 7</u>
Accessory Structures and Uses	A	A	A	A	A	A	A	A	A	<u>Section 17.1</u>

Regulated Uses	Zoning Districts									Use-Specific Standards
	R	RM	MHP	NB	CB-1	CB-2	GB	I-1	I-2	
Adult Entertainment Uses and Sexually Oriented Businesses						P	P	P	P	<u>Section 5.7.1</u>
Airports, Heliports, and Related Uses										<u>Section 5.7.2</u>
Community garden	A	A		A						<u>Section 5.7.8</u>
Greenhouses and Nurseries						S	S	P	P	
Kennel or Animal Shelter				S		P	P	P		<u>Section 5.7.3</u>
Produce Stands										<u>Section 5.7.4</u>
Solar Panels	A	A	A	A	A	A	A	A	A	<u>Section 5.7.7</u>
Temporary Construction Structures	P	P	P	P	P	P	P	P	P	<u>Section 5.7.5</u>
Topsoil Removal or Stockpiling	P	P	P	P	P	P	P	P	P	<u>Section 5.7.6</u>

## ARTICLE 4: ADDITIONAL DIMENSIONAL STANDARDS

### 4.1 LOT AREA.

- A. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (½) the width of such alley abutting the lot shall be considered as part of such lot.
- B. In zones RM and NB the minimum lot area for new construction of a residential structure shall be based on the number of units as follows:

MINIMUM LOT AREA (sq. ft.)	
Multiple-Family (RM)	Neighborhood Business (NB)
2 dwelling units = 6,000 sq. ft.	1 dwelling unit = 5,000 sq. ft.
3 dwelling units = 7,000 sq. ft.	2 dwelling units = 6,000 sq. ft.
4 dwelling units = 8,000 sq. ft.	3 dwelling units = 7,000 sq. ft.
Multiplex of 5+ dwelling units = 2,000 sq. ft. / unit	4 dwelling units = 8,000 sq. ft.

### 4.2 FRONT YARDS.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except porches, fences, and similar improvements permitted by this Ordinance. Front yards shall be further subject to the following:

- A. **Existing Neighborhoods.** Where the predominant pattern of front yard setbacks on a single block in the R (Single Family Residential) District is less than that required (Dimensional Standards by District), the minimum front yard setback for any new dwelling on the same block may be reduced to the average front yard depth of existing dwellings on the same side of the street. In zone NB, where there is a mix of commercial and types of housing structures, the front yard setback for any new residential dwelling or commercial structure shall be the average front yard depth of existing principal structures on the same side of the street.
- B. **Corner Lots.** Structures on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance.
- C. **Double Frontage Lots.** Where a block of double frontage lots exists, one (1) street may be designated by the Zoning Administrator as the front street for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.
- D. **Maximum Setback.** The purpose of the maximum front yard setback (also known as a “build-to line”) established for the CB2 (Community Business) and Multiple-Family Districts is to preserve the unique character of the City’s downtown commercial area, provide a pleasant and diverse experience for pedestrians, and enhance the City’s attractiveness and economic vitality. All new buildings, alterations, and expansions constructed after the effective date of this Ordinance shall follow the established historic development pattern of these areas of the City by complying with the maximum setback requirements of this Article.

#### 4.3 SIDE YARDS.

The following exceptions shall apply to the side yard setback standards of this Article:

- A. **NB, CB1, and CB2 Districts.** The following exceptions shall apply to lots in the NB (Neighborhood Business), CB1, and CB2 (Community Business) Districts:
  - 1. A minimum ten (10) foot side yard setback shall be provided where walls of structures facing such lot boundaries contain windows or other openings.
  - 2. A minimum ten (10) foot side yard setback shall be provided from the boundary of any abutting residential zoning district or existing residential use.
- B. **I-1 and I-2 Districts.** In the I-1 (Industrial-Research) and I-2 (General Industrial) Districts, a minimum fifty-foot (50) side yard setback shall be provided from the boundary of any abutting residential zoning district or existing residential use.

#### 4.4 REAR YARDS.

The following exceptions shall apply to the rear yard setback standards of this Article:

- A. **NB, CB1, and CB2 Districts.** The following exceptions shall apply to lots in the NB (Neighborhood Business) and CB1 and CB2 (Community Business) Districts:
  - 1. A minimum ten (10) foot rear yard setback shall be provided where walls of structures facing such lot boundaries contain windows or other openings.
  - 2. A minimum ten (10) foot rear yard setback shall be provided from the boundary of any abutting residential zoning district or existing residential use.
- B. **I-1 and I-2 Districts.** In the I-1 (Industrial-Research) and I-2 (General Industrial) Districts, a minimum fifty-foot (50) rear yard setback shall be provided from the boundary of any abutting residential zoning district or existing residential use.

#### 4.5 HEIGHT EXCEPTIONS.

Exceptions to the maximum height standards set forth in this Article shall be permitted as follows:

- A. **Exempt structures.** Farm buildings, flagpoles, water towers, and public monuments in any zoning district shall be exempt from the maximum height standards of this Ordinance. Wireless communication towers and antennae shall be subject to the maximum height standards of Section 12.6 (Wireless Communication Facilities).
- B. **Limited exceptions.** Chimneys, steeples, elevator towers, stage scenery lofts, mechanical equipment, and similar structures shall not be included in calculating the height of a principal building, provided that the total area covered by such structures shall not exceed twenty percent (20%) of the roof area of the building.
- C. **Hospitals.** A hospital may exceed the height limitation of its zoning district by 24 feet if it can demonstrate a need for greater capacity.



**4.6 DENSITY BONUS.**

- A. **Density Bonus.** In CB-1 and CB-2, a density bonus of up to ten percent (10%) of the total square footage of the building structure may be granted to provide a greater number of housing units that accomplish any of the following:
1. Use one hundred percent (100%) brick façade with high-quality architectural detail on the front of the building, and any sides abutting a public street, which is compatible with the historic buildings in these zones.
  2. Exceed the landscaping standards in a way that substantially beautifies the site and/or substantially improves stormwater management.
  3. Does not substantially adversely affect surrounding sites.
  4. Provide onsite water detention to reduce instances of flooding.
- B. The Planning Commission has the discretion to increase the ten percent (10%) density bonus if the proposed site plan meets other goals featured in the most recently adopted master plan.

**4.7 PERMITTED YARD ENCROACHMENTS.**

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

PROJECTION	YARD	RESTRICTIONS
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by fencing or similar means approved by the Zoning Administrator.
Access drives and sidewalks	All	None
Arbors and trellises	All	None
Architectural features (such as cornices, eaves, gutters, sills, pilasters, bay windows, and similar elements)	All	May project into a required side yard up to three (3) inches per foot of side yard width and may project up to three (3) feet into a required front or rear yard.
Balconies, fire escapes, and similar structures	Rear	May project up to six (6) feet into required rear yard.
Egress Window Wells	All	May project up to four (4) feet into any required yard.
Flagpoles	All	Flagpoles shall be set back a minimum of twenty (20) feet from all lot boundaries and road rights-of-way.
Handicapped access ramps	All	None
Off-street parking lots	All	See <a href="#">Article 7</a> (Parking, Loading, and Access Management)
Propane tanks	Rear	Not permitted in any required front yard. Units located within any required rear yard shall be screened by fencing or similar means approved by the Zoning Administrator.
Signs	Front	See <a href="#">Article 9</a> (Signs)
Unenclosed terraces, porches, patios, decks, awnings, canopies, and stairways	Front, Rear	May project up to ten (10) feet into a required front yard and fifteen (15) feet into a required rear yard.

#### 4.8 AREA AND YARD REGULATIONS.

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located:

##### A. Lot Standards.

1. New lots created after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.
2. The Planning Commission may, at its discretion, approve yard, parking, and open space dimensions below the minimum requirements of this Ordinance upon demonstration that the proposed dimensions serve a larger community goal supported by the master plan and doesn't adversely affect neighboring properties.
3. Every building erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

- B. **Number of Principal Uses per Lot.** Only one (1) principal building shall be placed on a lot of record in a single-family residential district. For single-family condominium developments, only one (1) principal building shall be placed on each condominium lot, as defined in Article 21 (Definitions).

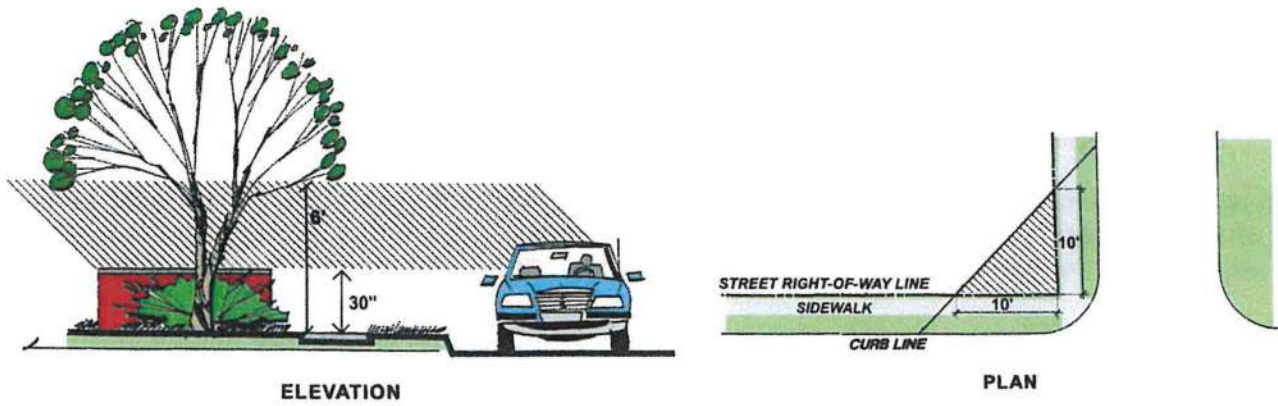
#### 4.9 FRONTAGE AND ACCESS REQUIRED.

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved street. Indirect access via a private access easement shall not be sufficient to satisfy this requirement.

#### 4.10 CORNER CLEARANCE AREAS.

No structures, walls, fences, signs, landscaping, or other obstructions to visibility shall be permitted between the heights of thirty (30) inches and six (6) feet above the existing street grade within a triangular area formed by the intersection of two (2) street right-of-way line connected by a diagonal across the interior of such lines at points ten (10) feet from the point of intersection. Trees shall be permitted within the triangular area, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

Buildings in the CB1 and CB2 (Community Business) Districts shall be exempt from this requirement. Upon review of site circulation, visibility and accessibility, the Planning Commission may require additional corner clearance area for sites in the GB (General Business) District.



#### 4.11 MAXIMUM IMPERVIOUS COVERAGE

In addition to the principal structure, all areas covered by other structures, parking areas, driveways, or walkways will be used in the calculation of impervious coverage. The calculation is based on the square footage of the object(s) that causes water displacement.

## ARTICLE 5: SUPPLEMENTAL USE STANDARDS

### 5.1 INTENT AND SCOPE OF REGULATIONS

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site and use standards specified, in addition to applicable standards and requirements for the district where the use is located. These standards are intended to:

- A. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
- B. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
- C. Ensure that such uses will be compatible with surrounding land uses.
- D. Promote the orderly development of the district and the City as a whole.

Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk, and other standards for the district in which the use is located.

### 5.2 ORGANIZATION

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

Section 5.3 Residential Uses

Section 5.4 Office, Service, and Community Uses

Section 5.5 Commercial Uses Section

Section 5.6 Industrial, Research and Laboratory Uses

Section 5.7 Other Uses

### 5.3 RESIDENTIAL USES

#### 5.3.1 Accessory Dwelling Units.

It is the intent of this Section to permit an accessory dwelling unit (ADU) within a principal single-family dwelling in the R (Single-Family Residential); to provide for a greater variety of housing options in the City and accommodate the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives or caregivers.

- A. **General Standards.** The standards of this Section are designed to permit the appropriate use of ADU's in single-family of the City that preserve the

neighborhood's character and appearance of principal dwellings that may include an ADU. Construction and alteration of an ADU shall be subject to the following standards:

1. **Permit approval.** In addition to any special approval and building permit requirements, the creation or alteration of an ADU shall be subject to review and approval of a zoning permit by the Zoning Administrator per Section 1.15 (Zoning Permits).
  2. **Plans.** The Planning Commission or Zoning Administrator shall require submittal of floor plans, building elevation drawings, and a plot plan of the lot to verify conformance with the standards of this Ordinance.
  3. **Utilities.** All principal and accessory dwellings shall be served by a publicly owned and operated water and sanitary sewer system.
- B. **Accessory Dwelling Units to Detached Single-Family Dwellings.** The following shall apply to ADUs to detached single-family dwellings in the R (Single-Family Residential):
1. A maximum of one (1) ADU shall be permitted per principal single family detached home.
  2. ADUs shall be located entirely within the rear yard of the principal building and shall not be taller than one story or ten (10) feet, whichever is taller.
  3. ADUs in the rear of a single-family detached unit may be attached or detached. If an ADU is detached, then it shall be a minimum of six (6) feet from the principal structure. A detached ADU may be a garage. If it is attached, then it shall have a separate entrance than the principal structure. An attached ADU maybe occupy a basement, ground floor, or upper floor of the principal structure.
  4. ADUs shall have a minimum gross floor area of three hundred (300) square-feet, and shall not exceed more than thirty five percent (35%) of the principal building's gross floor area.
  5. The ADU is subject to all setback requirements for its respective residential zones.
  6. Each ADU shall have a separate kitchen, bath, and toilet facilities, and a private entrance.
  7. An ADU is subject to applicable building codes.
  8. The exterior of an ADU shall be complementary in color and similar in material to the principal building.
  9. The principal building shall be the primary and permanent legal residence of the owner(s) of the property. Permitted ADU's shall be clearly secondary to the use of the dwelling as a residence.

10. Only one vehicle is permitted per ADU.
11. Exterior lighting may not cross into the adjacent residential parcel. Flashing lights are prohibited on the exterior of an ADU.
12. An application for an ADU will go to a public hearing and neighbors will be notified.
13. City development fees associated with the process are waived if the ADU tenant is for a low- or very-low-income person or household (proof of income required).

### 5.3.2 Bed and Breakfast Inns.

Bed and breakfast inns shall be subject to the following:

- A. **Primary residence.** The principal building shall be the primary and permanent legal residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
- B. **Room Size.** Any room utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room.
- C. **Guests.** Guests shall be restricted to overnight or weekly stays and may stay no longer than sixty (60) days in any one (1) calendar year.
- D. **Parking.** Off-street parking areas shall be provided for guests outside of any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited. All parking for any Bed and Breakfast Inn shall be screened from adjacent residential uses in such form and manner as shall from time to time be required by the City.
- E. **Screening.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with Section 8.4 (Buffering and Screening).
- F. **Appearance.** The exterior of the principal building shall remain unchanged. The use of exterior stairways to provide primary access to upper floor sleeping rooms shall be prohibited.
- G. **Additional signs prohibited.** Signage for the bed and breakfast inn shall be limited to signs permitted for residential uses, per Article 9 (Signs).
- H. **Approval.** Bed and breakfast inns shall be subject to site plan approval per Section 14.1 (Site Plan Review). The site plan application shall include floor plans with the following additional information:

1. Dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.).
2. Locations of required exits, emergency exit routes, tornado protection locations, and other emergency facilities and equipment, which shall be subject to review by the Sandusky Community Fire Chief or designee.

### **5.3.3 Foster Care Group Homes, Congregate Facilities, and Other Managed or State Licensed Residential Facilities.**

The following regulations shall apply to all foster care small and large group homes and congregate facilities, as licensed by the State of Michigan; and to all other managed or state licensed residential facilities:

- A. **Licensing.** In accordance with applicable state laws, such uses shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities.
- B. **Separation requirements.** New foster care small and large group homes and congregate facilities shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.

### **5.3.4 Group Child Day Care Home.**

The following regulations shall apply to group child day care homes, as licensed by the State of Michigan:

- A. **Licensing.** In accordance with applicable state laws, all child day care homes shall be registered with or licensed by the State of Michigan, and shall comply with the standards outlined for such facilities.
- B. **Outdoor play area.** The outdoor play area shall be suitably fenced and screened. Not less than 400 square feet of outdoor play area shall be provided.
- C. **Pick-up and drop-off.** Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public street.
- D. **Separation requirements.** New group child day care homes shall be located a minimum of fifteen hundred (1,500) feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the City overall.

- E. **Hours of operation.** Day care homes shall operate a maximum of sixteen (16) hours per day.

### 5.3.5 Home Occupation.

Home occupations shall be subject to the following:

#### A. Use Standards.

1. **Intensity of use.** Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than twenty five percent (25%) of the habitable floor area of the residence may be used for the home occupation. Habitable floor area of the residence does not include unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
2. **Employment.** Other than the dwelling occupants, up to one (1) other employee may be employed in an approved home occupation.
3. **Customer or client visits.** A home occupation shall not generate more than ten (10) customer or client visits per day and more than thirty (30) customer or client visits per week. No more than two (2) customers or clients may be present at any given time.
4. **Parking and deliveries.** Traffic generated by a home occupation shall not be greater in volume than that normally generated by a typical residence in the neighborhood. Home occupations shall be limited to the parking or storage of one (1) commercial vehicle on the premises not exceeding a three-quarter (3/4) ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles and passenger vehicles, mail carriers, and express package carriers.
5. **Hours of operation.** Customer or client visits, and deliveries associated with the home occupation shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
6. **Signs.** Signage for the home occupation shall be limited to signs permitted for residential uses, per Article 9 (Signs).
7. **Utilities.** No home occupation shall cause an increase in the use of any utility (water, sewer, electricity, trash removal, etc.) that would exceed the average usage by residences in the neighborhood.
8. **Deliveries.** There shall be no deliveries to or from a home occupation with a vehicle larger than fifteen thousand (15,000) pounds with not more than two (2) axles.
9. **Appearance.** The appearance of the principal structure shall not be altered, nor shall the home occupation be conducted in a manner which would cause



the premises to differ from its residential character either by the use of sounds, noises, or vibration.

**B. Permitted Home Occupations.** The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons, and similar occupations.
2. Personal services, including barbershops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
3. Home office for a massage therapist, subject to the standards of Section 5.4.9 (Therapeutic Massage).
4. Tutoring, journalist/writer, and studios for artists, sculptors, musicians, and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons; including weaving, lapidary, jewelry making, cabinetry, and woodworking.
6. Repair services for watches and clocks, small appliances, bicycles, computers, electronic devices, and similar small devices.
7. Home occupations not specifically listed in this subsection may be permitted as a special use, subject to the provisions of this Section and Section 14.2 (Special Uses).

**C. Prohibited Uses.** The following uses are expressly prohibited as a home occupation:

1. Motor vehicle, recreational vehicle, or small engine repair; bump and paint shops; and salvage or storage yards.
2. Kennels, animal shelters, and veterinary clinics.
3. Medical or dental clinics.
4. Retail sales of merchandise other than as an incidental use to the primary permitted home occupation.
5. Eating or drinking establishments.
6. Undertaking and funeral homes.
7. Adult entertainment uses and sexually oriented businesses.
8. Uses similar to the above listed uses, or any use which would, in the determination of the Zoning Administrator, result in nuisance factors as defined by this Ordinance.

**D. Other Prohibited Activities.** Home occupations shall not include:

1. Outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
2. The use of machinery, equipment, or facilities not commonly incidental or accessory to a residential dwelling.
3. Changes or alterations to the character or appearance of the residence, or other visible evidence of the conduct of such home occupation.
4. Parking of vehicles on the site or within the street right-of-way in excess of the amount customarily incidental to a single-family dwelling.

**E. Violations.** Failure to maintain a lawfully established home occupation in compliance with the standards of this Section or any conditions of approval shall be a violation of this Ordinance. Failure by the operator to allow a zoning inspection or provide reasonable information to the City to verify compliance with this Section shall be a violation of this Ordinance.

**5.3.6 Manufactured Housing Parks.**

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (PA 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following minimum requirements:

- A. **Plan Review.** The preliminary plan for a manufactured housing park shall be submitted to the city and reviewed by the planning commission in accordance with the application requirements and procedures specified in section 11 of the Mobile Home Commission Act (PA 96 of 1987, as amended). The planning commission shall take action to approve or deny the preliminary plan, or approve the preliminary plan subject to conditions, within sixty (60) days after the city officially receives a complete and accurate application. The planning commission may table an application for further study, or to obtain additional information, provided that final action is taken within the sixty-day (60) review period. A copy of the state-approved final construction plan shall be submitted to the city prior to the start of construction on the site.
- B. **Minimum Area for A Manufactured Housing Park.** The minimum parcel size for manufactured housing parks shall be twenty (20) acres, excluding adjacent parcels proposed for expansion.
- C. **Minimum Manufactured Housing Site Size.** Manufactured housing parks shall be developed with a minimum manufactured housing site size of five thousand five hundred (5,500) square feet. Individual sites may be reduced to as small as four thousand four hundred (4,400) square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open

space required under section 5.106k (open space), or the Manufactured Housing Commission Rules.

- D. **Setbacks.** Manufactured houses shall comply with the following minimum setbacks:
1. For a home not sited parallel to an internal road, twenty (20) feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
  2. For a home sited parallel to an internal road, fifteen (15) feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
  3. Ten (10) feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
  4. Fifty (50) feet from any permanent building.
  5. One hundred (100) feet from any baseball, softball, or similar recreational field.
  6. Seven (7) feet from the back of curb or edge of pavement for an internal road.
  7. Seven (7) feet from an adjacent home site's parking space or off-site parking bay.
  8. Seven (7) feet from a common sidewalk.
  9. All mobile homes, accessory buildings and parking shall be set back not less than twenty (20) feet from any manufactured housing park boundary line, except that a minimum setback of fifty (50) feet shall be provided from the street rights-of-way of public streets abutting the park.
  10. Fifty (50) feet from the edge of any railroad right-of-way.
- E. **Maximum Height.** The maximum height of any community or similar building in a manufactured housing park shall not exceed two (2) stories or thirty five (35) feet, whichever is less. Storage or service buildings shall not exceed one (1) story or fifteen (15) feet.
- F. **Roads.** Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public road by a permanent easement, which shall be recorded by the developers. All roads shall be hard-surfaced.
- G. **Parking.** Each manufactured housing site shall be provided with two (2) parking spaces per the Manufactured Housing Commission Rules.

- H. **Common Storage Areas.** If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the automobile parking requirements of this Section, and shall be adequately locked, fenced, and permanently buffered.
- I. **Sidewalks.** Concrete sidewalks having a minimum width of three (3) feet shall be provided on at least one (1) side of internal manufactured housing park roads. In addition, a five-foot (5) wide concrete sidewalk shall be constructed along any public road abutting the manufactured housing park.
- J. **Accessory Structures and Facilities.**
1. Accessory structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
  2. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical, and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the City.
  3. One (1) storage shed with a maximum area of one hundred forty four (144) square feet may be placed upon any individual manufactured home site for the storage of personal property. Such structures shall be constructed in accordance with applicable standards of the State Construction Code enforced by Sanilac County.
  4. Except as otherwise noted in this Section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side.
    - a) Bicycles and motorcycles may be parked in carports.
    - b) Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.
- K. **Open Space.** Any manufactured housing park containing fifty (50) or more manufactured housing sites shall provide a minimum of twenty five thousand (25,000) square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two percent (2%) minimum open space requirement established in the Manufactured Housing Commission General Rules.
- L. **Perimeter Screening.** Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting

the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.

- M. **Screening Along Public Rights-of-Way.** A landscaped screen shall be provided along all public roads abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three (3) feet in height, planted so as to provide a continuous screen at maturity.
- N. **Alternative Screening.** Alternative screening devices may be approved by the Planning Commission if they conceal the manufactured housing park as effectively as the required landscaping elements described above.
- O. **Parking Lot Landscaping.** Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade, and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:
1. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to roads, driveway aisles or parking areas, landscape areas shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
  2. The size and number of planting islands and proposed plantings shall be in scale with the overall site and shall clearly define the egress/ingress points, interior circulation system, and fire lanes. Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.
  3. Planting islands shall have a minimum width of five (5) feet and a minimum area of one hundred (100) square feet. A minimum of one (1) deciduous shade tree shall be provided for each one hundred (100) square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
- P. **Trash Disposal.** The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Manufactured Home Park Standards and shall be identified on the preliminary plan.
- Q. **Awnings.** Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this Section and shall require a permit.
- R. **Sewer Service.** Publicly owned and operated sewer systems shall be required in a manufactured housing park, if available within five hundred (500) feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.
- S. **Water Service and Storm Drainage Systems.** Publicly owned and operated water systems shall be required in a manufactured housing park, if available within 500 feet of the park boundaries at the time of preliminary plan approval. Water supply

and drainage systems shall conform to the requirements of Part 2 – 4 of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Manufactured Home Park Standards.

- T. **Telephone and Electric Service.** All electric, telephone, cable TV, and other lines within the park shall be underground per the Manufactured Housing Commission Rules.
- U. **Fuel Oil and Gas.** Any fuel oil and gas storage shall be located in underground tanks at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county, and state regulations.
- V. **Operational Requirements.**
1. **Permit.** It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (PA 96 of 1987, as amended). The Zoning Administrator shall communicate recommendations regarding the issuance of such licenses to the Director of the Bureau of Construction Codes and Fire Safety, Michigan Department of Labor and Economic Growth.
  2. **Violations.** Whenever, upon inspection of any manufactured housing park, the Zoning Administrator finds that conditions or practices exist which violate provisions of this Section, the Zoning Administrator shall give notice in writing by certified mail to the Director of the Bureau of Construction Codes and Fire Safety and the Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. Sections 17(2) and 36 of the Mobile Home Commission Act (PA 96 of 1987, as amended) shall govern this process.  
  
The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety, and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
  3. **Inspections.** The Zoning Administrator or other authorized City agent is granted the authority, as specified in the Mobile Home Commission Act (PA 96 of 1987, as amended) to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
  4. **License.** A manufactured housing park shall not be operated until a license has been issued by the State of Michigan.
- W. **Sale of Mobile Homes.** The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of

a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.

New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by an authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.

- X. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.

### 5.3.7 Multiple-Family Dwellings and Developments.

Multiple-family dwellings of five (5) units or more and developments shall be subject to the following:

- A. **Entrances.** Ground floor residential entrances shall be sheltered from rain, snow, and wind. Sheltering may be accomplished by recessing the entry a minimum of four (4) feet, or the construction of a roof or overhead architectural element.
- B. **Building design and composition.** The following standards shall apply to all new multiple family buildings:
1. **Side and rear facades.** Walls visible from a street or other residential use shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
  2. **Color and materials.** The building shall employ more than one color and more than one building material.
  3. **Roof.** All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.
  4. **Maximum building length.** No building shall exceed two hundred (200) feet in length. For every one hundred (100) feet of building length, there shall be a plane-break along the façade comprised of at least five (5) feet in depth by twenty five (25) feet in length. The offset shall extend from grade to the highest story. For townhomes or rowhomes, building breaks shall be provided every six (6) units to allow for relief and landscaping opportunities.
- C. **Street design and circulation.** Street design and vehicular circulation within a multiple family development shall be subject to the following:

1. All access drives in a multiple development shall be free of on-street parking and shall have a minimum pavement width of twenty four (24) feet.
  2. At least one street tree shall be planted per five (5) units of housing.
  3. Street connections shall be provided to adjacent neighborhoods and parcels in residential districts.
  4. All interior streets, drives, and parking areas shall be hard surfaced with concrete curbing and stormwater drainage systems designed to contain stormwater within the site. This includes pervious pavers.
- D. **Emergency access.** Dual paved access throughout a multiple-family development shall be required. A boulevard with a minimum twenty five (25) foot wide median strip may be used for dual access. Entrances to private roadways shall not have locked gates or barricades that would impede emergency access.
- E. **Pedestrian circulation.** Minimum five (5) foot wide concrete sidewalks shall be provided along both sides of interior streets and from parking areas, public sidewalks, and recreation areas to all building entrances. Public sidewalks shall be provided along abutting public streets per City standards.
- F. **Outdoor recreation.** Passive or active outdoor recreation facilities shall be provided in accordance with the following standards:
1. On a site that is greater than two (2) acres, the majority of common space shall be consolidated into a primary central open space area. Windows shall be oriented to face onto the common open space and play areas to provide informal surveillance and safety. Stoops or front porches, raised a minimum of one foot above the adjacent grade, shall be provided at ground floor unit entrances that face a street, common open space area, or other public space.
  2. Recreation facilities may include outdoor seating, playgrounds, swimming pools, walking paths, and other recreational elements designed for the intended residents of the development.
  3. Outdoor recreation areas shall occupy a minimum of fifteen percent (15%) of the gross lot area. The Planning Commission may waive this requirement upon determination that adequate public or private recreation facilities are available to serve the intended residents.
  4. Such areas shall be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
- G. **Utilities.** All multiple-family dwellings shall be connected to a publicly owned and operated water and sanitary sewer systems.
- H. **Storage.** Parking or storage of recreational vehicles, boats, utility trailers, or similar items shall be prohibited, except in areas designated on an approved site plan. Such areas shall be screened per Section 8.4 (Buffering and Screening).



- I. Where a single-family home abuts a multiple-family structure, the setback shall depend on the height of the multiple-family structure. For any structure exceeding two stories, the side and rear setback from the single-family home shall be increased by five (5) feet.

### 5.3.8 Senior and Elderly Housing.

- A. **General Standards for all Elderly and Senior Housing.** All types of elderly and senior housing shall comply with the following:
  1. **Common outdoor recreation space.** Common outdoor recreation space for residents shall be provided, subject to the following:
    - a) The total area shall equal or exceed ten percent (10%) of the gross lot area and shall include areas for both passive and active recreation appropriate for the anticipated users. If developed in phases, the recreation space improvements shall be completed in proportion to the gross floor area constructed in each phase.
    - b) Off-street parking areas, street rights-of-way or street setback areas, access drives, perimeter yard setbacks, and submerged land areas under bodies of water shall not be counted as recreation space.
  2. **Private outdoor living space.** Private outdoor living space shall be provided for each independent or congregate dwelling unit. Such space shall be adjacent to the unit and the total area shall equal or exceed ten percent (10%) of the gross floor area of the unit. Assisted living elderly housing shall not require private outdoor living space.
  3. **Access.** Sidewalks shall be provided from main building entrances to sidewalks along adjacent streets. All vehicular access to the site shall be from a public street classified as a collector, arterial, or thoroughfare by the City's Master Plan, or county or state road authorities. The Planning Commission may allow secondary access from local streets. Vehicles shall be able to easily circulate within and through the site to a designated pick-up/drop-off area without impeding circulation on the site or traffic on nearby roads.
  4. **Resident facilities.** Meeting and activity facilities, dining room facilities, beauty or barbershops, laundry rooms, and similar accessory facilities for facility residents, employees, and their guests shall be permitted as accessory uses.
  5. Where a single-family home abuts a senior living facility, the setback shall depend on the height of the senior living facility. For any structure exceeding two stories, the side and rear setback from the single-family home shall be increased by five (5) feet.
- B. **Independent Elderly Housing.** The following additional standards shall apply to independent elderly housing, as defined in Article 21 (Definitions):

1. **Minimum floor area.** All dwelling units shall meet the following minimum floor area requirements:

UNIT TYPE	MINIMUM FLOOR AREA
Studio or Efficiency	400 square feet
1 bedroom	500 square feet
2 or more bedrooms	700 square feet

2. **Maximum density.** The maximum number of independent elderly housing units shall not exceed the density permitted in the zoning district.

C. **Dependent Elderly Housing.** The following additional standards shall apply to dependent elderly housing, as defined in Article 21 (Definitions):

1. **Maximum density.** The maximum density of the dependent elderly housing units shall not exceed a maximum of two (2) dependent elderly housing units per dwelling unit permitted in the zoning district. Each dependent elderly housing unit shall have a minimum gross floor area of three hundred (300) square feet not including kitchen and sanitary facilities. The maximum density may exceed the zone's requirements if the applicant can demonstrate an urgent need for dependent elderly housing. The Planning Commission has the authority to approve or deny the request for greater density.
2. **Accessory uses.** Accessory retail, restaurant, office, similar accessory facilities and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

**5.3.9 Single-Family, Two-Family, Three-Family Dwellings.**

Detached single-family and two-family (duplex) dwellings, except manufactured houses located in an approved and licensed manufactured housing parks, shall comply with the following standards:

- A. **Intent.** This Section is not intended to discourage architectural variation but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large.

**B. Building Orientation and Layout.**

1. **Exterior wall and roof configuration.** The minimum width across any front, side, or rear elevation shall be twenty (24) feet and the average width to depth or depth to width ratio shall not exceed three to one (3:1).
2. **Exterior finish materials.** Dwelling units shall be provided with exterior finish materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood. Such materials shall include siding or wall materials, windows, porches, and shingles and other roofing materials.

3. **Foundation.** Dwelling units shall be permanently attached to a perimeter foundation and shall have the same perimeter dimensions as the dwelling.

- a) All such dwellings shall be secured to the premises by an anchoring system or device that is in full compliance with all applicable codes and rules.
- b) Where a dwelling is proposed to be set on piers or other acceptable foundations not at the perimeter of the dwelling, a perimeter wall shall also be constructed of durable materials that meet all local requirements with respect to materials, construction, and necessary depth below the frost line.

C. **Utilities.** All new dwellings shall be connected to a publicly owned and operated water and sanitary sewer system.

D. **Front entrance.** New dwellings shall be constructed with a primary entrance on the front façade and connected to the public sidewalk or right-of-way by a paved path.


E. **Determinations.** The compatibility of design and appearance shall be determined by the Zoning Administrator, subject to appeal by an aggrieved party to the Zoning Board of Appeals. The Zoning Administrator may require the applicant to furnish such plans, elevations, and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal.

Any determination of compatibility shall be based upon these standards, with a comparison to the character, design, and appearance of homes in the same neighborhood within three hundred (300) feet of the subject lot, outside of any manufactured housing parks. If the area within three hundred (300) feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

**5.3.10 Bungalow/Cottage Courts**

Bungalow or cottage courts shall be designed to meet the following development standards:

DEVELOPMENT STANDARDS	RM – Multiple Family Residential
<b>Setbacks</b>	
Front	20'
Side	10'
Rear	15'
Between Units	10'
<b>Area Requirements</b>	
Minimum Lot Size	2,000 sq. ft. / du
Maximum Density	21 du / acre
<b>Building Requirements</b>	
Minimum Square Feet	400 sq. ft.
Maximum Square Feet	1,000 sq. ft.
Minimum Number of Buildings	3
Maximum Number of Buildings	9
Maximum Finish Floor Elevation Above Grade	18"

Entrance	Each unit shall have an entrance facing the court with direct sidewalk connectivity from the unit to the street.
Parking	Parking prohibited between dwelling units and court
<b>Required Open Space / Court</b>	
Minimum Area	400 sq. ft. / du
Limitations	Required setbacks, stormwater management facilities, driveways, and parking stalls shall not be included in the minimum open space calculations.
Orientation	Each court shall open directly to a street.
<b>Examples (for illustrative purposes only)</b>	
	

**5.3.11 Transient Housing**

- A. Building must have two hundred fifty (250) square feet of total living space per resident, maximum of ten beds and maximum of four (4) bedrooms.
- B. Operators of facility shall maintain a list of all persons residing at the facility and record each resident’s length of stay.
- C. The facility must have 24-hour supervision.
- D. Except for employees, only registered persons may occupy the property between the hours of 11:00 p.m. and 7:00 a.m.
- E. A non-operator resident may reside in the facility for not more than 120 consecutive days.
- F. No alcohol or illicit drugs will be allowed on the property.
- G. All zoning, state, and federal requirements shall be met.

**5.4 OFFICE, SERVICE, AND COMMUNITY USES**

**5.4.1 Catering Facilities.**

In the NB (Neighborhood Business) District, catering facilities shall only be permitted as an accessory use located entirely within a permitted restaurant use.

#### 5.4.2 Cemeteries.

Cemeteries and similar uses shall be subject to the following:

- A. **Ingress and egress.** All access shall be provided from a public road classified as a collector street, arterial or thoroughfare by the City's Master Plan, or county or state road authorities.
- B. **Screening.** The cemetery shall be screened from abutting residential districts or existing residential uses, and secured by a continuous fence or wall, per Section 8.4 (Buffering and Screening).
- C. **Setback.** All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be located at least one hundred (100) feet from the nearest lot boundary.
- D. **Continuity.** The location of such facility shall not disrupt the convenient provision of utilities to adjacent lots, nor disrupt the continuity of the public street system.
- E. **Compliance.** An approved cemetery shall comply with all federal, state, and local laws, and applicable regulations of the State of Michigan.

#### 5.4.3 Child or Adult Day Care Center or Child Caring Institution.

The following regulations shall apply to child or adult day care centers and child caring institutions:

- A. **Licensing.** In accordance with applicable state laws, such uses and facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.
- B. **Outdoor recreation area for child day care centers.** Not less than 600 square feet of outdoor play area shall be provided. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses in accordance with Section 8.4 (Buffering and Screening). The Planning Commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement.
- C. **Pick-up and drop-off.** Adequate areas shall be provided for employee and resident parking and pick-up and drop-off of children or adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public streets.
- D. **Access and frontage.** Such uses and facilities shall have frontage on and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
- E. **Separation Requirements.** New child or adult day care centers or child caring institutions shall be located a minimum of one thousand five hundred (1,500) feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may

permit a smaller separation between facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the City overall.

- F. **Hours of Operation.** Day care facilities in residential districts or accessory to a residential use shall operate a maximum of sixteen (16) hours per day. Child caring institutions shall be permitted to operate twenty four (24) hours per day.

#### 5.4.4 Funeral Parlor or Mortuary.

Funeral parlors and mortuaries shall be subject to the following:

- A. **Assembly area.** An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering area and exit aprons shall be located within the site and may be incorporated into the required off-street parking. Streets and alleys shall not be used for maneuvering or parking of vehicles.
- B. **Screening.** The service and loading area shall be screened from adjacent residential districts or existing residential uses per Section 8.4 (Buffering and Screening).
- C. **Caretaker's residence.** A caretaker's residence shall be permitted accessory to a funeral home or mortuary, in accordance with the following:
1. An accessory dwelling unit within the principal building shall be subject to the requirements of Section 5.3.1 (Accessory Dwelling Units).
- D. A detached single-family dwelling located on the same lot with the principal use shall be subject to the requirements of Section 5.3.9 (Single-Family and Two-Family Dwellings), and the area, height and bulk requirements for the R (Single-Family Residential) district specified in Article 2 (Zoning Districts).
- E. **Crematoriums.** Crematoriums are an Industrial, Research, and Laboratory Use subject to the standards of Article 3 (Land Use Table) and Section 5.6.2 (Intensive Industrial Operations).

#### 5.4.5 Golf Facilities

- A. All sites shall be located on a major thoroughfare and all ingress and egress to the site shall be from said thoroughfare.
- B. All points of entrance and exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- C. Acceleration and deceleration lanes may be required at points of ingress and egress to the site, and left turns at entrances and exits should be limited on the major thoroughfare where possible.
- D. Whenever any use permitted herein abuts property within any residential district, a transition strip at least two hundred (200) feet in width shall be provided between all operations and structures, including fences, and the residential property. Plant

materials, grass, and structural screens or fences of a type approved by the Planning Commission shall be placed within said transition strip.

- E. A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission.
- F. All exterior lighting, off-street parking, signs, and landscaping and buffering shall comply with the standards of this Ordinance.

#### 5.4.6 Hospital or Urgent Care Center.

Hospitals and urgent care centers shall be subject to the following:

- A. **Frontage and access.** Hospitals shall have frontage on and direct vehicle access to a public street classified as a collector, arterial, or thoroughfare by the City's Master Plan, or county or state road authorities.
- B. **Accessory uses.** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building to serve the needs of patients, employees, and visitors.
- C. **Screening.** Ambulance parking, emergency room and urgent care entrances, and loading areas shall be effectively screened from adjacent residential districts or existing residential uses per Section 8.4 (Buffering and Screening).
- D. **State and federal regulations.** Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal law.

#### 5.4.7 Institutional Uses.

Institutional uses, as defined in Article 21 (Definitions), shall be subject to the following:

- A. **Accessory facilities.** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and similar uses incidental to the principal use shall be permitted, subject to the requirements of this Ordinance. Other uses on the site, such as retreat facilities or conference centers, schools, accessory dwellings, and similar uses shall meet the requirements of this Ordinance for such uses.
- B. **Frontage and access.** Such uses shall have frontage on and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
- C. **Traffic impacts.** A traffic impact study may be required by the Planning Commission for institutional uses that have a seating capacity of over five hundred (500) persons, per Section 7.13 (Traffic Impact Studies).

#### 5.4.8 Recreation, Private, or Restricted Access.

Private indoor and outdoor recreational facilities and uses with restricted access shall be subject to the following:

- A. **Frontage and access.** Where the indoor or outdoor recreation facilities are designed or intended to serve areas beyond the immediate neighborhood, such uses shall have frontage on and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
- B. **Permitted uses.** Permitted uses may include, but shall not be limited to recreational, fitness and athletic fields, tracks or courts; roller/in-line, skateboarding, and ice-skating rinks; playgrounds; bowling alleys; swimming pools open to the general public or operated by a private non-profit organization; archery ranges; golf courses or driving ranges; and similar activities and facilities.
- C. **Accessory uses.** Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.
- D. **Use Standards.**
  - 1. The location, layout, design or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.
  - 2. A plan to control loitering and litter shall be provided, subject to City approval.
  - 3. Hours of operation, maintenance, lighting, and irrigation may be restricted by the Planning Commission.
- E. **Setback requirements.** No structure or spectator seating facility shall be located within fifty (50) feet of a lot line abutting a residential zoning district boundary or lot occupied by an existing dwelling. Pools shall be at least fifty (50) feet from any residential zoning district and shall comply with Section 17.3 (Swimming Pools, Spas, and Hot Tubs).
- F. **Screening.** The Planning Commission may require screening of outdoor recreational facilities abutting a residential district per Section 8.4 (Buffering and Screening).

#### 5.4.9 Therapeutic Massage.

Massage therapy clinics and uses shall be subject to the following:



- A. **Accessory use.** In addition to districts where therapeutic massage is permitted as a principal use, hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, chiropractors, osteopaths, psychologists, clinical social workers or family counselors licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use. Beauty salons, barbershops, and retail stores selling physical therapy supplies shall also be permitted to provide massage therapy services as an accessory use.
- B. **Certification.** All massage therapists shall be licensed, where such licenses are available, and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the City.
- C. **Adult massage parlors prohibited.** All activities that meet the definition of an adult entertainment use or sexually-oriented business shall be prohibited.

#### 5.4.10 Veterinary Clinics.

Veterinary clinics and hospitals shall comply with the following requirements:

- A. **Setbacks.** Veterinary clinics and hospitals having boarding facilities or outdoor runs shall have all buildings and outdoor runs set back at least one hundred (100) feet from abutting residential districts.
- B. **Landscaping and screening.** Outdoor enclosures or runs shall be screened from street rights-of-way and adjacent residential districts and uses per Section 8.4 (Buffering and Screening).
- C. **Operating requirements.** The clinic shall be operated by a licensed or registered veterinarian and shall be subject to the following:
  - 1. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved as a kennel per Section 5.7.3 (Kennel or Animal Shelter).
  - 2. Other than outdoor runs, all other activities shall be conducted within a completely enclosed building constructed to ensure that noise and odors shall not be perceptible beyond the lot boundaries.
  - 3. Outdoor exercising is allowed, provided that the pet is accompanied by an employee. Animals shall not be kept or quartered outside of the buildings between 8:00 p.m. and 8:00 a.m.
- D. **Other conditions.** Veterinary clinics and hospitals shall be subject to all permit and operational requirements established by appropriate regulatory agencies. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

#### 5.4.11 Workshops and Studios.

Workshops, studios, showrooms or offices of photographers, skilled trades, decorators, artists, upholsterers, tailors, taxidermists, and similar businesses; or for repair and service of bicycles, electronics, small appliances, furniture, shoes, and similar items shall be subject to the following standards by zoning district:

- A. **Industrial (I-1 or I-2) Districts.** Showrooms or sales and display areas for sales of products or services at retail on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the use.
- B. **Business (NB, CB1, and CB2) Districts.** Showrooms or sales and display areas for sales of products or services at retail on the premises shall occupy a minimum of fifty percent (50%) of the usable floor area occupied by the use, and shall include the street level façade.
- C. **Business (GB) Districts.** Showrooms or sales and display areas for sales of products or services at retail on the premises shall occupy a minimum of thirty percent (30%) of the usable floor area occupied by the use, and shall include the street level façade.

#### 5.4.12 Offices for Professional, Executive, or Administrative Uses.

In zone CB-2, offices for professional, executive, or administrative uses shall be on the upper stories of the building. Offices are permitted on the ground floor if they do not occupy more than 20% of the usable ground floor area.

### 5.5 COMMERCIAL USES

#### 5.5.1 Amusement Centers.

Amusement centers and arcades that provide space for patrons to engage in the playing of mechanical amusement devices or similar activities shall be subject to the following:

- A. **Access and location.** All amusement arcades shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities.
- B. **Floor area limitations.** Amusement centers and arcades located in the NB (Neighborhood Business) and CB1 and CB2 (Community Business) Districts shall not exceed a maximum usable floor area of one thousand five hundred (1,500) square feet.
- C. **Outdoor amusement centers.** Outdoor amusement centers shall be subject to the standards of Section 5.5.11 (Open Air Businesses and Outdoor Display Areas).

#### 5.5.2 Bakeries.

Bakeries shall be subject to the following standards by zoning district:

- A. I-1 (Industrial-Research) District. Showrooms or sales and display areas for sales of products or services at retail on the premises shall be limited to no more than ten percent (10%) of the usable floor area occupied by the use.

### 5.5.3 Big Box Commercial Uses.

Commercial uses with more than fifty thousand (50,000) square-feet of total gross floor area (including "Big- Box" stores, supermarkets, and wholesales stores, and multi-tenant shopping centers with more than fifty thousand (50,000) square-feet of total gross floor area in a single building footprint) shall be subject to the following:

- A. **Access and circulation.** Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site and traffic on the adjacent streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
  1. Sites shall have frontage on a public street classified as an arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local or collector streets shall be prohibited.
  2. A traffic impact study shall be required, per Section 7.13 (Traffic Impact Studies).
- B. **Outlots.** The site design, circulation, parking layout, and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
- C. **Screening.** Screening shall be required from adjacent residential districts in accordance with Section 8.4 (Buffering and Screening), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
- D. **Loading areas.** Loading/unloading of merchandise or equipment, and trash disposal or compaction shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m., provided that all activity occurs inside the truck or trailer or within the building.
- E. **Pedestrian access.** A six (6) foot wide concrete sidewalk shall be provided from public sidewalks to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

### 5.5.4 Car Wash.

Wash facilities for automobiles, trucks, recreational vehicles, and other motor vehicles shall be subject to the following:

- A. **Lot size and frontage.** A self-service car wash shall have a minimum lot area of ten thousand (10,000) square feet, with a minimum of one hundred (100) feet of frontage on a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. An automatic car wash shall have a minimum lot area

of twenty thousand (20,000) square feet, with a minimum of one hundred fifty (150) feet of public street frontage.

- B. **Setbacks.** All car washes shall have a minimum front yard setback of 30 feet. All buildings shall maintain a fifty-foot (50) setback from any residential district or use.
- C. **Screening.** Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with Section 8.4 (Buffering and Screening).
- D. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
  - 1. Vehicle access to local streets shall be prohibited.
  - 2. The edge of any access drives shall be set back a minimum of fifty (50) feet from the intersections of two (2) street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
  - 3. Permitted curb cuts shall have a minimum width of twenty four (24) feet at the street right-of-way line and a maximum width of thirty (30) feet.

**E. Use Standards.**

- 1. All washing facilities shall be completely within the car wash building.
- 2. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than one hundred (100) feet from any residential district or existing residential use.
- 3. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
- 4. Automatic drying equipment shall be provided within the wash facility, or adequate drying area for at least two (2) vehicles shall be provided at the wash facility exit.
- 5. Drains shall be provided at all entrances and exits to prevent surface drainage from flowing across public sidewalks or into the street right-of-way.

- F. **Traffic Impacts.** A traffic impact study may be required by the Planning Commission, per Section 7.13 (Traffic Impact Studies).

**5.5.5 Drive-in or Drive-through Lane or Facility.**

The following shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any requirements for the principal use:

- A. **Location and minimum lot width standards.** Sites shall have a minimum of one hundred (100) feet of frontage on a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities.

- B. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
1. Vehicle access to local streets shall be prohibited.
  2. The edge of any access drives shall be set back a minimum of fifty (50) feet from the intersections of two (2) street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
  3. Permitted curb cuts shall have a minimum width of twenty four (24) feet at the street right-of-way line, and a maximum width of thirty (30) feet.
- C. **Traffic.** A traffic impact study may be required by the Planning Commission, per Section 7.13 (Traffic Impact Studies).
- D. **Use standards.**
1. **Bypass lane.** A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to Planning Commission approval.
  2. **Noise.** Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
  3. **Prohibited uses.** Sales of alcoholic beverages shall be prohibited through any drive-in or drive-through service window or facility.
  4. **Nonmotorized patrons.** Any drive-through shall also provide for walk-up or bicycle users.
- E. **Screening.** Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with Section 8.4 (Buffering and Screening).
- F. **Menu boards.** Menu boards may be erected as an accessory use to a drive-through lane, subject to the following:
1. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from street rights-of-way and abutting residential districts or uses.
  2. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow in any manner.
  3. Each menu board shall not exceed six (6) feet in height and forty eight (48) square feet in sign area.

#### 5.5.6 Farm Market.

Farm markets and similar farm product sales shall be subject to the following:

- A. **Site plan review.** Such uses shall be subject to site plan approval per Section 14.1 (Site Plan Review), and shall conform with the parking standards of Article 7.
- B. **Sale of produce.** A minimum of fifty percent (50%) of the produce or products offered for sale shall be grown or produced on land in Sanilac County, or made from produce grown or material produced on land in the County.
- C. **Signs.** All signs shall comply with the requirements of Article 9 (Signs).

#### 5.5.7 Hotel or Inn.

Hotels and inns shall be subject to the following:

- A. **Caretaker's residence.** An owner's residence or accessory dwelling unit for a manager shall be permitted accessory to and located within a principal hotel building, subject to the requirements of Section 5.3.1 (Accessory Dwelling Units).
- B. **Other accessory facilities.** A hotel may include any of the following amenities as accessory uses:
  1. A dining room within the principal building to serve the needs of hotel patrons and employees.
  2. Banquet facilities and meeting rooms.
  3. Freestanding restaurants located on the same site or contiguous site, and developed simultaneously or in advance of the hotel.
  4. A tavern or pub located within the principal hotel building to primarily serve hotel patrons and their guests.
  5. Gift shops, convenience stores, and similar retail uses within the principal building to serve the needs of hotel patrons and employees.
- C. **Room Size.** Each unit shall contain not less than two hundred (200) square feet of floor area.
- D. **Residency.** Rental units with kitchens and with suites may be permitted as part of a hotel or motel and are subject to the following:
  1. Units shall be functionally and architecturally integrated components of the motel reflecting common access ways, services, parking, and open space.

#### 5.5.8 Motion Picture Cinemas.

Indoor or outdoor motion picture cinemas shall be subject to the following:

- A. **Screening.** Screening shall be provided in accordance with Section 8.4 (Buffering and Screening) where the site abuts a residential district or use.

- B. **Access.** Sites shall have frontage on a public street classified as an arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local streets shall be prohibited.
- C. **Traffic impacts.** A traffic impact study may be required by the Planning Commission, per Section 7.13 (Traffic Impact Studies), for facilities that have a seating capacity of over five hundred (500) persons.

#### 5.5.9 Motor Vehicle Service Centers, Repair Stations, and Fueling Stations.

Service centers, repair stations, and fueling stations for automobiles, trucks, recreational vehicles, and other motor vehicles shall be subject to the following:

- A. **Minimum lot size and setbacks.** The minimum lot area shall be fifteen thousand (15,000) square feet, with a minimum of one hundred fifty (150) feet of frontage on a public street classified as collector, arterial, or thoroughfare by the City's Master Plan, or county or state road authorities. Pump island canopies shall be setback a minimum of twenty (20) feet from any right-of-way line. Fuel pumps shall be located a minimum of thirty (30) feet from any right-of-way line.
- B. **Access.** Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
  - 1. Vehicle access to local streets shall be prohibited.
  - 2. The edge of any access drives shall be set back a minimum of fifty (50) feet from the intersections of two (2) street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
  - 3. Permitted curb cuts shall have a minimum width of twenty four (24) feet at the street right-of-way line, and a maximum width of thirty (30) feet.
- C. **Overhead doors.** Overhead doors shall not face residential districts or uses. The Planning Commission may modify this requirement upon determining that there is no reasonable alternative, and that adequate screening has been provided per Section 8.4 (Buffering and Screening).
- D. **Pump island canopy lighting.** All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of twenty (20) footcandles for lighting under the canopy, provided that site lighting is otherwise in compliance with this Ordinance.
- E. **Repair and service use limitations.** All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
- F. **Temporary vehicle storage.** The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials,

commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance.

1. Inoperable vehicles shall not be stored or parked outside for a period exceeding thirty (30) days for repair stations and twenty four (24) hours for service centers.
  2. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
- G. **Screening.** Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with Section 8.4 (Buffering and Screening).
- H. **Accessory uses.** Accessory retail and restaurant uses shall conform to the standards for such uses, as specified in this Ordinance.
- I. **Noise and odors.** There shall be no external evidence of service and repair operations, in the form of dust, odors or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
- J. **Pollution prevention.** There shall be no releasing of toxic gases, liquids, or materials in any form into the atmosphere, the earth, or the public water or sewer systems. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves.
- K. **Traffic impacts.** A traffic impact study may be required by the Planning Commission, per Section 7.13 (Traffic Impact Studies).

#### 5.5.10 Outdoor Cafés and Eating Areas.

Outdoor eating areas and sidewalk cafés shall be permitted as an accessory use, subject to the following:

- A. **Outdoor eating areas and sidewalk cafés in the CB1 and CB2 (Community Business) Districts.** The standards of this Section shall not apply to limited outdoor eating areas and sidewalk cafés within the street right-of-way in the CB1 and CB2 (Community Business), which shall be subject to City Council approval.
- B. **Site plan approval.** Creation, expansion, or alteration of outdoor eating areas on a zoning lot shall be subject to site plan approval per Section 14.1 (Site Plan Review).
- C. **Use standards.** The outdoor café must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required.
- D. **Exterior food preparation.** Exterior food preparation may be permitted if approved by the Health Department but shall be prohibited from occurring in any public right-of-way.



- E. **Signs.** Additional signs shall not be permitted beyond those allowed for the principal use.

#### 5.5.11 Open Air Businesses and Outdoor Display Areas.

Open air businesses, and outdoor display areas for sale, exhibition, rental or leasing or retail merchandise, motor vehicles, recreational vehicles, farm equipment, manufactured or modular housing products, trailers, boats, building supplies, hardware, plant materials not grown on the site, lawn furniture, playground equipment, lawn and garden supplies, and similar items shall be subject to the following:

- A. **Temporary outdoor displays in the CB1 and CB2 (Community Business) Districts.** The standards of this Section shall not apply to limited outdoor display areas within the street right-of-way in the CB1 and CB2 (Community Business), which shall be subject to City Council approval.
- B. **Site plan approval.** Creation, expansion, or alteration of such open air businesses and outdoor display areas on a zoning lot shall be subject to site plan approval per Section 14.1 (Site Plan Review).
- C. **Location requirements.** All sales activity and outdoor display shall be limited to the areas specified on an approved site plan.
1. No sales activity or display of merchandise shall be permitted within a street right-of-way or required setback area.
  2. Open air businesses and outdoor display areas shall be set back a minimum of ten (10) feet from any parking area, driveway or access drive, and twenty (20) feet from any residential district or use.
  3. The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation. A minimum of five (5) feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
- D. **Screening.** Such uses shall be screened from street rights-of-way and abutting residential districts or uses in accordance with Section 8.4 (Buffering and Screening).
- E. **Use standards.** Open air businesses and outdoor display areas shall conform to the following use limitations:
1. Such areas shall be kept clean and litter-free, with outdoor waste receptacles provided.
  2. Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
  3. The storage of any soil, fertilizer or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent uses.

4. Operational hours for open air businesses, outdoor display area, and exterior lighting may be restricted by the Planning Commission to protect nearby residential districts.

## 5.6 INDUSTRIAL, RESEARCH, AND LABORATORY USES.

### 5.6.1 Hazardous Materials Storage.

Hazardous materials storage facilities shall be subject to the following:

- A. **Compliance with outside agency standards.** Such uses shall comply with current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, State of Michigan, county health department, and other county, state or federal agencies with jurisdiction.
- B. **Application information.** The applicant shall supply the following documentation with any plan submitted for review:
  1. Description of all planned or potential discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
  2. MSDS (Material Safety Data) sheets shall be provided to the City for all types of hazardous materials proposed to be stored on-site, including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
  3. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
  4. Description of any secondary containment measures, including design, construction materials and specifications, and security measures.
  5. Description of the process for maintaining and recording of shipping manifests.
- C. **Setbacks and screening.** Such uses shall be set back a minimum of five hundred (500) feet from any residential district or use. Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with Section 8.4 (Buffering and Screening).
- D. **Parking and loading.** All parking, loading, and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. **Impact assessment.** The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for

managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to Planning Commission approval. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

### 5.6.2 Intensive Industrial Operations.

Intensive industrial operations shall be subject to the following:

- A. **Setbacks and screening.** Such uses shall be set back a minimum of 500 feet from any residential district or use. Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with Section 8.4 (Buffering and Screening).
- B. **Parking and loading.** All parking, loading, and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- C. **Impact assessment.** The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to Planning Commission approval. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

### 5.6.3 Outdoor Storage, General.

General outdoor storage (excluding junkyards) shall be subject to the following:

- A. **Setbacks.** Any storage area shall comply with the minimum setback requirements for the district in which the facility is located and no storage shall be permitted in the front yard.
- B. **Screening.** Storage areas shall be screened from all street rights-of-way and abutting uses in accordance with Section 8.4 (Buffering and Screening). The Planning Commission may permit the use of a screen wall up to ten (10) feet or fence up to eight (8) feet in height, upon determination that the additional height is necessary to adequately screen the proposed use.
- C. **Use standards.** All outdoor storage areas shall further comply with the following:
  1. No materials shall be stored above the height of the required wall or fence.

2. No junk or junk vehicles shall be stored, and no trailer, manufactured home, or truck trailer shall be stored or used for storage.
3. Stored materials shall be contained to prevent blowing of materials or dust upon adjacent properties and access by small animals. The Planning Commission may require stored materials to be covered and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.
4. The Planning Commission may require outside storage areas to be paved or surfaced with hard surface material and may require installation of a storm water drainage system.

#### **5.6.4 Outdoor Storage, Dismantling or Recycling of Motor Vehicles, Recreational Vehicles, Manufactured Houses, and Similar Items.**

Outdoor storage (including junkyards), dismantling or recycling of motor vehicles, recreational vehicles, manufactured houses, and similar items shall be subject to the following:

- A. **Minimum lot size and setbacks.** All outdoor storage, dismantling, or recycling areas shall be set back a minimum setback of one hundred (100) feet from the front lot line or street right-of-way and a minimum of twenty (20) feet from rear and side lot lines.
- B. **Location.** Such uses shall be located not less than one thousand (1,000) feet from any residential district and not less than three hundred (300) feet distant from any other zoning district boundary.
- C. **Screening.** Such storage areas shall be screened from all street rights-of-way and abutting uses in accordance with [Section 8.4](#) (Buffering and Screening). The Planning Commission may permit the use of a screen wall up to ten (10) feet or fence up to eight (8) feet in height, upon determination that the additional height is necessary to adequately screen the proposed use.
- D. **Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved and provided adequate drainage.
- E. **Permits.** All required city, county, and state permits shall be obtained prior to establishing, expanding or altering such uses.
- F. **Use standards.** The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations, the requirements of this Ordinance, and the following:
  1. No junk vehicles or scrap materials shall be stored above the height of the required wall or fence. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall or fence enclosing the yard.
  2. Vehicles or vehicle bodies shall be stored in rows with a minimum twenty (20) foot wide continuous loop drive separating each row of vehicles.

3. All batteries shall be removed and all radiator and fuel tanks drained prior to placing the vehicle in the storage yard. A licensed disposal company shall remove salvaged batteries, oil, and other hazardous substances.
4. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.
5. The crushing of vehicles or any part thereof shall be limited to daylight hours and all processes involving the use of equipment for cutting or compressing shall be conducted within a completely enclosed building.
6. The use shall be subject to periodic inspection by the City to ensure continuing compliance with the above standards.
7. There shall be no burning on site.
8. The total lot area occupied by on-site tire storage or disposal facilities shall be limited to a maximum of five percent (5%) of the net lot area of the site. All tires stored on-site for more than seventy two (72) hours shall be cut into pieces to prevent collection of stagnant water.

#### **5.6.5 Recycling Collection Facilities and Composting Centers.**

Recycling collection facilities and composting centers shall be subject to the following:

- A. **Access.** Sites shall have frontage on a public street classified as an arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Vehicle access to local or collector streets shall be prohibited.
- B. **Setbacks.** Commercial composting operations shall be at least five hundred (500) feet from any residential district or use. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland, or other surface water body.
- C. **Screening.** Outdoor facilities and composting areas shall be screened from all street rights-of-way and abutting uses in accordance with Section 8.4 (Buffering and Screening).
- D. **Use standards.**
  1. Recycling facilities shall be limited to the collection of recyclable materials for processing at another site.
  2. Composting centers shall have a minimum lot area of five (5) acre. Stored materials shall be contained to prevent blowing of materials or dust upon adjacent properties and access by small animals.
  3. The Planning Commission may require stored materials to be covered and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.

4. The Planning Commission may require outside facilities to be paved or surfaced with hard surface material and may require installation of a storm water drainage system.
5. Impact assessment. The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to Planning Commission approval. The City reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

#### 5.6.6 Self-Storage Warehouse

Self-storage warehouse facilities shall be subject to the following:

- A. **Use standards.** Self-storage-warehouses shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:
  1. Such storage shall be incidental to the main use of enclosed storage.
  2. Such storage shall be located to the rear of the lot and subject to any additional screening, as determined by the Planning Commission at site plan review.
  3. All such recreational vehicle and equipment storage shall be operable and licensed to operate on the highways of the State of Michigan.
- B. **Screening.** All storage facilities shall be screened from adjacent uses and street rights-of-way in accordance with Section 8.4 (Buffering and Screening).
- C. **Exterior appearance.** The exterior of any self-storage-warehouse shall be of finished quality and design, subject to Planning Commission approval. Such buildings shall have pitched roofs and gables and overhead doors shall not face toward any street right-of-way unless completely screened from view.
- D. **Manager or caretaker's residence.** A manager or caretaker's residence shall be permitted accessory to a self-storage warehouse use, in accordance with the following:
  1. An accessory dwelling unit within the principal building shall be subject to the requirements of Section 5.3.1 (Accessory Dwelling Units).
  2. A detached single-family dwelling located on the same lot with the principal use shall be subject to the requirements of Section 5.3.9 (Single-Family and Two-Family Dwellings); and the area, height and bulk requirements for the R (Single-

Family Residential) District as specified in Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards).

### **5.6.7 Warehouses and Other Storage Facilities, Distribution Plants, Freezers and Lockers, Truck Terminals, and Distribution Facilities.**

Warehouses and other storage facilities, distribution plants, freezers and lockers, truck terminals, and distribution facilities shall be subject to the following:

- A. **Access.** Vehicle access to local streets shall be prohibited.
- B. **Setbacks.** Terminals shall be set back a minimum of two hundred (200) feet from any residential district or use.
- C. **Traffic.** A traffic impact study may be required by the Planning Commission, per Section 7.13 (Traffic Impact Studies).
- D. **Parking and loading.** All parking, loading, and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- E. **Screening.** Truck and trailer parking areas shall be screened from all street rights-of-way and abutting uses and screening shall be required on side or rear lot lines abutting a residential district or use, in accordance with Section 8.4 (Buffering and Screening).

## **5.7 OTHER USES**

### **5.7.1 Adult Entertainment Uses and Sexually Oriented Businesses.**

All adult entertainment uses and sexually oriented businesses, as defined in Article 21 (Definitions), shall be subject to the following:

- A. **Uses Specified.** Uses defined as adult entertainment uses and sexually oriented businesses and subject to these controls and regulations are as follows:
  1. Adult related businesses.
  2. Adult motion picture theaters/arcades or adult live stage performing theater.
  3. Adult book or supply store and video stores.
  4. Adult cabarets.
  5. Adult model studio.
  6. Massage parlors that do not meet the definition of therapeutic massage.
  7. Adult motel.

- B. Uses Not Interpreted as Adult Regulated Uses.** The following uses shall not be interpreted as included within the definition of entertainment uses and sexually oriented businesses:
1. Establishments that provide services, as the principal use, by a licensed physician, chiropractor, physical therapist, nurse practitioner or any similarly licensed or certified medical professional.
  2. Establishments that offer massages performed exclusively by certified massage therapists.
  3. Gymnasiums, fitness centers, and health clubs.
  4. Electrolysis treatment by a licensed operator of electrolysis equipment.
  5. Continuing instruction in martial or performing arts or in organized athletic activities.
  6. Hospitals, nursing homes, medical clinics or medical offices.
  7. Adult photography studios whose business activity does not include the taking of photographs of "specified anatomical areas," as defined in Article 21 (Definitions).

**C. Site Location.**

1. Adult entertainment uses and sexually oriented businesses are prohibited from locating within one thousand (1,000) feet of a residential zoning district; institutional use; licensed day care facility; religious institution, or amusement arcade within the City of Sandusky. Measurement shall be made from the outer most boundaries of the lot upon which the proposed adult entertainment use or sexually oriented business will be situated.
2. An adult entertainment use or sexually oriented business shall not be permitted within a 1,000) radius of an existing adult entertainment use or sexually oriented business. Measurement shall be made from the outer most boundaries of the lot upon which the proposed adult entertainment use or sexually oriented business will be situated.

**D. Site Development Requirements.**

1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
2. No sexually oriented business shall be greater than five thousand (5,000) square feet.
3. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance.



4. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Planning Commission.
5. No loud speakers or sound equipment shall be permitted to project sound outside of the adult only business.
6. An adult entertainment use or sexually oriented business shall clearly post notification at the entrance to the business, or any portion of the business utilized for adult only use, that minors are excluded.
7. An adult entertainment use or sexually oriented business shall be located in a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
8. "Adult cabarets" [as defined in Article 21 (Definitions)] are required to include a stage raised at least three (3) feet from the viewing floor, with a barrier of at least two (2) feet at the edge of the stage. A person is in violation of the Ordinance if he or she permits an entertainer off of the stage or permits a customer on the stage.
9. "Mainstream media outlets" carrying less than a "substantial portion" of "adult media" [all as defined in Article 21 (Definitions)] are not subject to the standards for entertainment uses and sexually oriented businesses. Adult media in a shop to which this Section is applicable shall be kept in a separate room or section of the shop, which room or section shall:
  - a) Restrict access to any person under the age of eighteen (18);
  - b) Shall be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;
  - c) Shall be located so that the main entrance is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
  - d) Shall have access controlled by electronic or other means to ensure that persons under the age of eighteen (18) will not gain admission and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel; and
  - e) Shall provide notification at all entrances stipulating that persons under the age of eighteen (18) are not permitted inside.

#### **E. Use Regulations.**

1. No person shall reside in or permit a person to reside in the premises of an adult entertainment use or sexually oriented business.

2. No person shall operate an adult entertainment use or sexually oriented business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any posted notice.
  3. The owners, operators, or persons in charge of an adult entertainment use or sexually oriented business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
  4. No adult entertainment use or sexually oriented business shall possess, disseminate, or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
  5. No person shall operate an adult entertainment use or sexually oriented business without obtaining a current zoning and building occupancy permit. Such licenses shall be issued by the City following an inspection to determine compliance with the relevant ordinances of the City of Sandusky. Such license shall be subject to all regulations of federal, state, and local governments.
  6. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment use or sexually oriented business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from the City, the county, and the State of Michigan.
- F. **Limit on Reapplication.** No application for an adult entertainment use or sexually oriented business that has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

#### 5.7.2 Airports, Heliports, and Related Uses.

Airports shall be consistent with the previous of the Airport Zoning Act (PA 23 of 1950, as amended). Airports, private landing strips, heliports, hangers, masts and related facilities shall meet the following standards:

- A. Plan approval. The plans for such facilities shall have received approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, based on airport classification, prior to submittal to the Planning Commission for their review and approval.
- B. Minimum standards. The airport site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.

- C. Clear zones and approaches. All required “clear zones” (as defined by the FAA) shall be owned by the airport facility. The location and approached shall be in areas along the route with the lowest density residential or non-residential zoning and development.
- D. Aircraft and vehicle parking. Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for accessory offices, restaurants, sales rooms, and other uses associated with the airport.
- E. Heliport standards. Heliports shall be clearly defined areas. Heliport surfaces shall be paved and remain clear to prevent debris or other matter from blowing onto adjacent properties. Outdoor routine maintenance of helicopters shall be prohibited from dusk to dawn. Heliport landing approaches shall be clearly illustrated as being clear of vertical obstructions on the site plan. Heliports shall be screened in accordance with Section 8.4 (Buffering and Screening). Rooftop heliports shall demonstrate compliance with all appropriate construction and fire codes.

### 5.7.3 Kennel or Animal Shelter.

The boarding, breeding, raising, grooming, or training of three or more dogs, cats, or other household pets of any age either 1) not owned by the owner or occupant of the premises, or 2) for commercial gain may be permitted through special land use approval. Commercial kennels and animal shelters for animal breeding or boarding (keeping) shall be subject to the following:

- A. **Screening.** Structures where animals are kept, outdoor runs, and exercise areas shall be screened in accordance with Section 8.4 (Buffering and Screening) and shall have impervious surfaces and an approved system for runoff, waste collection, and disposal.
- B. **Use standards.** Animals shall not be kept or quartered outside of the buildings between 8:00 p.m. and 8:00 a.m. All structures and ventilation systems used for kennel purposes shall be constructed to prevent noise and odors from reaching the building exterior. Kennels shall be kept clean and waste shall be treated and handled in such a manner as to control odor and flies.
- C. **Setbacks.** Structures where animals are kept, outdoor runs, and exercise areas shall not be located in any required yard setback areas and shall also be set back at least one hundred (100) feet from abutting residential districts and existing residential uses.
- D. **Other conditions.** Kennels and animal shelters shall be subject to all permit and operational requirements established by appropriate regulatory agencies. The Planning Commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.
- E. **Minimum Lot Area.** Such activity shall be permitted only on a parcel of land not less than one (1) acre in area and provided, further, that such parcel shall not abut or be adjacent to any lot or parcel which is part of a recorded residential subdivision.
- F. **Enclosure Setbacks.** All animals shall be kept within a building. No animal shall be allowed to run at large.
- G. **Odor.** Such activity shall be conducted so as not to be detrimental to any person, property or the general welfare by reason of excessive odor.

- H. **Nuisance Prohibited.** The keeping of the animals described in this subsection shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the City stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing with notice to all property owners within three hundred (300) feet of the property where the animals are kept. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.
1. If the Zoning Board of Appeals determines that the animals have and will likely continue to constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.
  2. No person shall allow animals under such person's control or ownership to constitute a nuisance. The violation of this subsection may be prosecuted in the district court or may be enjoined in the circuit court. Notwithstanding anything to the contrary in this ordinance, this subsection shall not be a limitation on, lessen the effect of, or interfere with any other City ordinance pertaining to animals, and the enforcement of it.

#### 5.7.4 Produce Stands.

Produce stands and similar on-site farm product sales shall be subject to the following:

- A. Roadside stands shall have a maximum gross floor area of four hundred (400) square feet.
- B. Roadside stands shall not be located within any required yard setback area for the zoning district.
- C. A minimum of one (1) parking space shall be provided outside of the street right-of-way for each one hundred (100) square feet of space in the stand.
- D. Such stands shall be portable, and shall be removed from view from abutting street rights-of-way during seasons when it will not be in use. All permitted signs accessory to the produce stand shall be temporary, and shall be removed when the stand is not in use.
- E. All produce or products for sale shall be grown or produced on the premises or made from produce grown or material produced on the premises.

#### 5.7.5 Temporary Construction Structures and Uses.

Installation of temporary buildings, construction trailers or temporary sales offices associated with construction or development projects shall be subject to the following:

- A. Installation of temporary buildings, construction trailers or temporary sales offices associated with construction or development project shall be subject to zoning permit approval per Section 1.15 (Zoning Permits).
- B. Adequate provisions shall be made for emergency vehicle access, off-street parking and loading, drainage, and soil erosion.
- C. Such buildings shall not be erected for more than ninety (90) calendar days in any district unless a site plan has been approved by the City for the project. Such buildings shall be removed from the site before a final certificate of occupancy is issued for the primary building, or upon final completion of the development project as determined by the Zoning Administrator.
- D. The applicant may be required to furnish a performance guarantee, per Section 1.17 (Fees and Performance Guarantees), in an amount equal to the estimated cost of removing and disposing of the temporary buildings, construction trailers or temporary sales offices (\$500.00 minimum). The guarantee shall be returned upon verification by the Zoning Administrator that the temporary construction facilities have been removed from the premises.

#### 5.7.6 Topsoil Removal or Stockpiling.

The removal or temporary stockpiling of topsoil on a site in the City of Sandusky shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances; and shall be subject to the following:

- A. **Site plan approval.** Removal or temporary stockpiling of topsoil on a site in the City shall be prohibited, except where a site plan for development of the site has received final approval from the City per Section 14.1 (Site Plan Review).
- B. **Zoning permit.** Approval of a zoning permit per Section 1.15 (Zoning Permits) shall be required for removal or temporary stockpiling of topsoil from any site in the City. The permit application shall include a plan showing the following:
  1. Areas of temporary topsoil stockpiling and proposed methods of containment.
  2. Proposed truck route(s) for any removal of topsoil from the site.
  3. Calculations of the volume of existing topsoil on the site, the minimum volume required to support the planned development of the site, and any volume anticipated to be removed from the site.
- C. **Setbacks.** Topsoil stockpiling areas shall comply with the minimum setback requirements for the district, and shall be set back a minimum of one hundred (100) feet from the boundary of any residential zoning district or any lot boundary abutting an existing residential use.
- D. **Use standards.** Removal or stockpiling of topsoil shall be further subject to the following:

- E. **Access.** All truck access to the site for removal of topsoil shall be from a public street classified as a collector, arterial or thoroughfare by the City's Master Plan, or county or state road authorities. Removal of topsoil using local streets shall be prohibited.
- F. **Containment and screening.** Stockpiled topsoil shall be contained to prevent blowing of materials or dust upon adjacent properties. Such stockpiled areas shall be screened from abutting street rights-of-way and residential districts or uses per Section 8.4 (Buffering and Screening).
- G. **Limitation on removal.** Removal of topsoil from the site shall be limited only to that determined not to be needed for the planned development on the site, as demonstrated on a plan submitted for zoning permit approval.
- H. **Expiration.** Expiration of site plan approval shall also cause any zoning permit for removal or temporary stockpiling of topsoil to immediately expire. No topsoil removal or stockpiling shall take place on a zoning lot except under an approved site plan and approved zoning permit.
- I. **Other conditions.** The Planning Commission may require stockpiled topsoil to be covered, and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.

#### 5.7.7 Solar Panels.

##### A. Roof-Mounted Solar Installations.

1. **Height.** The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.
2. **Setback.** Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks.
3. **Placement.** Roof-mounted solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.
4. **Coverage.** Roof-mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.
5. **Visibility and Glare.** Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
6. **Energy Sales.** Excess energy generated by roof-mounted solar installations may be sold to utility company and returned to the grid.

##### B. Ground-Mounted Solar Installations.

1. **Height.** The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.

2. **Setbacks.** Ground-mounted solar installations shall only be permitted in the rear yard and comply with all district required setbacks.
3. **Placement.** Ground-mounted solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use.
4. **Coverage.** The area of the ground-mounted solar installation energy collection system shall count towards the maximum area allowed for accessory buildings on property with a principal use.
5. **Visibility and Glare.** Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programmed to prevent positioning at any point that would result in glare directed toward nearby properties or rights-of-way. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
6. **Energy Sales.** Excess energy generated by ground-mounted solar installations may be sold to utility company and returned to the grid.

**5.7.8 Community Gardens.**

- A. All principal use gardens/community gardens in R, RM, and NB districts must maintain a three-foot (3) setback on street frontages as well as meet clear vision regulations detailed in Section 4.10 (Corner Clearance Areas). Further, they shall not encroach onto adjacent parcels or rights-of-way.
- B. The property shall be maintained in an orderly and neat condition and shall not be detrimental to the physical environment or to public health and general welfare and remains subject to compliance with the Blight and Nuisance Code and related ordinances.
- C. The property shall be maintained to prevent the free flow of storm water, irrigation water, chemicals, dirt, or mud across or onto adjacent lots, properties, public streets, or alleys.
- D. Motorized equipment operated as part of the community garden use shall be restricted to hours beginning at 8:00 a.m. and ending at 8:00 p.m.
- E. Compost piles may only be used for waste generated on site and are subject to accessory structure setbacks.

## ARTICLE 6: BUILDING FORM AND COMPOSITION

### 6.1 PURPOSE.

The shape, placement, design, and quality of the built environment (building design, placement, and composition) are important elements in reinforcing a comfortable, human-scale environment, maintaining the City's attractiveness and economic vitality, and providing a unique sense of place in the City of Sandusky. Accordingly, it is the purpose of this Article to:

- A. Maintain the visual environment of the City, protect the general welfare, and ensure that the City's property values, appearance, character, and economic well-being are preserved through minimum design and appearance standards.
- B. Encourage creativity, imagination, innovation, and variety in architectural design and building composition.
- C. Preserve the unique heritage, history, and architectural character of existing buildings in downtown Sandusky as these buildings are renovated and re-used, and as changes and improvements are made.
- D. Reinforce and support a healthy, pedestrian-oriented development pattern in the City's business districts through minimum facade transparency requirements, complementary and appropriate use of scale, massing, and architectural details.
- E. Minimum standards for the use of exterior building facade materials are established in this Ordinance for the purposes of promoting harmony in the physical relationships between buildings.

### 6.2 SCOPE.

This Article is not intended to supersede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.

The provisions of the Article shall apply to all planned commercial or mixed-use buildings and all alterations, renovations, expansions, or other work that includes exterior changes to existing buildings subject to review per Section 14.1 (Site Plan Review) in the following zoning districts:

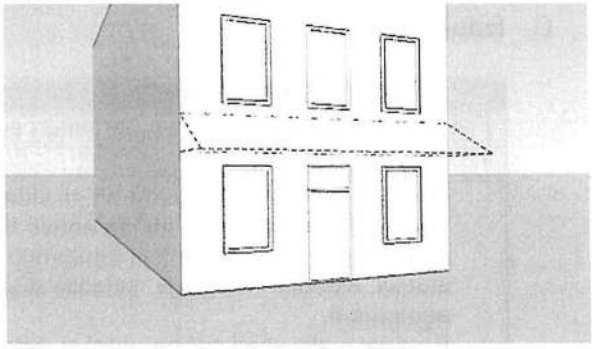
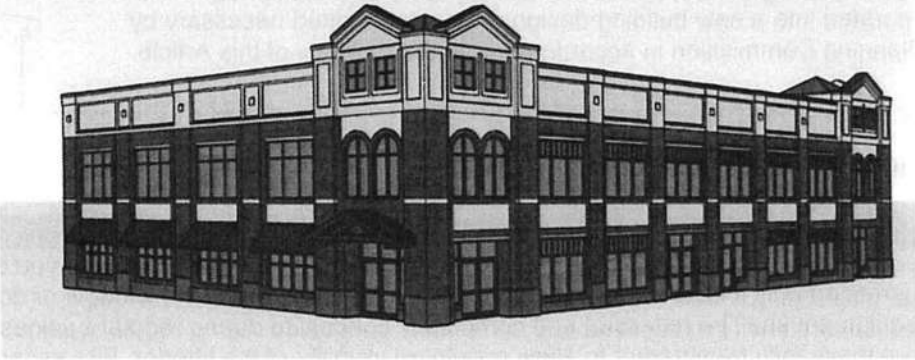
- A. NB (Neighborhood Business) District.
- B. CB1 (Community Business) District.
- C. CB2 (Community Business) District.
- D. GB (General Business) District.



**6.3 GENERAL REQUIREMENTS.**

Building construction, alterations, renovations and expansions, and other work subject to the provisions of this Article shall comply with the following general requirements:

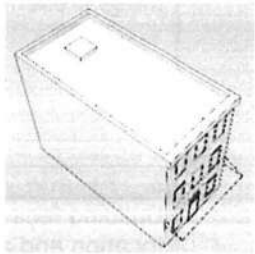
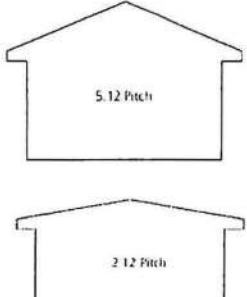
- A. **Architectural Standards.** Decorative and functional architectural features, details, and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices, or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building, as determined by the Planning Commission.

<b>ARCHITECTURAL STANDARDS</b>	
<p>Decorative and functional architectural features, details and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building, as determined by the Planning Commission.</p>	
<p><b>1. Rear Façade</b></p>	
<p>All sides of a building shall be complementary in design, details, and materials. Where a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall include windows, building materials, and architectural features similar to those present on the front facade of the building.</p>	
<p><b>2. Façade Variation</b></p>	
<p>Building façade walls exceeding sixty 60 feet in length shall be subdivided into bays, through the location and arrangement of architectural features and design variations, to provide a changing and varying façade appearance. Such features and design elements may include, but are not limited to the following (see illustration):</p> <ul style="list-style-type: none"> <li>a) Projections, bays, or recesses, not exceeding ten (10) feet in depth.</li> <li>b) Enhanced ornamentation and architectural detailing.</li> <li>c) Variations in building height or window patterns.</li> <li>d) Distinctively shaped roof forms, detailed parapets, and cornice lines.</li> </ul>	
	

**B. Public Entrances.**

<b>PUBLIC ENTRANCES</b>	
Public entrances shall be emphasized with framing devices, such as, peaked roof forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting, and similar devices.	
<b>1. Location</b>	All buildings shall have at least one (1) public entrance that faces a public street right-of-way. Secondary public entrances shall be permitted on the rear or side facade, including additional access for uses in a multi-tenant building.
<b>2. Setback</b>	Outward opening public entrances shall be recessed a minimum of two (2) feet from the property line to facilitate a door zone that does not conflict with users along the right-of-way.
<b>3. Non-Traditional Entrances</b>	Roll top garage doors and cantilever folding doors may be used as customer entrances and shall be a minimum of seventy five percent (75%) transparent. The transparent element on such doors may be used to satisfy the first-floor transparency requirements.

**C. Roof Design.**

<b>ROOF DESIGNS</b>	
Flat and pitched roofs may be permitted subject to the standards below.	
<b>1. Flat Roofs</b>	
<ul style="list-style-type: none"> <li>- Flat roofs shall be enclosed on all sides by a parapet wall at a minimum height of forty two (42) inches above the roof surface, or as required, to conceal rooftop mechanical equipment, HVAC systems, exhaust pipes or stacks, elevator housings, satellite dishes and other devices, and equipment.</li> <li>- Parapet walls shall not be used in determining building height.</li> </ul>	
<b>2. Pitched Roofs</b>	
<ul style="list-style-type: none"> <li>- Pitched roofs shall be symmetrically sloped at a pitch no less than 5:12.</li> <li>- Roofs for porches and attached sheds may be pitched no less than 2:12.</li> <li>- Pitched roof materials shall be limited to slate, terra cotta, standing seam panels, or dimensional asphalt shingles.</li> <li>- Dimensional asphalt shingle colors shall be limited to dark green, dark red, and dark gray.</li> <li>- Pitched and shingled roof forms with overhanging eaves shall be incorporated into a new building design where determined necessary by the Planning Commission in accordance with the purpose of this Article.</li> </ul>	

**D. Security and Safety Equipment.**

<b>SECURITY AND SAFETY EQUIPMENT</b>
Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted only if installed on the interior of the building, within the window or door frames. Such security equipment shall be recessed and completely concealed during regular business hours, and shall be predominantly transparent to allow maximum visibility of the interior. Fire escapes shall not be permitted on a building's front facade, except where the Sanilac County Building Official determines that no other option is available to provide the required means of egress.

**6.4 STANDARDS FOR EXTERIOR FAÇADE MATERIALS – COMMERCIAL USES.**

The Planning Commission may approve alternative building materials that meet the intent of this zone: to have high-quality design and architectural features that fit in or enhance its respective zone’s appearance. All building construction, alteration, renovation, and other development activity subject to the provisions of this Article shall conform with the following standards for exterior building façade materials:

BUILDING MATERIALS		MAXIMUM PERMITTED FAÇADE COVERAGE (%)			
		NB	CB1	CB2	GB
BRICK	Face, terra cotta, or ceramic	100%	100%	100%	100%
	Jumbo or utility brick	25%	25%	100%	75%
STONE	Natural stone, stone veneer, or simulated stone materials	100%	100%	100%	100%
CONCRETE	Formed in place, pre-cast panels or blocks	10%	10%	10%	25%
	Split-face CMU or similar decorative block	25%	25%	25%	50%
SIDING OR SHINGLES	Vinyl, metal, or other synthetic materials*	50%	25%	25%	25%
	Wood, cement board, or similar materials	75%	50%	50%	50%
ENGINEERED FINISH PRODUCTS	EIFS, plaster, stucco, or similar materials	10%	10%	10%	25%
	Hard-coated EPS or similar polyurea hard- coated foam materials	20%	20%	10%	25%
GLASS	Transparent, pale tint, or energy efficient	50%	50%	50%	75%
SHEET, PANELING OR SIMILAR	Metal	10%	10%	10%	10%
	Wood	25%	25%	10%	25%

Utility brick is larger than standard brick (typical utility brick = 3 5/8 inches x 11 5/8 inches).  
 CMU = Concrete Masonry Unit.  
 EIFS = Exterior Insulation and Finish System.  
 EPS = Expanded Polystyrene.  
 \*It is encouraged that these building materials mimic the preferred brick or stone façade.

**6.5 ADDITIONAL STANDARDS FOR THE NB AND CB1 AND CB2 DISTRICTS.**

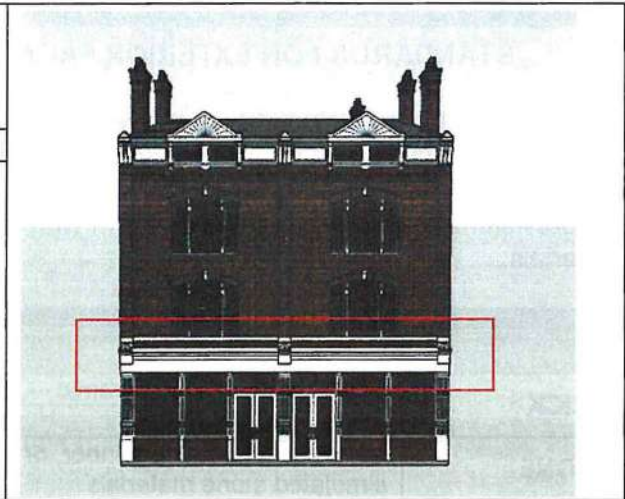
The following additional standards shall apply to all building construction, alterations, renovations, expansions, and other work subject to the provisions of this Article in the NB (Neighborhood Business) and CB1 and CB2 (Community Business) Districts:

A. EXPRESSION LINE	
The street level façade of any building shall be distinguished from the remainder of the building with a horizontal expression line on the façade located between the highest point of the street level and the bottom edge of any second-floor windows.	
<b>1. Permanent Design Elements</b>	
The expression line shall be incorporated into the façade as a permanent design element and shall	

be created by a change in building material, architectural design, setback, recess, projection, cornices, belt courses, corbelling, molding, stringcourses, or other sculptured design element.

**2. Consistency with Adjacent Buildings**

Where the Planning Commission determines that a consistent expression line has been established on adjacent buildings, it shall be continued on any new construction or expansion, or the Commission may require a transitional design element (such as columns, piers, bays, or changes in façade materials) between the existing and proposed expression lines.



**B. AWNINGS**

Awnings accessory to buildings shall be subject to the following:

- 1. Use**  
Awnings shall be primarily designed to protect pedestrians, display windows, and public entrances from the weather; and to add color and visual interest to the street level façade.
- 2. Maintenance**  
Awnings shall be kept in good repair to maintain the original appearance and ensure public safety.
- 3. Materials**  
The awning shall be constructed of durable, fire-resistant materials such as canvas. The use of plastic panels, rigid fiberglass, or metal panels as covering materials shall be prohibited.
- 4. Secured to Building**  
All awnings shall be securely attached to the building.
- 5. Consistency**  
Awnings shall be of a shed style consistent with the character of historic buildings and of the facade's architectural elements and shall not obscure architectural details. Where adjacent awnings conform to this Ordinance, new awnings shall be consistent with the existing awnings in terms of appearance, scale, height, projection, and location.
- 6. Projections and Clearance**  
Awnings shall be set back a minimum of six (6) feet from a curb line of the street. A minimum 8 foot clearance shall be maintained under the awning. Awnings proposed to project or overhang into a public right-of-way more than four (4) feet shall be subject to Planning Commission and road agency approval prior to installation.
- 7. Awning Signs**  
Signs on awnings shall be subject to the applicable standards in Section 9.8.

**The shape of an awning shall not be convex.**

A grid of nine diagrams illustrating different awning shapes. The first row shows 'convex' (a curved, upward-bowling shape), 'traditional' (a flat, rectangular shape), and 'dome' (a rounded, dome-like shape). The second row shows 'gable entrance' (a triangular shape), 'circular entrance' (a semi-circular shape), and 'casement (hip roof)' (a rectangular shape with a sloped roof). The third row shows 'stationary canopy' (a flat, rectangular shape), 'lateral arm retractable' (a rectangular shape with a horizontal arm), and 'concave' (a curved, downward-bowling shape).

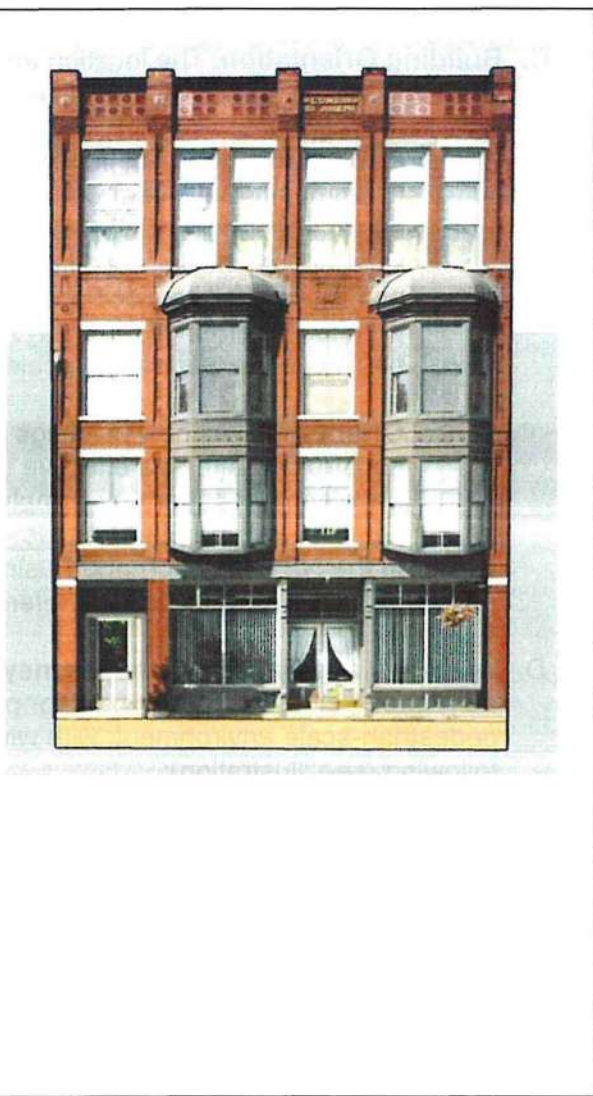
C. **Building Orientation.** The location and orientation of new buildings in the NB, CB1, and CB2 Districts shall be subject to the following (see illustration):

1. **Public entrances.** All buildings in the NB (Neighborhood Business), CB1, and CB2 (Community Business) Districts shall have at least one (1) public entrance that faces a public street right-of-way. Secondary public entrances shall be permitted on the rear or side facade, including additional access for uses in a multi-tenant building. Public entrances shall be emphasized with framing devices such as peaked roof forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting, and similar devices.
2. **Orientation.** All new buildings in the CB1, and CB2 (Community Business) District constructed after the effective date of this Ordinance shall follow the established historic development pattern by complying with the setback requirements of Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards). For new buildings in the NB (Neighborhood Business) District, locating the building at or near the street right-of-way shall be the preferred, but not required building orientation.

D. **Windows and Façade Transparency.** Buildings with frontage on a public or private right-of-way, street, sidewalk, public park, or plaza shall be designed to encourage and complement a pedestrian-scale environment, with window openings and facade transparency subject to the following (see illustration):

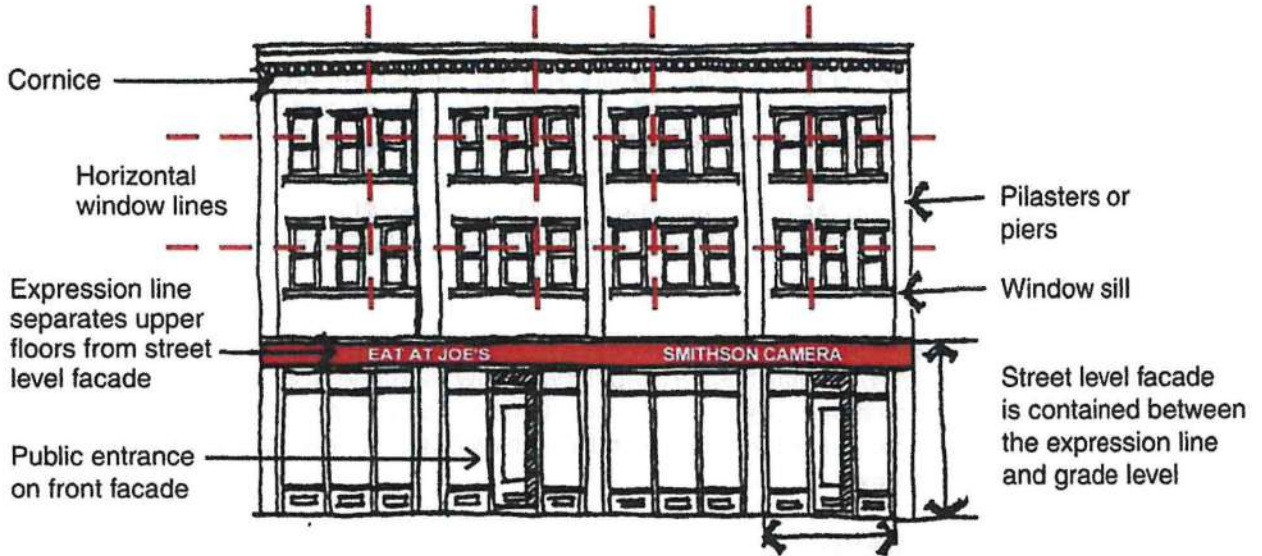
<b>D. WINDOWS AND TRANSPARENCY</b>	
Buildings with frontage on a public or private right-of-way, street, sidewalk, public park, or plaza shall be designed to encourage and complement a pedestrian-scale environment, with window openings and facade transparency subject to the following:	
<b>1. Street Level Façade</b>	
A minimum of sixty five percent (65%) street level façade shall be transparent. A minimum of eighty (80%) of the ground floor front façade windows shall be maintained as free from visual obstructions such as signs, logos, advertisements, window screens, blinds or window coverings. Ground floor storefront window frames shall be set between fifteen (15) and thirty (30) inches above finished grade to provide durability and to accommodate traditional main street building features such as base panels, sills, and display windows.	
<b>2. Upper Level Façade</b>	
A minimum of forty percent (40%) of the upper-level façade shall be transparent. All upper-level windows shall be operable and capable of being opened.	
<b>3. Side Façade Windows</b>	
Windows on corner buildings shall be permitted on the side façade facing the secondary street and shall meet the minimum transparency requirement of street and upper-level facades. Windows shall be prohibited on all other side	

<p>facades unless set back a minimum of five (5) feet.</p>
<p><b>4. Glazing</b></p> <p>Primarily clear or lightly tinted glass shall be used. Mirrored windows and glass curtain wall systems shall be prohibited, and translucent glass shall be limited to bathroom windows and similar use areas requiring privacy.</p>
<p><b>5. Pattern and Arrangement</b></p> <p>The pattern of window openings on a building facade shall be subject to the following:</p> <ul style="list-style-type: none"> <li>(a) Windows shall be arranged into proportionally spaced horizontal window lines, and a balanced pattern of vertical window bays.</li> <li>(b) Windows on all floors above the street level shall be vertical in orientation, and shall include prominent sills and framing elements.</li> <li>(c) The Planning Commission may permit the use of shutters or spandrel glass to form a false window opening needed to complete an established window pattern, upon determination that the interior layout or other conditions prevent the inclusion of a clear glass window.</li> </ul>
<p><b>6. Consistency with Adjacent Buildings</b></p> <p>Consistent window patterns or arrangements established on adjacent buildings shall be continued or extended as part of any new construction or expansion. Architectural elements (columns, piers, bays, or similar elements) shall be incorporated into the facade where necessary to form a transition between contrasting window patterns or arrangements.</p>



- E. **Demolition.** Existing buildings in the NB, CB1, and CB2 Districts shall not be moved or demolished unless the Sanilac County Chief Building Official has ordered the demolition for safety reasons, or the Planning Commission has approved a plan for re-development of the lot.
- F. **Façade Preservation.** Significant architectural details on existing buildings in the NB, CB1, and CB2 Districts shall not be destroyed or obscured during façade renovations, which shall be further subject to the following:
  - 1. The pattern and proportions of existing window and door openings, vertical lines of columns and piers, and horizontal lines of spandrels, cornices, and other primary structural elements shall be maintained.
  - 2. Only that portion of an existing building proposed to be altered shall be subject to the standards of this Article, provided that the Planning Commission shall consider the proposed alteration within the context of the overall building architecture, the character of adjacent buildings, and the purpose of this Article.

G. **Expansions and Renovations.** The Planning Commission may approve the continuation of existing wall materials for an expansion or renovation of an existing building in the NB, CB1, and CB2 Districts, provided that the overall design and architectural character of the expansion is consistent with the existing building and the purpose of this Article.



**6.6 ALTERNATIVE DESIGNS OR MATERIALS.**

To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may waive or modify the requirements of this Article upon determining that the proposed architectural design or exterior façade material meets all of the following conditions:

- A. The proposed design or material is consistent with the purposes of this Article.
- B. The proposed design or material would enhance the character of the building and would be equal or superior to designs or materials permitted by this Article.
- C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.

## ARTICLE 7: PARKING, LOADING, AND ACCESS MANAGEMENT

### 7.1 PURPOSE.

The purpose of this Article is to protect water quality and the capacity of drainage and stormwater management systems, to limit the number of off-street parking spaces and area of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building, to establish flexible minimum and maximum standards for off-street parking and loading, and to promote the use and development of shared parking facilities and cross-access between sites.

### 7.2 SCOPE.

The regulations of this Article shall be met in all districts whenever any uses are established, any structure is erected, enlarged, or increased in capacity, a new land use is established, an existing use is replaced by a new use (change of use), or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this Article, subject to approval per Section 14.1 (Site Plan Review).

### 7.3 GENERAL STANDARDS.

The following general standards shall apply to all off-street parking and loading facilities:

- A. **Location of Spaces.** Off-street parking shall be on the same lot of the building it is intended to serve, except as otherwise provided for by this Article. Except for residential uses, off-street parking facilities shall be located within required rear yard setbacks, subject to provision of adequate screening per Section 8.6.1 (Parking Lot Landscaping and Perimeter Screening).
- B. **Dimensions.** Off-street parking areas shall be designed to the following minimum standards:

Dimensional Standards for Parking Spaces and Aisles			
Parking Angle	Stall Width	Stall Depth	Min-Max Aisle Width
Parallel	9 ft	22 ft	12-16 ft
45 degrees	9 ft	20 ft	12-16 ft
60 degrees	9 ft	20 ft	16-20 ft
90 degrees	9 ft	20 ft	22-26 ft
90 degrees - compact	9 ft	20 ft	20-24 ft

- C. **Use.** Use of off-street parking, stacking, and loading facilities shall be further subject to the following:
  1. No commercial activity or selling of any kind shall be conducted within parking areas, except as part of a permitted temporary use.
  2. The storage of merchandise, motor vehicles for sale, semi-trucks, or trailers, or the repair of vehicles shall be prohibited in off-street parking areas.



- D. **Shared Facilities.** The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared facility agreement between the property owners.

#### 7.4 MOTOR VEHICLE PARKING STANDARDS.

Off-street parking for single-and two-family (duplex) dwellings shall consist of a parking strip, parking bay, driveways, garage, or combination thereof located on the premises they are intended to serve, subject to the following:

- A. **Motor vehicles.** No motor vehicle shall be kept, parked, or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building.
1. This Section shall not apply to any motor vehicle ordinarily used but temporarily out of running condition.
  2. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Zoning Administrator may grant the owner a period of up to ninety (90) calendar days to procure a license.

#### 7.5 SCHEDULE OF MAXIMUM SPACES PARKING BY USE.

The maximum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

- A. **Parking Calculations – Motor Vehicles and Bicycle.** Where a use is not specifically mentioned in this Article, the Planning Commission shall apply the standards for a similar listed use. Where calculations determining the maximum number of permitted parking spaces result in a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded, and any fraction over one-half ( $\frac{1}{2}$ ) shall be rounded-up to the next highest whole number. The following rules shall also apply when calculating the maximum number of parking spaces:
1. Measurements based on square feet shall be calculated by usable floor area as defined in this Ordinance.
  2. The number of employees shall be based on the maximum number needed for the peak shift.
  3. Requirements based on the number of seats shall use a measurement of twenty four (24) inches of bench or twenty five (25) square feet of floor as one seat.
  4. Occupancy shall mean legal occupancy as determined by the Fire Department or other authorized agency.
  5. Once the parking spaces are calculated, 10% of the total number of spaces for motor vehicles shall be the required number of bicycle racks in the NB, CB-1, CB-2, and GB zones.

**B. Maximum Parking Requirements.**

1. To minimize excessive areas of pavement that detract from the aesthetics of the City and contribute to high rates of stormwater runoff, this Ordinance establishes a maximum number of parking spaces for each use. There are no minimum parking requirements except where specifically required in this Ordinance. The Planning Commission may grant an increase of up to twenty-five (25%) of the maximum number of parking spaces if:
  - a) The applicant can demonstrate to the Planning Commission's satisfaction the additional parking is necessary based on documented evidence of actual or anticipated demand.
  - b) The increase in parking will have no undue burden on neighboring property owners and/or natural features.
  - c) In granting a request to exceed the maximum number of parking spaces, the additional spaces shall be constructed of pervious pavement, pavers, or similar pervious material acceptable for the Planning Commission.

**C. Schedule of Maximum Permitted Parking by Use.**

USE	MINIMUM MAXIMUM REQUIRED PARKING
<b>Residential Uses</b>	
Accessory Dwelling Unit	One (1) per accessory dwelling unit
Bed and Breakfast Inn	One (1) per guest sleeping room
Elderly Housing, Dependent	One (1) per two (2) dwelling units or one (1) per four (4) beds, plus one (1) per on-duty employee
Elderly Housing, Independent and Senior Housing	One (1) per dwelling unit, plus one (1) per on-duty employee
Foster Care Small or Large Group Home or Congregate Care Facility	One (1) per 2 resident sleeping room, plus one (1) per on-duty employee
State Licensed Residential Facility or Other Managed Residential Facility	
Group Child Day Care Home	One (1) per on-duty employee based upon maximum employment shift
Manufactured Housing Park	Two (2) per dwelling.
Multiple-Family Housing	One (1.0) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
Two-Family or Duplex Dwelling	
Transient Housing	One (1) per 2 beds
Single Family Dwellings, Detached	Two (2) per dwelling.
<b>Office, Service, and Community Uses</b>	
Banks and Financial Institutions	One (1) per station
Barber Shop, Beauty Salon, and Nail Care	One (1) per service chair or station, plus one (1) per on-duty employee
Child and Adult Day Care Center or Child Caring Institution	One (1.0) per six (6) children/adults of state licensed or authorized capacity, plus one (1) per on-duty employee
Funeral Parlor or Mortuary	One (1) per four (4) persons allowed within the maximum building occupancy.
Health Club or Fitness Center	One (1) per four (4) persons allowed within the maximum building occupancy

USE	MINIMUM MAXIMUM REQUIRED PARKING
Government Offices, Fire and Police Stations	One (1) per on-duty employee, plus any required spaces for storage of vehicles.
Hospital or Urgent Care Center	One (1) per four (4) beds, plus one (1) per on-duty employee
Institutional Uses	One (1) per four (4) seats One (1) per on-duty employee plus one (1) per four (4) persons allowed within the maximum building occupancy.
Medical, Osteopathic, Chiropractic, Optical or Dental Offices, Clinics or Laboratories, Massage Therapists, and Physical Therapy Facilities	One (1) per on-duty employee, plus one (1) per examination or treatment room.
Offices for Professional, Service, or Administrative Uses	One (1) per station
Recreation Facilities, Indoor	One (1) per four (4) persons allowed within the maximum building occupancy
Recreation Facilities, Outdoor	One (1) per 7,500 square feet of gross land area.
Veterinary Clinic, Kennel, or Animal Shelter	One (1) per 500 square feet of usable floor area, plus one (1) per on-duty employee
<b>Commercial Uses</b>	
Amusement Centers, Indoor, or Outdoor.	One (1) per on-duty employee, plus one (1) per three (3) amusement stations, games, holes, or lanes, or one (1) per four (4) persons allowed within the maximum building occupancy.
Big Box Commercial Uses, with more than 50,000 square-feet of total gross floor area	One (1) per 1,000 square feet of usable floor area.
Car Wash, Automatic, or Self-Service	Two (2), plus one (1) per on-duty plus six (6) stacking spaces per service lane and two (2) for post-wash detailing.
Drive-in or Drive-through Facilities	Two (2) per service window, booth, cubicle, or stall, plus six (6) stacking spaces per service lane.
Farm Market	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee
Hotel or Inn	One (1) per occupancy unit, plus one (1) per on-duty employee
Laundromat and Dry Cleaning	One (1) per six (6) washing or drying machines, or one (1) per 300 square feet of usable floor area.
Manufactured Housing Sales	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee
Dealership Showroom (indoor only) for Sales or Rentals of Motor Vehicles, Recreational Vehicles, Construction or Farming Equipment or Similar Durable Goods	One (1) per 500 square feet of usable floor area of the sales room, plus one (1) per on-duty employee
Motor Vehicle Fueling Station	One (1) per on-duty employee, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.
Motor Vehicle Service Center Motor Vehicle Repair Station	One (1) per on-duty employee, plus one (1) per service bay, plus one (1) stacking space per service bay.
Open Air Business, Garden Center, or Dealership Sales Lot	One (1) per 1,000 square feet of outdoor sales or display area.
Restaurants, Coffeeshouses, Doughnut Shops, Delicatessens, and other Food or Beverage Service Establishments, Carry-Out Only	One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee
Restaurants, Coffeeshouses, Doughnut Shops, Delicatessens,	One (1) per four (4) seats, based upon the maximum seating capacity, plus one (1) per on-duty employee

USE	MINIMUM MAXIMUM REQUIRED PARKING
and other Food or Beverage Service Establishments, with Dine-In Seating	
Outdoor Café or Outdoor Eating Area	
Retail Stores and Commercial Uses not otherwise specified in this table	One (1) per 300 square feet of usable floor area.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	One (1) per three (3) persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one (1) per on-duty employee
<b>Industrial, Research, and Laboratory Uses</b>	
Industrial, Research, and Laboratory Uses not otherwise listed in this table – established for a known user.	One (1) per on-duty employee, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Industrial, Research, and Laboratory Uses not otherwise listed in this table – established on speculation, or where the end user or number of anticipated employees is not known.	One (1) per 2,000 square feet of usable floor area for the industrial, research or laboratory use, plus one (1) per office or other accessory uses.
Outdoor Storage, General	One (1.0) per on-duty employee, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.
Outdoor Storage, Dismantling or Recycling of Motor or Recreational Vehicles, Boats, Manufactured Houses, and Similar Items	
Self-Storage Warehouse	Two (2) for the caretaker's dwelling, plus one (1) per storage unit
<b>Other Uses</b>	
Adult Entertainment Uses and Sexually Oriented Businesses	One (1) per 500 square feet of usable floor area.
Greenhouses and Nurseries	One (1) per on-duty employee, plus one (1) per 400 square feet of usable floor area for any offices or other accessory uses.

**7.6 DESIGN REQUIREMENTS.**

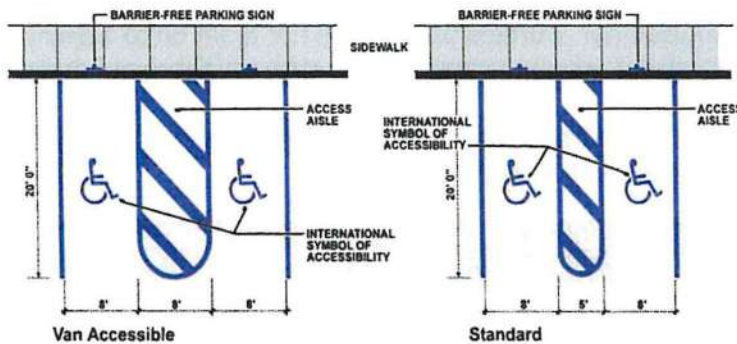
Off-street parking facilities, other than parking for single-and two-family (duplex), shall be designed, constructed, and maintained in accordance with the following:

- A. **Barrier-Free Parking Requirements.** Barrier-free parking spaces shall be provided per the State Construction Code enforced by Sanilac County and the following:

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7

401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

- Such spaces shall be accessible from and conveniently located near each primary building entrance.
- Such spaces shall be identified by above grade signs and pavement striping (see illustration).

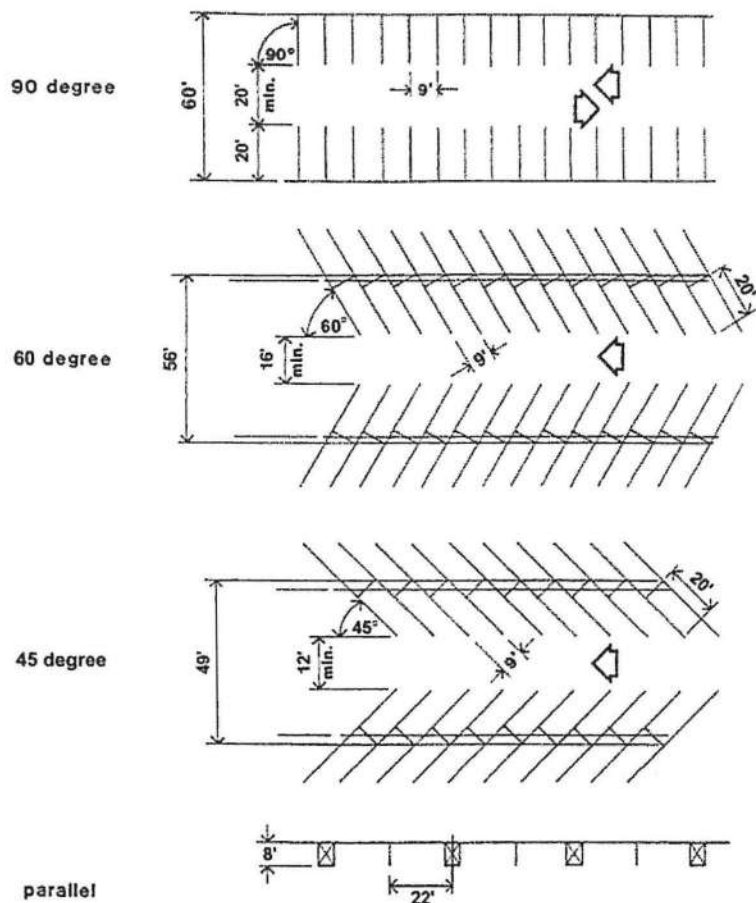


- B. **Setbacks and Screening.** Screening and landscaping shall be provided for all parking and loading facilities in accordance with the provisions of Section 8.6.1 (Parking Lot Landscaping and Perimeter Screening). Off-street parking spaces and all driveways shall be set back a minimum of ten (10) feet from all street rights-of-way and abutting residential uses.
- C. **Exterior Lighting.** Parking lot lighting shall comply with the standards of Article 10 (Exterior Lighting).
- D. **Ingress/Egress.** Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a street or using a street for maneuvering between parking rows shall be prohibited. Driveways and aisles for off-street parking facilities shall comply with the following:
- Drive aisles in off-street parking lots shall be at least twenty (20) feet wide, and shall not exceed 200 feet in length without a break in circulation.
  - Each driveway shall be a minimum of eleven (11) feet and a maximum of fifteen (15) feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area. The driveway shall intersect the abutting street at a ninety-degree (90°) angle.
  - Ingress and egress to an off-street parking serving a multiple-family or non-residential use shall not cross land in the R (Single Family Residential) District.
  - Ingress and egress to any off-street parking lot serving a multiple-family or non-residential use shall be set back a minimum of twenty five (25) feet from abutting land in the R (Single Family Residential) District or occupied by an existing dwelling.

- E. **Pavement and Striping.** Off-street parking facilities shall be paved with concrete, plant-mixed bituminous asphalt, or similar materials. All parking spaces in paved lots shall be marked with pavement striping.
- F. **Stacking Spaces.** Where required by this Article, stacking spaces for drive-through facilities shall be ten (10) feet wide by twenty (20) feet long. Stacking spaces shall not intrude into any street right-of-way or maneuvering lane for an off-street parking lot.
- G. **Grading and Drainage.** Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the City, the Sanilac County Road Commission, and the Sanilac County Drain Commissioner. Surface water shall not drain on to adjoining lots, towards buildings or across a public street, except in accordance with an approved drainage plan.
- H. **Parking Layout.** The layout of off-street parking facilities shall be in accordance with the following minimum requirements (see illustration):

Parking Pattern (degrees)	Maneuvering Lane Width	Space Width	Space Length	Width of Maneuvering Lane Plus Two Rows
0° (parallel)	24 feet (two-way)	8 feet	22 feet	40 feet
45°	12 feet (one-way)	9 feet	20 feet	49 feet
60°	16 feet (one-way)	9 feet	20 feet	56 feet
90°	20 feet (two-way)	9 feet	20 feet	60 feet

1. Parking aisles shall not exceed three hundred (300) feet without a break in circulation.
2. All parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the lot boundaries, into required screening or landscaping, or across sidewalks or pedestrian pathways.
3. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to the setback requirements for structures in the district where the parking lot is located.



**7.7 BICYCLE PARKING STANDARDS FOR COMMERCIAL USES IN NB, CB-1, CB-2, GB.**

- A. Exterior bicycle racks may be located in the front, side, or rear of the building but shall be in close proximity to a building entrance. On sites where the property occupies one hundred percent (100%) of the building envelope, then the Planning Commission may determine if exterior bicycle racks may be placed in the public ROW. In those instances, it will be encouraged that bicycle racks are placed inside the building.
- B. A physical barrier, designed to prevent motor vehicles from driving into bicycle parking areas, shall be provided between bicycle and motor vehicle parking when bicycle-parking areas are located within a parking structure or lot.
- C. Bicycle racks shall be served by a minimum of a three (3) foot paved path.
- D. All racks are required to have spaces that are at least two (2) feet wide and six (6) feet long. The placement of bike parking facilities cannot interfere with the required six-foot (6) pedestrian walkway or any ADA required ramps.
- E. On a site where no parking is provided, a minimum of one bicycle rack is required when the property changes ownership, use, or undergoes a substantial renovation. On a site that has a shared parking agreement, when more than one of the property changes ownership, use, or

undergoes a substantial renovation, ten percent (10%) of parking spaces in the shared parking lot shall be bicycle racks in addition to the existing parking spaces for vehicles.

## 7.8 CONSTRUCTION.

Construction or alteration of off-street parking lots shall be in accordance with an approved site plan and the following:

- A. Proof of any necessary permits or approvals from the Sanilac County Chief Building Official, Road Commission, Drain Commissioner's Office, or other agency with jurisdiction shall be provided to the City.
- B. Plans for parking lots shall indicate existing and proposed grades, drainage, surfacing and base materials, and the proposed parking layout.
- C. In the event that required paving cannot be completed because of cold or inclement weather, the City may require submittal of a performance guarantee to ensure completion per Section 1.08 (Fees and Performance Guarantees).

## 7.9 OFF-STREET LOADING.

On the same premises with every structure, use or part thereof involving the receipt or distribution of vehicles, equipment, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- A. **General Standards.** The following shall apply to loading and unloading areas in all zoning districts:
  1. **Setbacks.** Loading spaces shall be set back a minimum of fifty (50) feet from any residential district or use, except where enclosed within a building or screened to the satisfaction of the Planning Commission, per Section 8.4 (Buffering and Screening).
  2. **Hard surface required.** The Planning Commission may require that loading spaces be paved with a surface providing the equivalent load strength of up to nine (9) inches of concrete.
  3. **Dimensions of loading spaces.** Each loading space shall be at least ten (10) feet wide and 25 feet long. If roofed, a loading space must have at least fifteen (15) feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis, or requires that semi-trailers will be parked in the space for more than one (1) hour at any time, the loading space shall be at least sixty (60) feet long.
  4. **Location of loading spaces.** The location and arrangement of loading spaces shall be subject to the following:
    - a) Off-street loading space may be completely enclosed within a building or may occupy a portion of the site outside of the building. Where any portion of a loading space is open to public view, screening shall be provided in accordance with Section 8.4 (Buffering and Screening).



- b) All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard. Loading and unloading facilities shall be prohibited in the front yard.
- c) Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

**B. Use Standards.** The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. Commercial Uses (including the commercial space in mixed-use districts) and Industrial, Research, and Laboratory Uses shall be required to provide a minimum number of loading spaces as follows:

SIZE OF STRUCTURE	# OF LOADING SPACES
Up to 1,400 (sq ft)	0
1,400 - 20,000	1
20,001 - 50,000	2
50,000 (+1 space for each additional 50,000 sq ft or fraction thereof)	3

**7.10 MODIFICATION OF STANDARDS.**

Limited modifications to the standards of this Article shall be permitted, subject to the following:

- A. **Reduced Parking Standards.** Commercial uses that are within seven hundred fifty (750) feet of an existing or planned off-street public parking lot shall not have to maintain a private off-street parking lot.
- B. **Off-Site Parking Facilities.** Parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:
  - 1. Parking shall be located within five hundred (500) feet of the primary building entrance.
  - 2. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
- C. **Modification of Loading Space Requirements.** The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.
- D. **Other Circumstances.** The Planning Commission may modify or waive an off-street parking standard under this Article under any of the following circumstances:
  - 1. A determination that existing off-street parking spaces on or adjacent to the lot can effectively accommodate the parking needs of the proposed use without negatively impacting traffic safety or adjacent uses.

2. Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale, or intensity of the proposed use.

**7.11 MAINTENANCE.**

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- A. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this Ordinance.
- B. All parking areas, perimeter landscaped areas, and required screening shall be kept free from weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.

**7.12 ACCESS MANAGEMENT.**

The purpose of this Section is to protect the substantial public investment in the City’s street system by preserving the traffic capacity of existing streets and providing safety measures for nonmotorized users. It is the further intent of this Section to promote safe and efficient travel within the City, minimize disruptive and potentially hazardous traffic conflicts between vehicles and pedestrians, establish efficient standards for driveway spacing and the number of driveways, and ensure reasonable vehicular access to properties, though not always the most direct access.

- A. **Zoning Districts.** The standards of this Section shall apply to land in the City’s zoning districts in accordance with the following table:

Zoning District Name	Symbol	Application of Access Management Standards
Single-Family Residential	R	Exempt
Multiple-Family Residential	RM	
Manufactured Housing Park	MHP	
Neighborhood Business	NB	Only to lot boundaries abutting state highways M-19 or M-46
Community Business	CB1, CB2	
General Business	GB	
Industrial-Research	I-1	
General Industrial	I-2	

- B. **County or State Access Management Standards.** Where the Sanilac County Road Commission (SCRC) or Michigan Department of Transportation (MDOT) have adopted access management standards which are more restrictive than the standards of this Section, the adopted SCRC or MDOT standards shall supersede the standards of this Section.
- C. **Driveway Spacing Standards.** Each parcel or part thereof subject to the standards of this Section shall have no more than one (1) driveway entrance and exit opening to a public street for each three hundred (300) feet of frontage or fraction thereof.
  1. Where more than one (1) driveway is allowed, the driveways shall be located at least one hundred (150) feet apart.

2. No driveway shall be located within thirty (30) feet of a side lot boundary, or within fifty (50) feet of an intersection of two (2) or more street rights-of-way.

D. **Shared Access Standards.** Vehicle access to parcels or part thereof subject to the standards of this Section may be provided by the development and use of shared driveways, cross-access drives, service drives, and similar means of shared access, subject to the following:

1. **Location.** New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the street right-of-way.
2. **Cross-access easement.** Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots, which shall be recorded with the Sanilac County Register of Deeds office.
3. **Maintenance.** The easement area shall remain clear of obstructions and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the shared access.

E. **Alley Access.** Access to off-street parking areas for non-residential use shall not be permitted across lots that are residential in use or in a residential zoning district. Where a parking area abuts an improved alley, access shall be obtained from the alley. Where a parking area has no access to an improve alley, but has access to two or more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive these requirements if a practical difficulty has been presented that prevents the requirement from being satisfied.

F. **Pedestrian Access.** Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate, and shall be distinguished by textured paving and shall be integrated into the pedestrian network system. Pavement textures shall be required on pedestrian access ways, and strongly encouraged elsewhere in the parking lot, as surfacing materials, or when used as accents.

### 7.13 TRAFFIC IMPACT STUDIES.

Where authorized by this Ordinance or determined necessary by the Planning Commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The City may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per Section 1.17 (Fees and Performance Guarantees).

The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site street improvements. At a minimum, the TIS shall meet standards of the Michigan Department of Transportation (MDOT) handbook entitled Evaluating Traffic Impact Studies. The Planning Commission may modify the TIS requirements or scope based upon site and use location and conditions.

At a minimum, the TIS shall include the following:

- A. An analysis of existing traffic conditions or site restrictions using current data.

- B. Projected trip generation at the subject site based on the most recent edition of the Institute of Transportation Engineers' *Trip Generation* manual. The City may approve use of other trip generation data if based on recent studies of at least three (3) similar uses at similar locations in Michigan.
- C. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting streets. Capacity analysis shall be based on the most recent edition of the of the Transportation Research Board's *Highway Capacity Manual*, and shall be provided in an appendix to the TIS.
- D. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles, and other users.
- E. Prediction of the peak-hour operational conditions at site driveways and street intersections affected by the development.
- F. Justification of need, including statements describing how any altered or additional access points will meet the intent of this Article, preserve public safety and street capacity, and be consistent with the adopted master transportation plans for the City, county or state road authorities.
- G. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three (3) years of experience preparing traffic impact studies in Michigan. If the TIS involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

## **ARTICLE 8: SCREENING AND LAND USE BUFFERS**

### **8.1 PURPOSE.**

Screening and land use buffers are necessary for the protection and enhancement of the environment and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening elements enhance the visual environment; preserve natural features, protect property values, alleviate the impact of noise, traffic, and more intensive land uses, and minimize visual impacts of parking lots, loading areas and storage areas, and manage stormwater. Screening and buffering also contribute to a healthy development pattern and increase the level of privacy for residential uses in the City.

The purpose of this Article is to establish minimum standards for the design, installation, and maintenance of screening elements and plant materials, to establish reasonable standards for the screening of uses of a significantly different scale or character, and buffering of parking lots, storage areas, and similar activities from street rights-of-way and adjacent lots. It is the intent of this Article that required screening and buffering elements shall be immediately effective in achieving the purpose of this Article and shall maintain that effectiveness as the plant materials mature.

### **8.2 SCOPE.**

The standards of this Article shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this Ordinance that are subject to review per Section 14.1 (Site Plan Review), condominium site plan approval per Article 15 (Condominium Regulations), or planned unit development approval per Article 16 (Planned Unit Developments). Uses and activities exempt from site plan approval per Section 14.1 (Site Plan Review) shall be exempt from the requirements of this Article. All uses that abut a residential zone and/or right-of-way are subject to the requirements of this Section.

The standards of this Article shall be considered the minimum necessary to achieve the purposes of this Article and Ordinance. No provision of this Article shall preclude a developer and the City from agreeing to more extensive landscaping or screening. Where existing sites have been developed without adequate screening or buffering, the purposes of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

#### **8.2.1 Landscape Plan Required.**

- A. All new uses requiring a site plan review;
- B. Additions to existing structures that increase the floor area by more than twenty (25) percent;
- C. Expansions or contractions of nonconforming sites that do not meet the landscape requirements of this section.

#### **8.2.2 Exceptions.**

- A. The reconstruction of an existing structure of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, wind, storm, or act of nature, and where the reconstruction will not result in an increase in size of the structure, parking facilities, or paved areas;
- B. Interior remodeling or façade improvements that do not result in an increase in size of the structure, parking facilities, or paved areas; and
- C. Any use, building, or structure for which only a change of use is requested, and which requires no structural modifications that increase its volume or scale.

### 8.2.3 Application.

All applicable projects shall submit a landscape plan as part of the site plan review process that contains the following:

- A. Plan scale equal to that of the site plan and a north arrow,
- B. Existing and proposed topography,
- C. Location and type of all existing vegetation and wetlands,
- D. Location and size of all proposed plant materials,
- E. Zoning District classification of adjacent properties,
- F. Planting list for all proposed landscape materials indicating botanical and common names, sizes, root condition and quantities,
- G. Vegetation inventory created by a forester, landscape architect, or other person having similar recognized skills and/or experience that includes the approximate location and extent of existing vegetation, significant tree stands or woodlands, location and size of vegetation proposed to be retained as credit towards landscape requirements, and identification of any invasive species.

## 8.3 GENERAL STANDARDS.

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

### 8.3.1 Design Standards.

- A. **Visibility.** Landscaping and screening materials and layout shall conform to the requirements of Section 4.10 (Corner Clearance Areas) and shall not conflict with visibility for motorists or pedestrian access.
- B. **Plantings near utility lines and fire hydrants.** Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.

- C. **Protection.** Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
- D. **Maintenance.** All required landscaped areas shall be maintained in a healthy condition and kept orderly in appearance.
- E. **Irrigation.** To assist in maintaining plant materials in a healthy condition, all landscaped areas shall be provided with an automatic, underground, drip irrigation system, subject to the following:
  - 1. The Planning Commission may approve an alternative form of irrigation for a particular site or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
  - 2. All automatic irrigation systems shall be designed to minimize water usage and shall be manually shut off during water emergencies or water rationing periods.

### 8.3.2 Plant Material Standards.

- A. **General.** The following shall apply to all plant materials:

- 1. All plant material shall conform to size and description set forth in the current edition of " American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI 260.1, 1996).
- 2. All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the City.
- 3. All plant material shall be nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack. Native species are encouraged.
- 4. Artificial plant material shall be prohibited within required screening areas.

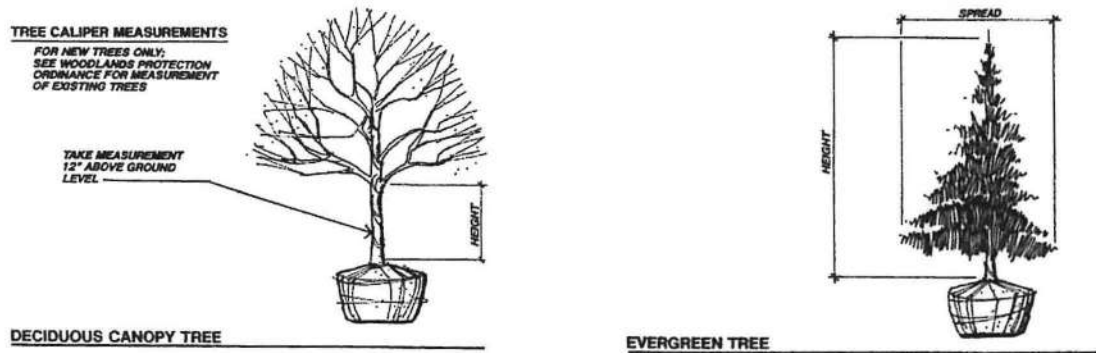
- B. **Groundcovers.** The following shall apply to all groundcover materials:

- 1. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease without the use of pesticides that can have a negative impact on the water.
- 2. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.

3. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.
- C. **Mulch.** Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep and shall be pulled one (1) inch away from tree trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.
  - D. **Site design.** Landscape areas must be protected from vehicular traffic through the use of concrete curbs, vehicle stops, or other permanent barriers. Protecting significant trees requires locating buildings, roads, and sidewalks in areas of the site which will minimize tree destruction, as well as establishing Protected Root Zones (i.e. tree root buffer zones) to protect vegetation during road widening, sidewalk construction, and cut-and-fill activities.
  - E. **Plant substitutions.** The Zoning Administrator may approve minor revisions to the landscape plans due to seasonal planting problems and/or lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category (i.e., deciduous or evergreen trees) as the material being replaced.
  - F. **Invasive species management.** An applicant shall develop a removal and/or management strategy for invasive species identified on the vegetation inventory.
  - G. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, ground covers, and planting beds.
  - H. **Distance to road pavement.** No plantings exceeding thirty (30) inches in height shall be permitted closer than three (3) feet from the edge of the road pavement or back of curb.
  - I. **Time Period.** Required landscaping shall be installed prior to the issuance of an occupancy permit. If a development is completed during the off-season when plants cannot be installed, the developer shall submit a performance guarantee equal to the materials and labor for the required landscaping to ensure installation at the beginning of the next planting season.
  - J. **Replacement.** When trees or shrubs planted in accordance with the requirements of this section die or are removed for any reason, they must be replaced during the next suitable planting season in a manner, quantity and size approved by the Zoning Administrator.
  - K. **Standards for Size and Variety of Plant Materials.** To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than thirty percent (30%) of any single plant species, and shall comply with the following schedule for minimum sizes at planting:



SCREENING MATERIALS	MINIMUM SIZE AT INSTALLATION
<b>Deciduous Shade Trees</b>	2½ - 3 caliper-inches diameter
<b>Evergreen Trees</b>	6.0 feet overall height
<b>Deciduous Ornamental Trees</b>	2.0 caliper-inches diameter or 6 feet overall height
<b>Shrubs</b>	30 inches in height or 24 inches in spread



Caliper height will be measured at 12 inches from the ground.

L. **Existing Plant Materials.** Healthy existing trees and other plant materials on a site may be used to satisfy specific screening standards of this Article, subject to Planning Commission approval and the following:

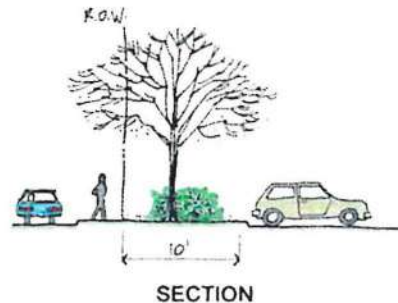
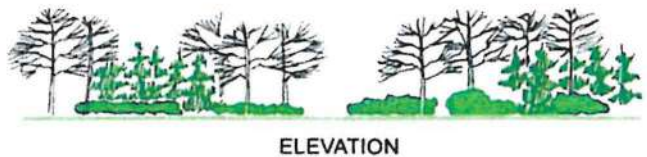
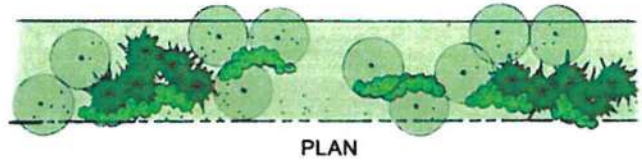
1. The location, size, and species of individual trees and other plant materials to be preserved shall be identified on the site plan. Any tree that can be reasonably preserved shall be.
2. The Planning Commission may require City inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials. Such inspections shall be performed by qualified City staff or by a certified arborist or similar qualified consultant.
3. Where plant materials are to be saved, prior approval shall be obtained by the property owner from the Zoning Administrator prior to any delimiting, root pruning, or similar work.
4. Protective fencing shall be placed at the drip-line of existing trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas.
5. In the event that trees or other plant materials identified to be preserved on an approved site plan are destroyed or damaged, as determined by the Zoning Administrator, the owner, developer or contractor shall replace the plant material with a comparable size, amount, and species.

### 8.4 BUFFERING AND SCREENING

#### 8.4.1 Methods of Screening.

Where required by this Ordinance or otherwise determined necessary by the Planning Commission in accordance with the purposes and scope of this Article, screening and buffering elements shall satisfy the purpose and objectives of this Article, and shall be accomplished by one (1) or more of following five (5) methods that the Planning Commission determines to be best suited for the existing conditions:

A. **Greenbelt Buffer.** The purpose of this method is to establish a buffer between incompatible adjacent land uses when that may occur, or between uses and adjacent street rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):



1. Greenbelts shall have a minimum width of ten (10) feet and may be interrupted only to provide for pedestrian or vehicular access.
2. Greenbelts shall be located on totally private property within a planting strip adjacent to the road right-of-way.
3. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers.
4. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of one (1) tree and three (3) shrubs per fifteen (15) linear feet of greenbelt length along a property line or street frontage.
  - a) Such required plant materials may be placed at uniform intervals, at random or in groupings.
  - b) The greenbelt length shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways.

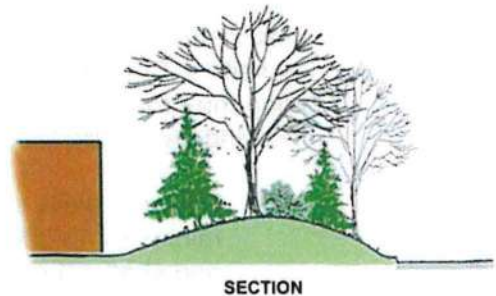
B. **Fence.** The purpose of this method is to visually screen parking lots, outdoor storage areas, and similar uses where the predominant impacts are at or below eye level. This

method shall consist of an ornamental, rail, or privacy fence constructed along the lot or zoning district boundary, or around the perimeter of the area to be screened, subject to the following (see illustration):

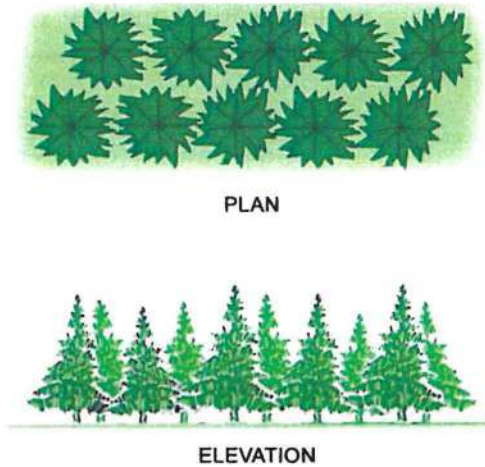
1. Required fences shall have a minimum height of three (3) feet, and shall not exceed six (6) feet in height above grade unless a higher fence height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Such fences shall conform to the standards of Section 17.2 (Fences).
3. The fence materials, height, location, and design shall be consistent with existing fences on adjacent lots, and shall be subject to Planning Commission approval.

C. **Berm.** The purpose of this method is to effectively screen visual and noise impacts using natural-appearing landforms. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or street rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):

1. Berms shall have side slopes no steeper than four (4) feet horizontal to one (1) foot vertical (4:1 ratio) and have at least a two (2) feet flat surface on top.
2. Berms shall have a minimum height of three (3) feet above the grade elevation. Overall berm height shall be adequate for the intended screening function. Grade elevation shall be the ground elevation at the nearest lot line adjacent to the proposed berm.
3. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace, or similar means acceptable to the Planning Commission.
4. The berm shall be designed and graded to blend with existing topography and sodded, hydro-seeded, or planted with appropriate groundcovers.
5. Berms shall be landscaped per Section 8.4.1A (Greenbelt Buffer). For the purpose of determining any required plant materials, the length of any required berm shall be measured from one toe of the berm (the farthest point at one end of the berm's long dimension where the berm height equals the surrounding grade level) along the berm's centerline to the toe at the opposite end of the berm.



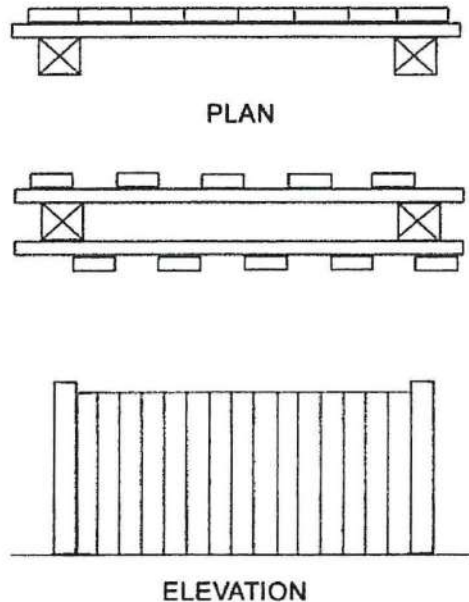
D. **Evergreen Screen.** The purpose of this method is to create a dense obscuring screen that meets the objectives of this Article. This method is intended to establish a year-round screening barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site. This method shall consist of closely spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of fifteen (15) feet apart in at least two (2) staggered rows (see illustration).



E. **Masonry Wall or Fences.** The purpose of this method is to create a solid, year-round barrier and obscuring screen to effectively block noise, light, and other impacts between land uses of differing intensities. Such walls shall be placed along the property line and subject to the following (see illustration):



1. Masonry walls shall have a minimum height of three (3) feet and shall not exceed six (6) feet in height above grade unless a higher wall height is determined by the Planning Commission to be necessary to provide adequate screening.
2. Walls shall be solid in character, and capped with a stone or concrete cap.
3. Wall materials shall be coordinated with the principal building materials on the site. The Planning Commission may require that decorative masonry (brick, stone, or decorative block) materials be incorporated into the wall design and construction.
4. Walls and fences shall include one (1) vine or shrub per ten (10) lineal feet, planted on the exterior of the structure.



**8.4.2 Buffer and Screening Requirements.**

<b>LANDSCAPE BUFFER AND SCREENING REQUIREMENTS</b>				
<b>Zoning District</b>	<b>Min. Buffer Width</b>	<b>Screen Height</b>	<b>Material</b>	<b>Required Instances and Locations</b>
R	n/a	n/a		n/a
RM	10 ft	n/a	Green Belt or Wall/Fence	Rear and side property lines abutting R
MH	10 ft	6 ft	Green Belt or Wall/Fence	All property lines and public rights-of-way
NB	5 ft	6 ft	Wall/Fence	Side and rear property line abutting R or RM districts
CB-1	n/a	6 ft	Wall/Fence	Side and rear property line abutting R or RM districts
CB-2	10 ft	6 ft	Vegetated, Wall/Fence or Combination	Side and rear property line abutting R, RM, or NB districts
GB	10 ft	6 ft	Vegetated, Wall/Fence, Berm, or Combination	Side and rear property line abutting R, RM, or NB
I-1	20 ft	8 ft	Vegetated, Wall/Fence, Berm, or Combination	All rear and side property lines abutting all non-industrial districts and rights-of-way
I-2	20 ft	8 ft	Vegetated, Wall/Fence, Berm, or Combination	All rear and side property lines abutting all non-industrial districts and rights-of-way

**8.5 LOT LANDSCAPING.**

In addition to any required buffer or right-of-way landscaping requirements, the following lot landscaping requirements shall apply:

- A. All unpaved or undeveloped portions of a lot shall be planted with grass, ground cover, or shrubs.
- B. All properties zoned RM, NB, GB, I-1 and I-2 shall provide one (1) tree per four thousand (4,000) square feet.
- C. Trees may be grouped or evenly distributed.
- D. If a property occupies one hundred percent (100%) of the parcel, and has no room available to fulfill the lot landscaping requirements, then the city encourages 10% of the rooftop to be covered with a green roof.

**8.6 STANDARDS FOR SPECIFIC AREAS.**

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

**8.6.1 Parking Lot Landscaping and Perimeter Screening.**

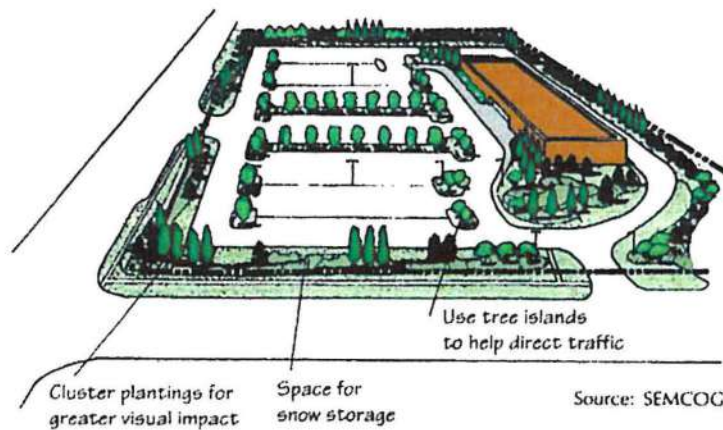
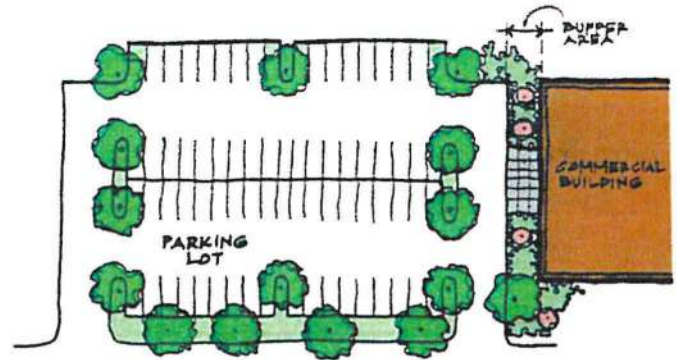
Parking lot landscaping and perimeter screening shall be arranged to improve the safety of pedestrian and motorists, guide traffic movement, define egress/ingress points, interior

circulation system, and fire lanes, and improve the appearance of the parking area. Parking lot landscaping and perimeter screening shall be subject to the following:

**A. Perimeter screening.**  
 Parking lots shall be screened from all abutting Residential Uses, residential districts, and street rights-of-way per Section 8.4 (Buffering and Screening).

**B. Snow storage area.**  
 Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.

**C. Landscaping within parking lots.** The Planning Commission may require installation of planting islands within parking lots that exceed ten (10) parking spaces or six thousand (6,000) square feet of paved surface area. Such planting islands shall be subject to the following (see illustration):



1. Single-loaded aisles shall have one (1) treed island containing one (1) canopy tree at both ends of each row. The minimum dimensions for each island shall be nine (9) feet by eighteen (18) feet.
2. Double-loaded aisles shall have one (1) treed island containing two (2) canopy trees at both ends of each row. The minimum dimensions for each island shall be twelve (12) feet by thirty-six (36) feet.
3. In addition to the above required treed islands, additional treed islands shall be provided at a ratio of one (1) treed island per ten (10) parking spots and shall be evenly distributed throughout the off-street parking area. The treed islands shall contain one (1) canopy tree each and shall have the minimum dimensions of nine (9) feet by eighteen (18) feet.
4. Shrubs and live groundcover plantings shall be used to cover all unplanted areas of the island.
5. Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission.

6. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with six (6) inch concrete curbing or similar permanent means, but there shall be a gap where the curb touches the ground to allow water to run into the planting area.

#### **8.6.2 Loading, Storage, and Service Area Screening.**

Loading, storage, and service areas, public utility and essential service uses, and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from street rights-of-way and adjacent uses in accordance with Section 8.4 (Buffering and Screening).

#### **8.6.3 Outdoor Trash Storage Area Screening.**

Outdoor trash storage areas shall be screened and secured in accordance with the following:

- A. Outdoor trash storage areas shall be screened by a six (6) foot high masonry wall enclosing three (3) sides of the storage area, subject to the standards of Section 8.4E (Masonry Wall).
- B. The enclosure shall be secured by steel-reinforced and lockable gates designed to obscure visibility into the enclosure.
- C. Concrete-filled bollards or similar protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the walls.
- D. A concrete pad that conforms to State Construction Code standards shall be provided under the trash storage area and extending out a minimum of ten (10) feet in front of the enclosure's gates.
- E. Such storage area shall be located and arranged as to minimize visibility from adjacent street rights-of-way and residential uses. In no instance shall any trash storage area be located in a front yard.
- F. Outdoor trash storage shall be limited to normal refuse collected on a regular basis and maintained in a neat, orderly, and sanitary condition. In no instance shall any refuse be visible above required screening.

#### **8.6.4 Detention and Retention Basin Area Screening.**

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:

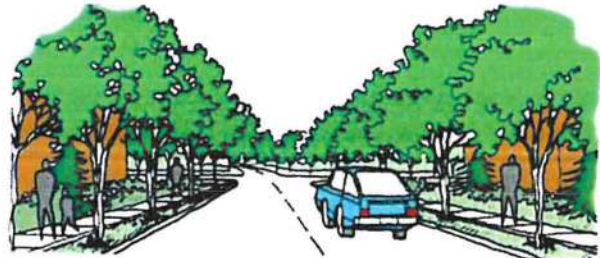
- A. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
- B. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.

- C. Basins shall be planted with a mixture of groundcover and wetland-based plantings native to Michigan, such as native grasses or wildflowers.
- D. A perimeter greenbelt buffer shall be provided in accordance with Section 8.4.1A (Greenbelt Buffer) and the following:
  - 1. Plantings shall be clustered around the basin to achieve a variety of plant materials and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
  - 2. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

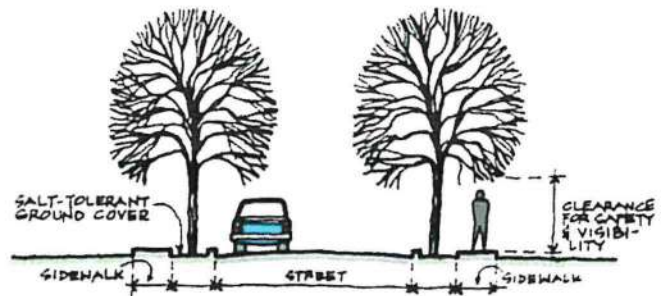
**8.6.5 Rights-of-Way and Other Adjacent Public Open-Space Areas.**

Public rights-of-way and other public open-space areas adjacent to required landscaped areas and development sites shall be landscaped in a manner that enhances the visual character of City streets and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping shall be subject to the following:

- A. **Street trees.** Street tree plantings shall be required for all development projects, including single-family homes along the margins of street rights-of-way in the City, subject to the following (see illustration):



- 1. Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per forty (40) linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings.
- 2. Existing trees near or within street rights-of-way shall be preserved where feasible.
- 3. Permits may be required by the City, or county or state road authorities for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a street right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the Planning Commission.





- B. **Groundcover plantings within street rights-of-way.** Street rights-of-way shall be planted with grass or other suitable ground cover.
- C. **Maintenance of right-of-way landscaping.** Right-of-way landscaping shall be maintained by the owner of the abutting lot(s).

**8.7 PROHIBITED PLANT MATERIALS.**

The following trees are not considered desirable plant materials because of various problems, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

SPECIES	COMMON NAME
<i>Acer negundo</i>	Box Elder
<i>Ulmus x</i>	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
<i>Aesculus x</i>	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
<i>Populus x</i>	Poplar varieties
<i>Elaeagnus x</i>	Olive varieties
<i>Salix x</i>	Willow varieties; except in appropriate wetland ecosystems
<i>Catalpa x</i>	Catalpa varieties
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Ginkgo biloba</i>	Ginkgo (female); male trees are acceptable
<i>Robinia pseudoacacia</i>	Black locust
<i>Morus alba</i>	Mulberry (white)
<i>Acer saccharinum</i>	Silver Maple
<i>Fraxinus x</i>	Ash varieties

**8.8 VEGETATION CREDITS.**

- A. **Preservation.** Existing deciduous trees, evergreens, flowering trees, and shrubs shall be protected and incorporated into the site plan wherever feasible.
- B. **Credit.** Existing vegetation may be credited as detailed below for the purpose of calculating landscaping compliance provided that the plants are in healthy growing condition, are at least the minimum size, and are the appropriate species.

EXISTING LANDSCAPING CREDIT RATIO		
Vegetation Type	Maturation	Landscaping Credit
Deciduous Tree	3" or less caliper	1:1
Deciduous Tree	4" – 6" caliper	1:2
Deciduous Tree	7" – 9" caliper	1:3
Deciduous Tree	10" – 12" caliper	1:4
Deciduous Tree	Greater than 12" caliper	1:5
Evergreen or Ornamental Tree	6' or less height	1:1
Evergreen or Ornamental Tree	7' – 12' height	1:2
Evergreen or Ornamental Tree	13' – 16' height	1:3
Evergreen or Ornamental Tree	Greater than 16' height	1:4
Shrub	Any size	1:1

### C. Protection of Vegetation.

1. Preserved trees shall be protected with high visibility barriers around the protected root zone. The protected root zone shall be a radius one and a half (1 ½) feet from the trunk for every one (1) inch of the tree caliper.
2. Barriers shall not be supported by the trees.
3. No grading, demolition, trenching, operation or storage of equipment, or other activity shall occur in the protected root zone.
4. Where the Zoning Administrator determines that irreparable damage has occurred to a tree credited for preservation, the tree shall be removed and replaced in size and quantity as required in this section and having been given credit for.

### 8.9 INSTALLATION.

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

- A. **Deadline for installation.** Installation of required screening elements and plant materials shall be completed within three hundred and sixty five (365) calendar days from the date of site plan approval for the project.
- B. **Extension.** The Zoning Administrator may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
- C. **Performance guarantee.** The Zoning Administrator may require submittal of a performance guarantee, per Section 1.17 (Fees and Performance Guarantees), to cover the cost of installing required screening elements and plant materials. After installation has been completed, the Zoning Administrator or Code Enforcement Officer shall conduct an inspection of the plant materials before the guarantee may be released.

### 8.10 MAINTENANCE.

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

- A. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.
- B. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris, and refuse. Tree stakes, guy wires, and tree wrap shall be removed after one (1) year.
- C. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.

- D. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.
- E. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.
- F. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

## **8.11 STORMWATER MANAGEMENT.**

### **8.11.1 Intent and Purpose.**

The purpose of this section is to provide adequate measures for the retention, detention, and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality during development.

### **8.11.2 Applicability.**

This section applies to any application for site plan review required by this ordinance. A stormwater management plan shall be provided in compliance with other city or county regulations, as amended or replaced.

### **8.11.3 Stormwater Detention.**

- A. **Level of Service Standard.** Stormwater detention shall mitigate peak flow rates to predevelopment or existing development conditions.
- B. **On-site Detention.** On-site detention facilities shall be privately owned and shall be maintained in their designed state. A maintenance schedule may be required by the City prior to approval of construction plans.

### **8.11.4 Compliance Required.**

No development, other than one (1), two (2), three (3), four (4) family residential structures and development in the CB-2, shall take place except in conformity with an approved stormwater detention plan.

### **8.11.5 Low-Impact Development Stormwater Management Design.**

Low Impact Development (LID) stormwater management techniques are a set of small-scale stormwater management practices which mimic and work with nature to reduce water runoff and pollutants and provide a natural open space. By incorporating LID practices, the amount of site development area necessary to be dedicated to a traditional stormwater basin can often be decreased substantially. For example, required landscaping areas may also function as bio-swales or retention basins. The use of low-impact stormwater management design techniques may be required, especially in areas adjacent to environmentally sensitive areas or in circumstances where water is proposed to be redirected into environmentally sensitive areas.

**8.11.6 Multiuse Facilities.**

The use of multiuse detention facilities to alleviate existing flooding problems, enhance and provide amenities for older neighborhoods, and support the revitalization of economically depressed areas in public and private redevelopment initiatives may be required. Multiuse facilities are stormwater management facilities that provide stormwater management functions and other benefits, such as water quality improvement, water recharge, open space, recreation, or habitat. Such facilities shall not increase the rate or volume of erosion resulting from the use of a facility without multiple uses.

**8.11.7 Pre-treatment Facilities.**

Where stormwater will be directed to municipal storm sewer systems, the use of pre-treatment structures such as oil-water separators may be required.

**8.12 EXCEPTIONS.**

The Planning Commission may reduce or waive the specific standards of this Article, upon determination that the screening requirements and purposes of this Article have been satisfied by existing topography, vegetation, or other means acceptable to the Planning Commission.

# ARTICLE 9: SIGNS

## 9.1 PURPOSE.

The primary function of signage, as it relates to this Ordinance, is to identify a particular use or business occupying a zoning lot or building in the City. The City further finds that reasonable use of signage promotes commerce in the City. However, unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the City would unduly distract or endanger motorists and pedestrians; cause the deterioration of business or residential areas; obstruct vision; negatively impact property values; and reduce the effectiveness of both business signage and signs needed to direct and warn the public.

The provisions of this Article shall be considered the minimum necessary to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this Article are to:

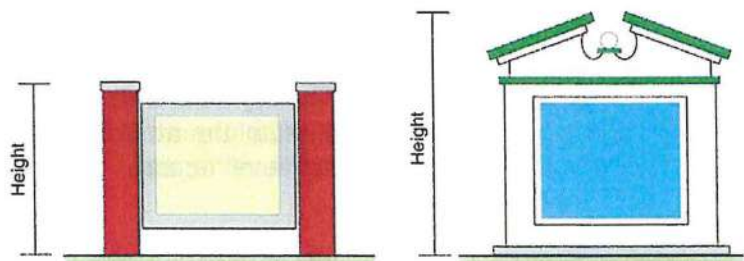
- A. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
- B. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, dimensions, height, and method of illumination.
- C. Permit such signs as will not, by reason of their size, location, or manner of display, endanger public health or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety.
- D. Minimize the proliferation of visual clutter and preserve the appearance of the City by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
- E. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this Article.
- F. Comply with content-neutral regulations in compliance with the Reed v. Gilbert verdict.

## 9.2 GENERAL STANDARDS.

The following general standards shall apply to signs in all zoning districts:

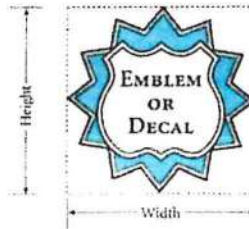
- A. **Standards of Measurement.** Dimensional standards and measurements for signs shall be subject to the following (see illustration):

- 1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).

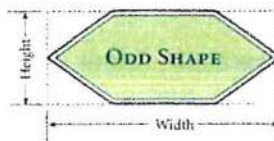


2. **Sign setback.** Setbacks shall be measured from the closest street right-of-way or front lot line to the nearest edge of the sign.

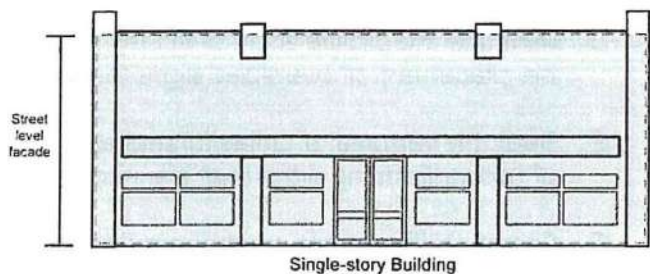
3. **Sign area.** The surface area of a sign shall include the total area within any regular geometric figure (circle, triangle, rectangle, etc.) enclosing the extreme limits of letters, symbols, or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed (see illustration).



a) Where two (2) sign faces with identical sign areas are placed back to back no more than two (2) feet apart, then the sign area shall equal the area of one (1) face.



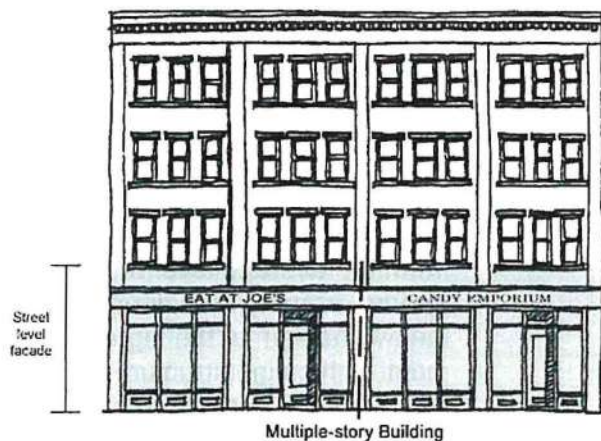
b) Where two (2) sign faces with different sign areas are placed back to back no more than two (2) feet apart, then the sign area shall equal the area of the larger face.



c) Where two (2) sign faces are placed more than two (2) feet apart at any point, then the sign area shall equal the total area of all sign faces.

d) Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.

4. **Signable area.** The signable area of a building shall equal the area of the building's street level façade (see illustration).



- 5. **Multiple uses.** Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
- 6. **Corner lots.** Where a building has two (2) or more street level facades (such as on a corner lot), the signable area shall equal the area of the largest street level façade.

**B. Construction and Maintenance.** All signs shall be constructed or installed in compliance with the State Construction Code, and other applicable building, fire, and electrical codes enforced by the City; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion. All sign faces shall be smooth and no nails, tacks, or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements, or other devices that may extend over the top or in front of the sign structure.

**C. Placement Requirements.** The following placement standards shall apply to all signs:

- 1. No sign may extend above any parapet or be placed upon any roof surface. For purposes of this Article, roof surfaces constructed at an angle of seventy (75) degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
- 2. No sign attached to a building, other than a permitted awning or projecting sign, may project more than one (1) foot from the building wall.
- 3. Signs shall not be located within nor extend over any street right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way identified in the City or county master transportation plans.
- 4. All signs shall be located at least ten (10) feet from any utility pole, overhead wire, transformer or streetlight.

**D. Hazards and Obstructions.** Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision, or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape, or other means of ingress or egress.

**E. Use.** All signs shall be accessory to the principal use of the lot where the sign is located, and shall not impair the use of adjacent properties.

**F. Illumination.** Internal and external sign illumination shall be permitted, subject to the standards of Article 10 (Exterior Lighting) and the following (see illustration):

- 1. **External sign illumination.** External illumination of signs shall be permitted in any zoning



External illumination only



Internal illumination permitted

district, provided that the light source(s) shall be fully shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area.

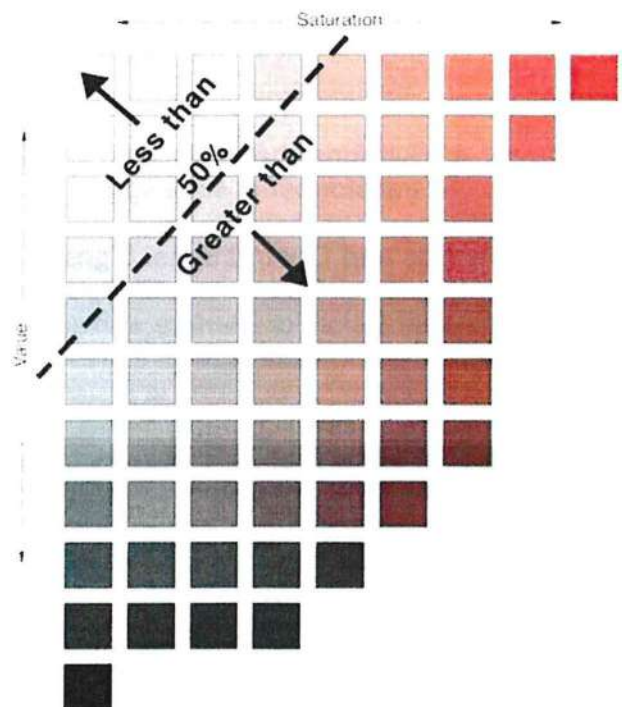
2. **Internal sign illumination.** Signs accessory to non-residential uses in all zoning districts except the NB, CB1, CB2, and GB districts may be internally illuminated, provided that the sign faces are more than fifty percent (50%) covered by semi- opaque colors and materials with a color value and saturation of fifty percent (50%) or higher (see illustration). Internal illumination of signs accessory to residential uses shall be prohibited.
3. **Hours of illumination.** Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m., or one-half (½) hour following the close of the business day, whichever is later. Such signs shall not be illuminated before sunrise, or one-half (½) hour prior to the beginning of the business day, whichever is earlier.
4. **Other Limitations.** Sign illumination shall be further limited as follows:
  - a) Sign illumination shall be provided solely by electrical means or devices and shall not be of a flashing, intermittent, moving, or animated type.
  - b) Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any street right-of-way or adjacent lot. Such lighting may be used as an indirect light source, or if shielded by translucent panels or similar methods.

G. **Sign Color.** Sign color shall generally be restricted to earth tones.

H. **Changeable Copy Area (Manual).** A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed fifty percent (50%) of the total sign area.

I. **Changeable Copy (Electronic).** A changeable copy area shall be allowed as part of a permitted sign, provided that the changeable copy area shall not exceed fifty percent (50%) of the total sign area.

1. Electronic message signs that contain animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one (1) screen.
2. The content of an electronic message sign shall transition by changing instantly, with no transition graphics, such as fading in or out.
3. Each message shall be of the same light intensity.





4. All messages shall have a dark background with light message content.
5. The message shall not change at an interval less than thirty (30) seconds.
6. Electronic message signs shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
7. The addition of an electronic message sign into an existing conforming sign shall require a zoning permit. The addition of an electronic message sign into an existing nonconforming sign shall be prohibited.

**9.3 SIGNS ALLOWED WITHOUT A PERMIT.**

The following signs are exempt from Section 9.10 (Sign Permit) requirements, and shall be a permitted accessory to a permitted use in any zoning district. Such signs shall be subject to all other applicable standards of this Article:

**A. Temporary Signs.** Temporary signs shall be subject to the following:

1. The maximum permitted height and total sign area for temporary, non-commercial signs on a zoning lot shall not exceed the following:

Zoning District Name	Symbol	Maximum Sign Area for All Signs	Maximum Sign Height	Maximum Number of Signs Permitted
Single-Family Residential	R	16.0 sq ft	5.0 ft	1/parcel
Multiple-Family Residential	RM			
Manufactured Housing Park	MHP			
Neighborhood Business	NB	32.0 sq ft	6.0 ft	
Community Business	CB1, CB2			
General Business	GB			
Industrial-Research	I-1			
General Industrial	I-2			

2. Such signs shall be removed by the property or business owner, agent, or person responsible for creating or placing the sign on the lot within five (5) calendar days following completion or discontinuation of the event, action, or activity to which the sign pertains.
3. Temporary signs on zoning lots in the City shall be set back a minimum of ten (10) feet from all street rights-of-way. Such signs shall not be located within or over any street right-of-way, except as authorized by the City Council and any other agency with jurisdiction.
4. Such signs determined by the Zoning Administrator or Code Enforcement Officer to be in a torn, damaged, or unsafe condition shall be immediately removed by the owner, agent, or person responsible for creating or placing the sign on the lot.

**B. Address Numbers and Nameplate.** All principal buildings shall display their assigned street number in a manner legible from the street right-of-way. In addition, one (1) nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed three (3) feet square feet in area and shall be attached flat against the building wall.

**C. Portable Signs.** A maximum of one (1) portable sign shall be a permitted accessory to a principal non-residential use in the NB (Neighborhood Business), CB1, and CB2 (Community Business) Districts, subject to the following (see illustration):



1. Portable signs shall not exceed four (4) feet in height, three (3) feet in width, and eight (8) square feet in sign area.
1. Portable signs shall be permitted to be displayed during regular business hours for the use, plus one-half (½) hour prior to the beginning of the business day and one-half (½) hour following the close of the business day.
2. Portable signs shall be located immediately adjacent to a public entrance for the use to which the sign is accessory.
3. Such signs may be located on the public sidewalk within the street right-of-way, provided that they are not located closer than ten (10) feet to the curblineline or pavement edge of the roadway. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
4. Portable signs shall be constructed of plastic, metal, or similar weather-resistant materials and shall be maintained in a neat and orderly condition. Use of plywood, cardboard, or paper shall be prohibited.

**D. Other Signs and Sign-Related Activities.** The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:

1. Painting, servicing, cleaning or minor repairs to an existing sign, provided that the sign is restored to its original design, all work complies with applicable structural and electrical codes, and the requirements for such signs specified in this Article.
2. One (1) window sign accessory to a principal non-residential use, which shall not exceed three (3) square feet in area and may be illuminated.
3. Memorial signs, tablets, or markers that are cut into the face of masonry surfaces or constructed of bronze or other incombustible materials, and are located flat on the façade wall of a building.

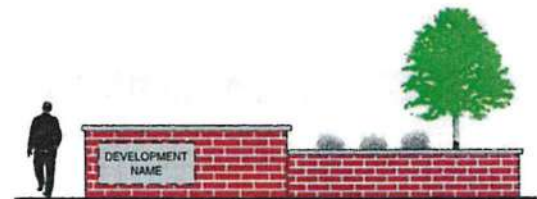


4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, and pennants installed by the City on or over public streets.
5. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
6. Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices and essential service signs denoting utility lines, railroad lines, hazards, and precautions.
7. Changes to sign copy within an approved changeable copy area.
8. Incidental signs carried by or affixed to clothing worn by persons; and incidental signs on vehicles, trailers, portable liquid propane tanks, and similar transitory devices that are associated with and regularly used in the course of conducting the principal use located on the premises.

**9.4 SIGNS ALLOWED WITH A PERMIT.**

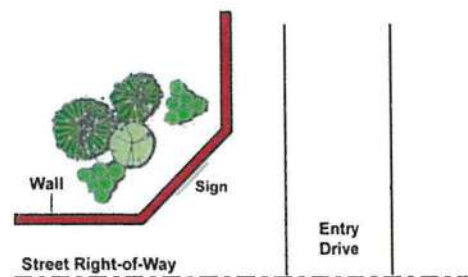
The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with Section 9.10 (Sign Permit):

- A. **Site Entry Features with Signage.** Site entry features with signage may be erected at the entrance to a residential subdivision, condominium, or multiple-family development; elderly or senior housing development; manufactured housing park; or office, research or industrial park, subject to the following (see illustration):

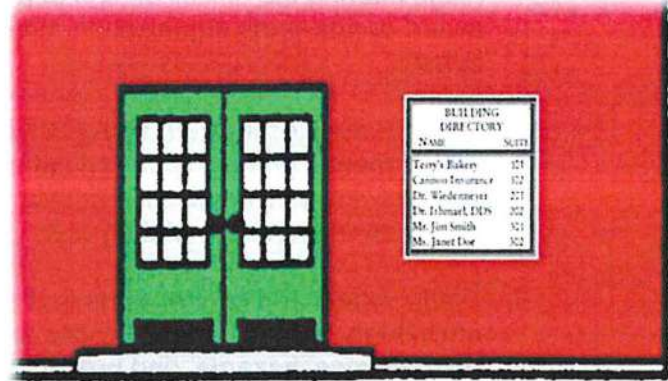


B.

STANDARDS	SITE ENTRY FEATURES WITH SIGNAGE
<b>Maximum number of permitted signs</b>	Two (2) signs per entrance from a public street classified as a collector, arterial, or thoroughfare by the transportation plans for the City, county, or state road authorities.
<b>Minimum required setbacks</b>	Ten (10) feet from any street right-of-way or curbline of any internal access drive.
<b>Maximum sign area</b>	24.0 square feet.
<b>Maximum sign height</b>	6.0 feet.
<b>Method of illumination</b>	External light sources only.



C. **Building Directory.** Where a single building on a single lot is occupied by more than one (1) business, dwelling, or other use above the street level façade (such as a multiple-story office or commercial building), a building directory sign may be erected on the street level façade for these uses, subject to the following (see illustration):



1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level façade.
2. The maximum sign area shall not exceed three percent (3%) of the signable area of the building.
3. Illumination of such signs shall be limited to external light sources.

**9.5 BUILDING-MOUNTED SIGNS.**

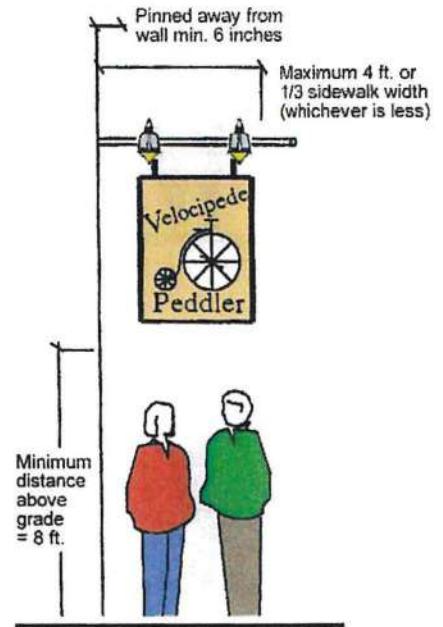
The intent of this Section is to establish consistent and reasonable standards for the location, size, and range of permitted types of signs located on buildings in the City and to minimize the proliferation of excessive or out-of-scale building signage. The following shall apply to all building-mounted signs accessory to non-residential uses in any zoning district:

STANDARDS	TYPE OF PERMITTED SIGNS			
	Wall	Awning	Projecting	Window
Permit required?	yes	yes	yes	no
Internal or external illumination permitted?	yes	yes	yes	no
Maximum number of sign faces per sign	one (1)	one (1)	one (1)	one (1)
Minimum sign height	none	7.5 feet	7.5 feet	none
Maximum permitted sign area of all signs (square feet)	10% of the signable area of the building space occupied by the use.			15% of the street level window surface area.

- A. **Location.** All building-mounted signs shall be located entirely within the street level facade(s).
- B. **Rear public entrance sign.** One (1) additional building-mounted sign not exceeding four (4) square feet in area shall be permitted at any rear public entrance.
- C. **Painted wall signs.** Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.

D. **Projecting signs.** Projecting signs shall be further subject to the following (see illustration):

1. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall be pinned away from the wall at least six (6) inches.
2. Such signs shall project from the wall at an angle of ninety degrees (90°).
3. A maximum of one (1) projecting sign shall be permitted per use, with a maximum sign area of twenty (20) square feet per sign face.
4. Projecting signs may extend out from the building wall a maximum of four (4) feet or thirty-three percent (33%) of the sidewalk width, whichever is less.
5. Projecting signs proposed to overhang into a public right-of-way shall be subject to City Council approval. Approval may also be required from any state or county road authority with jurisdiction over the street right-of-way.

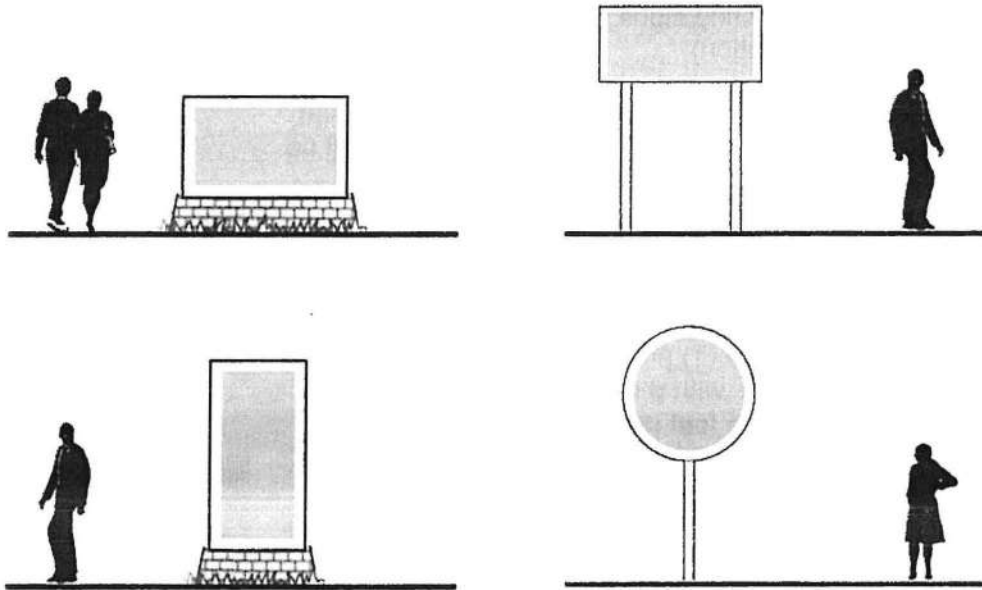


**9.6 GROUND SIGNS.**

The intent of this Section is to establish consistent and reasonable standards for the height, location, and size of ground signs in the City and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists, create traffic hazards or visual blight within the City. The following shall apply to ground signs accessory to non-residential uses in the GB, I-1, or I-2 zoning districts:

**A. Ground Sign Standards.**

Maximum Ground Sign Height	Minimum Sign Setback from Buildings and Street Rights-of-Way	Maximum Sign Area	Maximum Number of Ground Signs per Zoning Lot
10 feet	Equal to actual sign height	50 sq ft	1



1. Approval of a sign permit per Section 9.10 (Sign Permit) shall be required to erect, alter, or relocate a ground sign in the City.
2. Ground signs shall be prohibited within corner clearance areas, as defined in Section 4.10 (Corner Clearance Areas).
3. A maximum of two (2) sign faces shall be permitted per ground sign.
4. No part of a ground sign shall be located within a required side yard or within ten (10) feet of a side lot line.
5. Ground sign shall be set back a minimum of fifty (50) feet from any existing residential dwellings on abutting zoning lots.
6. No ground sign shall be placed in such a manner as to prevent any motorist on a curve of a street from obtaining a clear view of approaching vehicles for a distance of five hundred (500) feet along the street.

B. **Permitted Modifications.** The following modifications to the standards of this Section have been established to:

1. Preserve the neighborhood character and appearance of the downtown business district [CB1 and CB2 (Community Business) District], the City's lower intensity use districts [R (Single Family Residential), and NB (Neighborhood Business) Districts] through more restrictive standards.
2. Ensure that permitted signage is in reasonable proportion to the land use intensity and address the specific signage needs of multi-tenant shopping centers and uses that abut arterial streets or thoroughfares as defined by the master transportation plans for the City, county or state road authorities.

3. Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

PERMITTED MODIFIERS	Maximum Sign Height	Minimum Sign Setback	Maximum Sign Area	Maximum Number of Signs
	10 feet	Equal to actual sign height	50 square feet	1
Located in the R	- 6	Property line	- 38 square feet	no change
Located in the NB, CB, or PCP Districts.	- 2 feet	no change	- 12 square feet	no change
Total lot frontage exceeds 500 feet on one (1) street right-of-way.	no change	no change	+ 20 square feet	+ 1 additional sign
Sign abuts an arterial street or thoroughfare with a posted speed limit of 45 miles per hour or higher.	+ 2 feet	no change	+ 20 square feet	no change
Sign abuts a public street with a right-of-way width of 120 feet or greater.	+ 2 feet	no change	+ 20 square feet	no change
Lot is occupied by three (3) or more separate non- residential uses (i.e. shopping center, office building, etc.).	no change	no change	+ 20 square feet	no change

**9.7 BILLBOARDS.**

A. **Findings.** The City has made the following determinations related to billboard signs:

1. The placement of signs on lots or structures in the City that exceed the maximum permitted standards of this Article for ground signs would result in visual pollution and obstructions of light and air for adjoining lots and uses.
2. Billboard signs are not appropriate in areas zoned for residential uses because the intense commercial nature of the advertising activity would be harmful to residential property values and incompatible with residential neighborhood quality of life.
3. Billboard signs are not appropriate in the City's commercial districts because such signs would be out-of-scale with the structures and limited commercial character of the districts, incompatible with abutting residential uses, and harmful to the promotion of commerce in the districts.
4. Unrestricted display of billboard signs along the arterial streets and thoroughfares in the City would create visual clutter, compete for the visual attention of motorists, and increase hazards for motorists and pedestrians.

B. **Billboard Limitations.** In accordance with the above findings, new billboard signs are hereby prohibited within the City of Sandusky, except as follows. One (1) billboard sign shall be permitted per zoning lot in the I-1 (Industrial-Research) or I-2 (General Industrial) District, subject to the following limitations:

1. The zoning lot shall directly abut a state highway.
2. Permitted billboard signs shall be set back a minimum of two hundred (200) feet from abutting residential zoning districts and existing Residential Uses.
3. Permitted billboard signs shall be set back a minimum of one thousand (1,000) feet from other billboard signs on the same side of the street right-of-way.
4. Permitted billboard signs shall conform to the maximum sign height, sign setback, and sign area for ground signs, per Section 9.6 (Ground Signs).

C. **Existing Billboards.** Billboard signs lawfully existing in the City on the date of adoption of this Ordinance shall be permitted to continue, subject to the provisions of Section 9.11 (Nonconforming Signs). The Zoning Administrator shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the City.

### 9.8 AWNING SIGNS.

An awning without lettering or other advertising shall not be regulated as an awning sign. The following regulations are:

- A. Awning signs shall only be allowed on the first floor.
- B. Awning signs must be centered within or over architectural elements such as windows or doors.
- C. Letters or numerals shall be located only on the front and side vertical faces of the awning.
- D. First floor awning signs shall be a minimum of eight (8) feet above the finished grade.
- E. Any ground-floor awning projecting into a street right-of-way must be retractable and shall not extend closer than six (6) feet from the curb line.
- F. Awnings above the ground floor may be fixed, provided they do not project more than four (4) feet from the face of the building.



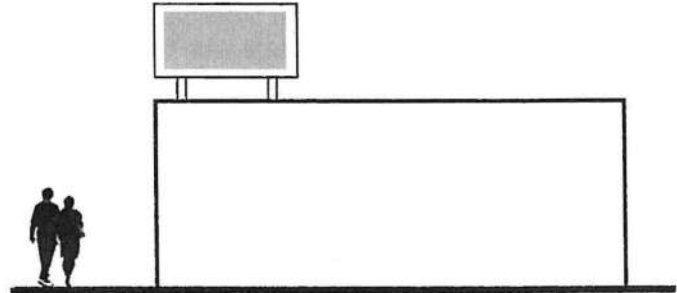
### 9.9 PROHIBITED SIGNS.

The following types of signs are prohibited in all districts:

- A. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
- B. Signs painted on or attached to trees, utility poles, fences, or streetlights.
- C. Signs placed upon or across any public right-of-way or upon any City property, except as otherwise provided for in this Article.



- D. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
- E. Exterior string lights accessory to a non-residential use, other than holiday decoration or when used as an embellishment to landscape plant materials.
- F. Signs that discharge any audible sound, odor, or visible matter.
- G. Roof signs (see illustration) and inflatable signs.
- H. Building-mounted signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
- I. Signs displayed without required permits or outside of permitted size, location, or time period limitations.
- J. Non-accessory and off-premises signs, including billboard signs per Section 9.7 (Billboards), except as otherwise provided for in this Article.
- K. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this Article.



**9.10 SIGN PERMIT**

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure, or sign area subject to permit approval under the provisions of this Article, without first obtaining appropriate permit(s) from the City and paying the required permit fee according to the schedule of fees established by the City Council.

- A. **Sign Permits.** Where a provision of this Article requires approval of a sign permit, such approval shall be subject to the provisions of Section 1.15 (Zoning Permits) and the following:
  - 1. The Zoning Administrator shall be responsible for verifying compliance with this Article, prior to issuing a sign permit under this Section.
  - 2. A separate building permit may be required in accordance with the State Construction Code enforced by the Sanilac County.
  - 3. Issuance of a building permit by the Sanilac County Chief Building Official shall not exempt a building permit holder from compliance with the requirements of this Article and Ordinance.
- B. **Required Information for Sign Permit Applications.** The following shall be provided with any sign permit application:
  - 1. **Application information.** Permit applications shall include the following information:

- a) The name, address, and telephone numbers for the applicant, property owner, and sign contractor; street address, or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.
  - b) Where a proposed sign would encroach into a street right-of-way, copies of permits or approvals from the City Council and any other agency with jurisdiction.
  - c) Any other information required by the Zoning Administrator to show full compliance with this Ordinance.
2. **Plot plan.** A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
  3. **Sign details.** Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.
  4. **License and insurance.** Every person who engages in the business of erecting, altering, or dismantling signs in the City shall first submit proof of appropriate licenses or certifications, and a liability insurance policy that indemnifies the City of Sandusky and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the City at least 30 days prior to the date of cancellation.
  5. **Removal agreement or bond.** The Zoning Administrator may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.

#### 9.11 NONCONFORMING SIGNS

All existing signs that do not conform to the provisions of this Article and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this Article and Ordinance. Nonconforming signs shall be subject to the following:

- A. **Good Working Order.** Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 9.2 (General Standards). Nonconforming signs shall be maintained with all necessary structural and decorative parts, including but not limited to supports, sign frame, and electrical equipment. All sign copy areas shall be intact and illuminated signs shall be capable of immediate illumination.
- B. **Servicing.** Painting, servicing, cleaning, or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in Section 9.2 (General Standards).
- C. **Re-established.** A nonconforming sign shall not be reestablished after its discontinuance for two hundred seventy five (275) days.

D. **Alterations.** Alterations to nonconforming signs shall be prohibited, except as follows:

1. **Sign copy area.** The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 9.2F (Illumination).
2. **Billboard signs.** A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of Section 9.2F (Illumination).
3. **Sign frame or structural elements.** Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:
  - a) The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Article.
  - b) Existing sign wiring and ground sign support structures may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback.

#### 9.12 SIGN REMOVAL BY CITY ACTION

- A. **Abandoned or Unlawful Signs.** The Zoning Administrator shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in Article 21 (Definitions), subject to appeal by an aggrieved person to the Zoning Board of Appeals. The Zoning Administrator may order the removal of such signs in accordance with the following:
1. **Determination.** Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
  2. **Removal.** Abandoned or unlawful signs shall be removed within thirty (30) days after notification of a determination and order for removal by the Zoning Administrator. All support structures and components shall be completely removed.
  3. Failure to remove the sign shall constitute grounds for the City to seek Circuit Court approval to remove the sign at the property owner's expense.
  4. The owner shall reimburse the City for removal costs, or the City may place a lien on the property for necessary removal expenses.
- B. **Damaged Signs.** Signs determined to be in a damaged condition by the Zoning Administrator or Code Enforcement Officer shall be repaired or removed within fifteen (15) days after notification by certified mail.
1. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the Zoning Administrator or Code Enforcement Officer shall have the authority to order the repair or removal of the damaged sign.

2. The owner shall reimburse the City for repair or removal costs, or the City may place a lien on the property for such expenses.
- C. **Unsafe Signs.** The Zoning Administrator or Code Enforcement Officer may order the removal of any sign determined to be unsafe without prior notice.
1. After removal, the Zoning Administrator or Code Enforcement Officer shall notify the property owner by certified mail of the action taken and the reasons for the action.
  2. The owner shall reimburse the City for removal, storage, and reclamation costs, or the City may place a lien on the property for such expenses.
- D. **Nonconforming Signs.** The elimination of nonconforming signs in the City is hereby declared to be for a public purpose and for a public use. The City may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of Section 9.11 (Nonconforming Signs) requirements.
- E. **Temporary Signs.** Temporary signs affixed within a street right-of-way or corner clearance area, without a valid permit, or after permit expiration may be removed by the City without notice. Signs removed shall be held by the City for five (5) calendar days, after which the sign may be discarded.

### 9.13 EXCEPTIONS

The Zoning Board of Appeals (ZBA) shall have the authority to grant an exception from the strict application of these regulations, provided that such relief may be granted without substantially impairing the intent of this Article. Application and consideration of sign exceptions shall be in accordance with the following procedures and standards:

- A. **Applications and Review Procedures.** Any party who has been denied a permit for a proposed sign may file a request for an exception to this Article with the ZBA within twenty one (21) calendar days of the decision. Applications for exceptions from one (1) or more provisions of this Article shall be submitted in accordance with Section 19.6 (Applications). Applications for sign exceptions shall be considered by the ZBA per the procedures specified in Article 19 (Zoning Board of Appeals). Following a public hearing the ZBA shall consider the standards of this Section and any other factors deemed relevant in determining whether to grant an exception to particular requirements of this Article.
- B. **Exception Standards for Signs.** The ZBA shall consider the following standards while reviewing any application for an exception from one (1) or more provisions of this Article.
1. **Obstructions.** Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
  2. **Visibility.** A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees, or other obstructions.
  3. **Site features.** Construction of a conforming sign would require significant tree removal or extensive topographic changes.

4. **Scale.** A sign that exceeds the allowable height or area standards of this Article would be more appropriate in scale to the building or site frontage.
  5. **Aesthetics.** The exception shall not adversely impact the character or appearance of the building or lot or the neighborhood.
  6. **Minimal.** The exception shall be the minimum necessary to allow reasonable use, visibility, or readability of the sign.
  7. **Intent.** The exception shall not significantly impair the intent and purpose of this Article.
- C. **Findings and Conditions.** In a motion granting or denying a sign exception, the ZBA shall state the specific grounds for the decision, which shall be supported by specific findings of fact. The ZBA may attach conditions to a sign exception approval in accordance with the intent and purpose of this Article.

## ARTICLE 10: EXTERIOR LIGHTING

### 10.1 PURPOSE.

The purpose of this Article is to preserve the lawful nighttime use and enjoyment of all properties in the City through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment.

The standards of this Article are intended to protect the general welfare by allowing sufficient (but not excessive) lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the City.

### 10.2 SCOPE.

The standards of this Article shall apply to all exterior lighting sources, and to all light sources visible from any street right-of-way or adjacent lot.

### 10.3 GENERAL PROVISIONS.

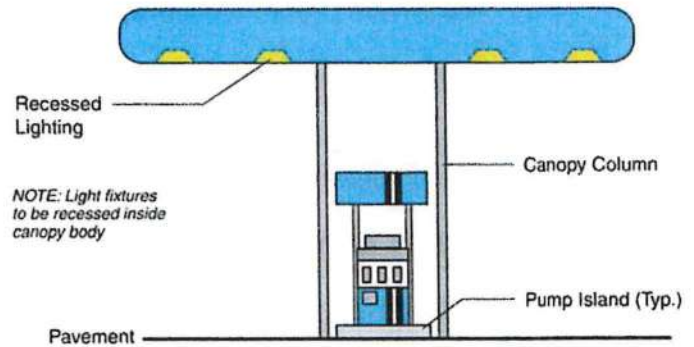
The following general standards shall apply to all light sources regulated by this Article:

- A. **Fully Shielded.** Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent lots and street rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors, or other measures to prevent off-site glare and minimize light pollution (see illustration).
- B. **Glare and Light Trespass.** Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists. All poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare for the light source.
- C. **Intensity.** The maximum intensity of light within any site shall not exceed the following standards:

LIGHT INTENSITY	MAXIMUM (footcandles)
At any point within the site	10.0
Average for the overall site	5.0
At any boundary or street right-of-way line	1.0

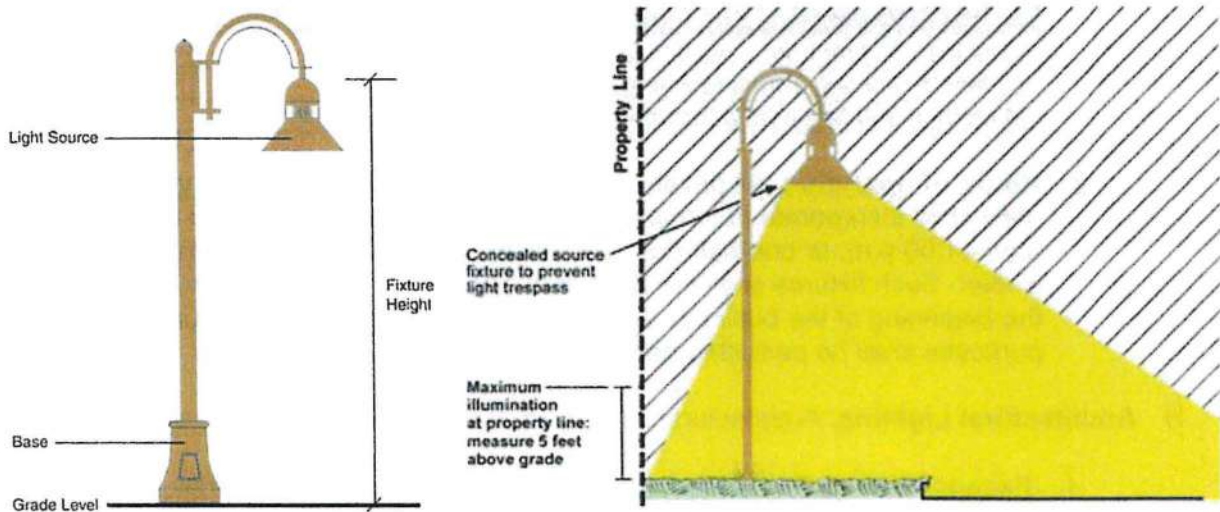
- 1. **Outdoor dealership sales area lighting.** The Planning Commission may permit a maximum lighting intensity of twenty (20) footcandles for any point within a dealership outdoor sales area, provided that all site lighting is otherwise in compliance with this Ordinance.

2. **Pump island canopy lighting.** The Planning Commission may permit a maximum lighting intensity of twenty (20) footcandles for any point under a gas station's pump island canopy; provided that all light fixtures under the canopy shall be fully recessed into the canopy structure and all site lighting is otherwise in compliance with this Ordinance (see illustration).



3. **Color temperature.** All exterior lighting shall emit light measuring 3,500 K or warmer (between 0K and 3,500K) on the Kelvin scale.

D. **Measurements.** Measurements of exterior lighting height and intensity shall be made in accordance with the following:



1. Light intensity levels shall be measured on the horizontal plane at grade level within the site.
2. Light intensity levels shall be measured on the vertical plane of the lot or street right-of-way boundaries at a height of five (5) feet above grade.
3. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

E. **Submittal Requirements.** The following exterior lighting information may be required by the Planning Commission or Zoning Administrator with any site plan, site condominium plan, subdivision plat, or zoning permit application where exterior lighting is proposed to be altered or installed:

1. The location, type, and height of all existing and proposed light fixtures.
2. A photometric grid measuring the overall light intensity within the site in footcandles.
3. Manufacturer's specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

**10.4 STANDARDS BY TYPE OF FIXTURE.**

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Section 10.3 (General Provisions):

**A. Freestanding Pole Lighting.** The following standards shall apply to all freestanding, pole-mounted light fixtures:

1. **Maximum overall height.** The maximum height of pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a residential district or lot occupied by an existing residential use, as follows:

FIXTURE LOCATION	MAXIMUM HEIGHT
Less than 50 feet from a residential district or use	15 feet
50 feet to 300 feet from a residential district or use	20 feet
More than 300 feet from a residential district or use	25 feet

2. **Hours of operation.** All private exterior lighting systems accessory to non-residential uses shall incorporate automatic timers. Exterior light fixtures shall not be illuminated after 11:00 p.m. or one-half (½) hour following the close of the business day, whichever is later. Such fixtures shall not be illuminated before sunrise or one-half (½) hour prior to the beginning of the business day, whichever is earlier. Minimal illumination for security purposes shall be permitted between these hours.

**B. Architectural Lighting.** Architectural lighting shall be subject to the following:

1. **Facade illumination.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface. Uplighting of a building facade shall be prohibited.
2. **Accent lighting.** Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.

**C. Window Lighting.** All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible through the window from a public right-of-way or adjacent property.

**D. Illuminated Signs.** Sign illumination shall conform to the provisions of Article 9 (Signs).



### 10.5 PROHIBITED LIGHTING.

The following types of exterior light sources and activities shall be prohibited:

- A. **Mercury vapor lighting.** The installation of mercury vapor fixtures shall be prohibited.
- B. **Animated lighting.** Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting.
- C. **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- D. **Searchlights.** The operation of searchlights for advertising purposes is prohibited.
- E. **Floodlight and stroboscopic lights.** Outside of a stadium or arena where the lighting is designed to illuminate vast and confined space, floodlights and stroboscopic lights are prohibited.
- F. Metal halide
- G. Halogen
- H. High pressure sodium

### 10.6 EXEMPT LIGHTING.

The following types of exterior lighting shall be exempt from the requirements of this Article, except that the Zoning Administrator may impose reasonable restrictions on the use of such lighting where necessary to protect the health, safety, and welfare of the public:

- A. Holiday decorations displayed for temporary periods not to exceed ninety (90) calendar days.
- B. Lighting for a permitted temporary circus, fair, carnival, or civic use.
- C. Shielded pedestrian walkway lighting, and single-family residential lighting that does not cause off-site glare or contribute to light pollution.
- D. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Article, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
- E. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

**10.7 ALTERNATIVES AND SUBSTITUTIONS.**

Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Article and the following:

- A. **Decorative Light Fixtures.** The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.
- B. **Alternative Lighting Designs.** The Planning Commission may approve an alternative lighting design, provided that the Commission finds that the design would be in accordance with the purpose of this Article.
- C. **Fixture Alteration or Replacement.** Light fixtures regulated by this Article shall not be altered or replaced after approval has been granted, except where the Zoning Administrator has verified that the alteration or replacement would comply with the provisions of this Article.

**Examples of Acceptable / Unacceptable Lighting Fixtures**



**10.8 EXCEPTIONS.**

It is recognized by the City that certain uses or circumstances may have special exterior lighting requirements not otherwise addressed by this Article. The Zoning Board of Appeals (ZBA) may waive or modify specific provisions of this Article for a particular use or circumstance, upon determining that all of the following conditions have been satisfied:

- A. A public hearing shall be held for all lighting exception requests in accordance with the procedures set forth in Section 14.3 (Public Hearing Procedures).
- B. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance, or site.

- C. The minimum possible light intensity is proposed that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation; and to minimizing light pollution, off-site glare, and light trespass on to neighboring properties or street rights-of-way.
- D. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.
- E. Additional conditions or limitations may be imposed by the ZBA to protect the public health, safety, or welfare, or to fulfill the spirit and purpose of this Article.

## **ARTICLE 11: SPECIAL DEVELOPMENT PROVISIONS**

### **11.1 APPROVAL OF LAND DIVISIONS.**

All land divisions created after the effective date of this Ordinance shall comply with all requirements of the Land Division Act (PA 288 of 1967, as amended); and any City subdivision regulations; and shall conform to the dimensional requirements of this Ordinance as specified in Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards) for the zoning district where such land is located.

### **11.2 PROTECTION OF WETLANDS AND BODIES OF WATER.**

An undisturbed open space setback of not less than fifty (50) feet shall be maintained from the edge of any stream, pond, lake, or other body of water, including the edge of any wetland or open drain. Such setbacks shall be measured from the top of the bank or other defined edge, and shall not be subject to topography.

- A. Trails, boardwalks, observation platforms or similar passive recreational improvements may be provided within the required setback.
- B. Detention basins and similar stormwater management facilities may be constructed within the required setback, provided that appropriate replacement plantings are provided and maintained.

### **11.3 WATER SUPPLY AND SANITARY SEWERS.**

All principal buildings shall be connected to publicly owned and operated water and sanitary sewer service systems at the time of construction or expansion.

### **11.4 SIDEWALKS**

#### **11.4.1 Purpose and Scope.**

To provide for a continuous network of sidewalks and pedestrian paths; ensure safe and convenient pedestrian and non-motorized travel; and improve barrier-free access to sites in the City of Sandusky, it shall be the policy of the City to require installation, extension or modification of public sidewalks and sidewalk connectors to primary building entrances to serve uses and developments subject to site plan approval per Section 14.1 (Site Plan Review), condominium site plan approval per Article 15 (Condominium Regulations) or planned unit development approval per Article 16 (Planned Unit Developments).

#### **11.4.2 Standards.**

Installation, extension, or modification of public sidewalks and sidewalk connectors shall be subject to the following:

- A. **Location and width.** Required public sidewalks shall be a minimum of five (5) feet in width and shall be located one (1) foot off the property line in the street right-of-way.

1. Where the planned future right-of-way is greater in width than the existing right-of-way, the sidewalk may be located one (1) foot inside the planned right-of-way, provided that an easement is obtained from the lot owner.
2. The Planning Commission may modify this requirement in consideration of the location of utilities, vegetation, or other site improvements.

- B. **Design standards.** Sidewalks shall be constructed of concrete in accordance with established engineering standards for the City, and shall be subject to City Engineer inspection and approval.
- C. **Alignment with adjacent sidewalks.** Sidewalks shall be aligned horizontally and vertically with public sidewalks abutting adjacent lots. The Planning Commission may modify this requirement if the abutting sidewalk location or design does not conform to current City standards.
- D. **Permits.** It shall be the responsibility of the owner or developer to secure any required permits from the Sanilac County Road Commission or Michigan Department of Transportation to permit sidewalk construction in county or state road rights-of-way.

**11.5 RESIDENTIAL OPEN SPACE PRESERVATION OPTION.**

This Section establishes provisions under which a landowner may develop land for single-family dwellings and uses with open space preservation. The purpose of this Section is to promote the following objectives:

- A. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills, and similar natural assets.
- B. Encourage developers to use a more creative approach in the development of residential areas.
- C. Encourage a more efficient, aesthetic, and desirable use of open area while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles on the site.
- D. Encourage the provision of open space and recreational facilities within reasonable distance to all residential uses in the neighborhood.

**11.5.1 Scope.**

Land in the R (Single Family Residential) District may be developed according to the standard conditions and requirements of this Ordinance, or in accordance with the open space preservation option of this Section.

- A. No portion of the development site shall have previously been part of an open space preservation option development.
- B. If the open space preservation option is selected, such land shall be developed in accordance with the conditions and requirements of this Section, and other applicable standards of this Ordinance.

### 11.5.2 Development Review.

Applications for residential development approval under the open space preservation option of this Section shall be reviewed following the same procedures used for review and approval of a subdivision plat under the provisions of the Land Division Act (PA 288 of 1967, as amended) and any City subdivision regulations, or a condominium subdivision (site condominium) development under Article 15 (Condominium Regulations) and the Condominium Act (PA 59 of 1978, as amended).

### 11.5.3 Required Information.

Applications for approval of a residential development under this open space preservation option shall be filed with the Zoning Administrator. Incomplete or inaccurate applications shall not be accepted for review, and shall be returned to the applicant. At a minimum, such applications shall include the following:

- A. **Fees.** Appropriate fees, as set by the City Council, for review of the proposed development plans.
- B. **Project narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the underlying zoning district regulations as applied to the open space development plan.
- C. **Parallel plan.** The number of dwelling units permitted within a residential development under this open space preservation option shall be determined through review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with the standards of this Ordinance, including minimum lot area, lot width, and setbacks. The parallel plan layout shall conform to all county and state requirements, and shall not impact regulated wetlands.
- D. **Conservation easement.** Documentation of the proposed conservation easement(s), or similar irrevocable legal instrument that runs with the land, to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity.
- E. **Development plan.** The development plan shall include all information required for subdivision plat approval in conformance with the Land Division Act (PA 288 of 1967, as amended) and any City subdivision regulations, or condominium subdivision plan approval in conformance with Article 15 (Condominium Regulations) and the Condominium Act (PA 59 of 1978, as amended). The development plan shall further include the following:
  1. A site features inventory identifying active agriculture areas, topography at two (2) foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils based upon U.S. Soil Conservation Survey, regulated wetlands, floodplains, woodlands, and any additional features uniquely affecting the site.
  2. Any additional information requested by the Zoning Administrator or Planning Commission to demonstrate compliance with the development standards of this Section, and the applicable requirements of this Ordinance.

#### 11.5.4 Development Standards.

Every lot developed or to be developed with the open space preservation option shall comply fully with all of the following requirements:

- A. **Permitted residential density.** The overall residential density of the open space development shall not exceed the number of dwellings shown on the approved parallel plan, nor that allowed in the zoning district per Article 2 (Zoning District and Map).
- B. **Minimum lot size.** The minimum required lot area may be reduced by up to twenty percent (20%). This reduction may be accomplished in part by reducing the minimum required lot width by up to ten (10) feet. Lot size reductions shall be subject to the following:
  1. **Minimum yard setbacks.** The minimum yard setback standards of the zoning district, as specified in Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards), shall apply to lots created under this open space preservation option.
  2. **Adequate lot area.** The applicant shall demonstrate to the Planning Commission's satisfaction that all lots created under this option contain adequate lot area to provide for development of a principal dwelling and customary accessory structures without need for a variance.
  3. **Rear yard reduction.** Rear yards may be reduced to a minimum of twenty (20) feet where the rear yard abuts dedicated open space areas with a minimum width of one hundred (100) feet, as measured at the point abutting the lot.

#### 11.5.5 Open Space Standards.

For each square foot of land gained within a residential development through permitted reductions in lot size under this open space option, at least an equal area of land shall be permanently dedicated as open space for the common use of the lot owners of the development in a manner approved by the Planning Commission or, in the instance where land shall be dedicated to the public, in a manner accepted by the City Council. Such dedicated open space areas shall be subject to the following:

- A. The total area to be dedicated for open space purposes shall in no instance be less than five (5) acres.
- B. The land area necessary to meet the minimum open space requirements of this Section may include land within a one hundred (100) year floodplain, but shall not include bodies of water, regulated wetlands, required stormwater retention or detention basins or land with excessive grades making it unsuitable for recreation.
- C. The location(s) and shape(s) of individual open space areas within the development shall be subject to Planning Commission approval.

**11.5.6 Conservation Standards.**

The conservation easement(s), or similar legal instrument to be used to ensure that the open space will be maintained in an open and undeveloped state in perpetuity shall be subject to review and approval by the City Attorney. At a minimum, the instrument shall be irrevocable, shall run with the land, and shall convey all rights to develop the land to a land conservation organization or other public body with authority and ability to ensure that the open space will remain undeveloped.

After approval by the City, the applicant shall record the conservation easement(s) or similar legal instrument with the Sanilac County Register of Deeds office, and shall provide proof of recording and a copy of the recorded documents to the City.



## ARTICLE 12: WIRELESS COMMUNICATION FACILITIES

### 12.1 PURPOSE.

The purpose of this Article is to:

- A. Carry out the will of the United States Congress by permitting facilities within the City that are necessary for the operation of wireless communications systems, facilitating adequate and efficient provisions for wireless communications facility sites, and encouraging co-location of multiple antennae on a single tower.
- B. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and landmarks from potential adverse impacts of towers and antennae.
- C. Limit visual impacts by promoting the use of screening and innovative designs for such facilities, prevent potential damage to adjacent properties from tower failure, and promote the timely removal of facilities upon the discontinuance of use.

### 12.2 APPLICATION.

The following information shall be provided with any application for approval of a wireless communications facility:

- A. **Applicant information.** The name, address, and telephone numbers for the applicant, property owner, tower operator, and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
- B. **Site plan.** A site plan, on 11 inch by 17 inch paper, which identifies the type of wireless communications facility, as defined in this Ordinance, and includes the following:
  - 1. A parcel survey, with easements, setback dimensions, and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within three hundred (300) feet of the boundaries of the zoning lot.
  - 2. A screening plan, with details of proposed fencing and screening materials.
  - 3. Elevation drawings of all proposed towers and other structures on the site.
  - 4. A location map for the proposed wireless communications facility, along with the location, height, type, and owner or operator of all existing facilities within five (5) miles of the proposed location.
- C. **Service area coverage maps.** A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.

- D. **Construction drawings.** Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction, and type of illumination for each wireless communications facility.
- E. **Permission to locate.** The applicant shall submit copies of a signed lease or other proof, satisfactory to the City Attorney, of permission to locate a wireless communications facility on the site.
- F. **Co-location agreement.** The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.
- G. **Insurance certificate.** The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the City of Sandusky as the certificate holder and naming the City of Sandusky, its past, present, and future elected officials, representatives, employees, boards, commissions, and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the City as certificate holder. The City may require the applicant to supply a \$1,000.00 cash bond to the City, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
- H. **Maintenance agreement.** The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements, and required landscaping. The plan shall include a method of notifying the City if maintenance responsibilities change.
- I. **Removal agreement.** The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the City Attorney, for the removal of towers or antennae as applicable. The applicant shall demonstrate that adequate funds will be available to the City for the removal of such towers or antennae, restoration of the site, and associated administrative costs incurred by the City in the event that the applicant, property owner or their successors fail to remove the tower or antenna in a timely manner as required by this Section.
- J. **Tax-related information.** The applicant shall supply to the City Assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the Zoning Administrator that this condition has been satisfied.
- K. **Engineering certification.** Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan, specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.

### 12.3 TYPE OF REVIEW REQUIRED.

The purpose of this Section is to establish consistent review procedures that ensure full compliance with the standards of this Article, and to ensure that the type and intensity of review and amount of

required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	Planning Commission	Zoning Permit	Exempt
<b>New Towers and Antennae</b>			
Construction, alteration, or enlargement of wireless communications facilities, including cell towers, AM antennae arrays, television or radio towers, and microwave or public utility transmission towers.	X		
Installation of an antenna on an existing building or structure.	X		
<b>Co-location on Existing Towers</b>			
Co-location of an antenna on an existing approved tower.	X	X	
<b>Satellite Dish Antennae</b>			
Installation of a satellite dish antenna with a diameter of less than 1.5 meters.			X
Installation of a satellite dish antenna with a diameter 1.5 meters or larger.		X	
<b>Amateur Radio Antennae</b>			
Installation of an amateur radio transmission and reception antenna.		X	
Installation of citizen band radio facilities, short wave facilities, an amateur radio reception-only antenna or governmental facilities subject to federal or state laws or regulations that preempt local regulatory authority.			X
<b>Other Projects</b>			
Repair, service, or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits, and applicable codes.			X
Telecommunication facilities			X

- A. **Exempt Facilities.** Activities listed as exempt from review shall be permitted by right, subject to the applicable standards of this Section.
- B. **Facilities subject to zoning permit approval.** Such facilities shall be subject to review and approval by the Zoning Administrator in accordance with the applicable standards of this Section and Section 1.15 (Zoning Permits).
- C. **Facilities subject to Planning Commission approval.** Such facilities shall be subject to a public hearing, review, and approval by the Planning Commission in accordance with the applicable standards of this Section and the review procedures specified in Section 12.4 (Review Procedure).

**12.4 REVIEW PROCEDURE.**

Construction, installation, replacement, co-location, alteration, or enlargement of wireless communications facilities shall be reviewed in accordance with the following procedures:

- A. **Procedure.** After a complete and accurate application has been received and review fees paid, wireless communications facilities subject to Planning Commission review shall be reviewed in accordance with the following procedure:
1. **Application submittal.** Application materials shall be submitted in accordance with the requirements of Section 12.2 (Application).
  2. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate City officials and staff for review and comment. The Zoning Administrator may also submit the plans to applicable outside agencies and designated City consultants for review and comment.
  3. **Public hearing.** A public hearing shall be scheduled and held before the Planning Commission for all wireless communications facilities subject to Planning Commission review, in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) and Section 14.3 (Public Hearing Procedures).
  4. **Planning Commission action.** Subsequent to the hearing, the Planning Commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments.
    - a) The Planning Commission shall verify whether the facility is in compliance with the requirements of this Section and Ordinance.
    - b) The Planning Commission shall verify whether the facility satisfies the criteria for approval listed in Section 12.9 (Criteria for Approval).
    - c) The Planning Commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
- B. **Effect of action.** Approval of the wireless communications facility by the Planning Commission shall allow the Zoning Administrator to review and issue a permit for the work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the Planning Commission. If the Planning Commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that corrects any deficiencies in the denied application materials, facility design or location.
- C. **Expiration of approval.** Approval of a wireless communications facility shall expire three hundred sixty five (365) days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the City prior to the expiration date, the Planning Commission may grant an extension of up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remain in conformance with the purpose and provisions of this Article.

## 12.5 GENERAL REQUIREMENTS.

The following regulations shall apply to all wireless communications facilities:

- A. **Federal, state, and local standards.** Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission, and any other agency of the state or federal government with regulatory authority, and shall further comply with applicable building, electrical, and fire codes.
- B. **Public safety.** Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be designed, constructed, operated, and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.
- C. **Access.** Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair, and inspection purposes. Access may be provided by an easement.
- D. **Lighting.** Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.
- E. **Colors.** Towers, and antennae located on towers, shall be painted white. Antennae on buildings shall be painted to match or blend in with the building façade. The Planning Commission may modify this requirement upon finding that other colors or treatments would be more appropriate for the location.

## 12.6 STANDARDS FOR WIRELESS COMMUNICATIONS TOWERS.

The following shall apply to all wireless communications towers, microwave transmission towers, AM antenna arrays, and similar tower structures; in addition to the provisions of Section 12.5 (General Requirements):

- A. **Location.** Wireless communications towers shall be limited to lots in the I-2 (General Industrial) and PSP (Public/Semi-Public Services) Districts that have sufficient lot area to accommodate the minimum setback requirements of this Section.
- B. **Height.** Towers shall not exceed one hundred ninety five (195) feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower. The Planning Commission may waive this height limitation, subject to the following:
  1. Determination that the additional height is necessary to permit reasonable use of the tower and antennae, based upon documentation submitted by the applicant.
  2. Determination that the additional height will not adversely impact abutting lots and uses to an extent greater than a tower that conforms to the maximum height standard of this subsection.
- C. **Setbacks.** Towers shall be set back from the boundaries of adjacent lots, districts, and uses as follows:
  1. **From lot boundaries.** A minimum distance equal to one hundred percent (100%) of the height of the tower. Anchoring cables, equipment enclosures, and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of fifty (50) feet.

2. **From adjacent districts and uses.** A minimum of two hundred (200) feet from the boundary of a residential zoning district or lot occupied by a residential use.
  3. **Between towers.** New wireless communication towers shall be set back a minimum of one thousand three hundred twenty (1,320) feet from all existing towers. The Planning Commission may approve a lesser separation distance upon determining that the tower location is necessary to satisfy reasonable operating requirements.
- D. **Ground equipment enclosure.** All wireless communications towers, accessory structures, and equipment enclosures shall be completely enclosed by an eight (8) foot high fence with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure in accordance with Section 8.4 (Methods of Buffering and Screening).
- E. **Co-location.** Wireless communications facilities shall be designed, constructed, and maintained to accommodate co-location of multiple antennae on a single tower.
- F. **Tower address.** Each wireless communications tower shall be designated with a specific and unique mailing address.

#### 12.7 STANDARDS FOR ANTENNAE LOCATED ON STRUCTURES.

The following shall apply to antennae located on principal or accessory structures, in addition to the provisions of Section 12.5 (General Requirements):

- A. Such antennae shall be limited to structures in any zoning district that have a minimum height of fifty (50) feet.
- B. The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than ten (10) feet.
- C. The antennae shall be designed and arranged to minimize visibility and to blend with the primary building materials and colors.

#### 12.8 STANDARDS FOR AMATEUR RADIO ANTENNAE.

The following shall apply to all amateur radio antennae, in addition to the provisions of Section 12.5 (General Requirements).

- A. Amateur radio antennae shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this Section.
- B. A maximum of one (1) such antenna shall be permitted per zoning lot, with a maximum height of sixty (60) feet and a minimum setback from all lot boundaries equal to one hundred percent (100%) of its height.
- C. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

## 12.9 CRITERIA FOR APPROVAL.

Construction, installation, replacement, co-location, alteration, or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

- A. **Operating requirements.** The applicant shall demonstrate that operating requirements necessitate locating within the City and the general area and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
- B. **Engineering requirements.** The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
- C. **Impact on adjacent uses.** Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and street rights-of-way will not be adversely impacted by the location of the wireless communications facility.
- D. **Site characteristics.** Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
- E. **Site design.** The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this Section and Ordinance.

## 12.10 EXISTING TOWERS AND ANTENNAE.

Wireless communications facilities for which building permits have been issued prior to the effective date of this Ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with Section 12.5 (General Requirements) and all approved plans, permits, and conditions of approval.

## 12.11 RESCINDING APPROVAL OF WIRELESS COMMUNICATIONS FACILITIES.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the City about the facility as required by this Section or maintain and operate the facility in compliance with the provisions of this Section shall be grounds for the City to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the Planning Commission in accordance with the procedures set forth in Section 14.3 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the wireless communications facility for which approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

**12.12 REMOVAL OF WIRELESS COMMUNICATIONS FACILITIES.**

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than three hundred sixty five (365) contiguous days, shall be removed by the owner or operator within 90 days of receipt of notice from the City requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the City to seek court approval for such removal at the expense of the facility owner or operator.

**12.13 METRO ACT TELECOMMUNICATION FACILITIES.**

Nothing in this Ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (PA 48 of 2002, as amended).

**12.14 SMALL CELL WIRELESS COMMUNICATION.****12.14.1 Intent and Purpose.**

- A. Increase investment in wireless networks that will benefit the citizens of this state by providing better access to emergency services, advanced technology, and information.
- B. Increase investment in wireless networks that will enhance the competitiveness of the region in the global economy.
- C. Encourage the deployment of advanced wireless services by streamlining the process for the permitting, construction, modification, maintenance, and operation of wireless facilities in the public rights-of-way.
- D. Allow wireless services providers and wireless infrastructure providers access to the public rights-of-way.

**12.14.2 General Provisions.**

The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under Act 365 of 2018, as amended ("Act 365").

- A. Co-location of a small cell wireless facility or installation of an associated support structure shall require that the wireless provider apply for and obtain a permit from the City consistent with the Code.
- B. No wireless providers shall attach, alter, or modify a City-owned pole or wireless support structure without entering into a license agreement with the City.
- C. Small cell wireless facilities and associated support structures non-exempt from zoning reviews are only permitted in accordance with the provisions of this zoning ordinance and Act 365, and upon application for and receipt from the City of a permit consistent with the Code.



- D. The approval of a small cell wireless facility authorizes the co-location of a small cell wireless facility but does not authorize the installation, placement, modification, or operation of a wireline in the ROW.

#### **12.14.3 Exempt Small Cell Wireless Facilities.**

Small cell wireless facility siting is a permitted use in the ROW in all zoning districts and not subject to zoning regulation if it complies with the following requirements:

- A. The small cell wireless facility will be co-located on an existing wireless communications support structure or wireless communication equipment.
- B. The proposed co-location will shall comply with the following:
1. Not exceed forty (40) feet or increase the overall height of the wireless communication support structure by more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is collocated.
  2. A wireless provider shall comply with design and/or concealment requirements in a commercial zoning district so that the equipment and small cell wireless facility is compatible with the character of its surroundings.
  3. The size is not to exceed the definition of small cell wireless facility as an enclosure of six (6) cubic feet and associated equipment cumulatively is no more than twenty-five (25) cubic feet in volume, per Public Act 365 of 2018.
  4. Enclosure must contain all parts of the equipment and parts of the small cell wireless facility, must be a neutral and uniform color and made of a material that does not conflict with the aesthetics of its surroundings.
  5. A co-location in a public ROW shall not inhibit other utility installations.
  6. Small cell wireless facilities shall not be permitted on any building that is on the National Register of Historic Places pursuant of 47 C.F.R 1.1307(a)(4).

#### **12.14.4 Non-Exempt Small Cell Wireless Facilities; Site Plan Review Process.**

Small cell wireless facilities are subject to a site plan review if it does not comply with Section 12.14.2 and shall be subject to all of the following requirements as codified in Public Act 365 of 2018:

- A. Within thirty (30) days after receiving an application under this section, the City shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the thirty (30) day period.
- B. The running of the time period tolled under item A (above) resumes when the applicant makes a supplemental submission in response to the City 's notice of incompleteness. If a supplemental submission is inadequate, the City shall notify the applicant not later than ten (10) days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating

missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in item A. Second or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.

- C. The Planning Commission shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the City. If the City fails to comply with this item (C), the application is considered to be approved subject to the condition that the applicant provide the Planning Commission not less than fifteen (15) days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.
- D. Co-location of small cell wireless facilities shall commence within one (1) year of permit issuance and shall be activated for use no later than one (1) year from the permit issuance date. Failure to commence collocation within one year of permit issuance shall void said permit. A small cell wireless facility not activated within one (1) year of permit issuance shall be considered abandoned and shall be removed from the public right-of-way at the wireless provider's sole expense.

#### **12.14.5 Wireless Communication Equipment.**

Wireless communication equipment (but not a wireless communication support structure) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communications equipment is not subject to zoning review and approval if all of the following requirements are met pursuant of Public Act 366 of 2018:

- A. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
- B. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was approved by the appropriate zoning body or official for the City.
- C. The proposed co-location will not do any of the following, if it does not comply with these requirements, it is subject to the site plan review process:
  1. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater;
  2. Increase the width of the wireless 2 communications support structure by more than the minimum necessary to permit co-location;
  3. Increase the area of the existing equipment compound to greater than two thousand five hundred (2,500) square feet.

- D. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the City.
- E. Notwithstanding the foregoing, wireless communications equipment otherwise exempt must still comply with all other applicable codes including a requirement that the building inspector determines that the co-location will not adversely impact the structure to which it is attached.
- F. Any equipment placed in a residential district shall not be erected at a height that requires lighting.
- G. Wireless communications equipment that is not attached to an existing structure or becomes unattached due to abandonment, removal, or relocation of an existing structure (thus requiring the installation of a new wireless communications support structure), is subject to site plan review consistent with this Ordinance.

#### **12.14.6 Design.**

Small cell wireless facilities requiring the installation of a new pole or wireless support structure in residential, historic, and downtown districts shall comply with the following design and concealment standards:

- A. If possible, poles, and wireless support structures shall be designed to accommodate small cell wireless facilities for multiple wireless services providers.
- B. Poles shall be located a minimum of fifteen (15) feet from any tree, measured to the tree-trunk center. Additionally, eighty percent (80%) of the protected root zone shall remain undisturbed. This minimum separation shall not apply for a new pole that replaces an existing pole, where the new pole is installed in the same place as, or immediate vicinity of, the existing pole.
- C. Poles shall be designed pursuant to City standards or the applicable utility's standard, and function as street light poles, utility poles, or traffic signal poles in consultation with the City or the applicable utility and shall be incorporated into the applicable utility or signaling system.
- D. Poles shall comply with the following height regulations:
  - 1. In residential districts, poles shall not exceed thirty three (33) feet in height from ground level.
  - 2. In the CB-2 district, poles shall not exceed ten percent (10%) of an adjacent building or exceed forty (40) feet in height from ground level, whichever is less.
  - 3. In all other districts, poles shall not exceed forty (40) feet in height from ground level.
- E. Poles shall be designed and installed with materials and appearance consistent with existing poles in the adjacent public way, unless materials and appearance are prescribed by other ordinance, law, or City requirements. Poles shall be aesthetically

pleasing, consistent with the local character of the area and shall not detract from the streetscape.

- F. Antenna shall be installed within the pole and not visible. If any antenna cannot be installed within the pole and made not visible, then it shall extend vertically from the pole or be flush-mounted to the side of the pole and shall be designed to be an architecturally compatible extension of the pole. The diameter of the antenna shall be consistent with the diameter of the pole, not including other appurtenances or extensions from the pole, or the base to which the pole is mounted. The antenna shall not extend more than five (5) feet above the top of the pole.
- G. To the extent practicable, all accessory cables and equipment shall be installed within the pole or placed underground as required by this Section.
- H. New utility poles and ground mounted equipment shall be installed at least three hundred (300) feet from any existing or proposed utility pole or ground mounted equipment. Any wireless provider desiring to install poles less than three hundred (300) feet apart shall demonstrate to the City's satisfaction that the wireless provider could not serve a location without the desired placement.

#### **12.14.7 Maintenance.**

All wireless providers shall repair all damage to the ROW caused by the activities of the wireless provider while occupying, constructing, installing, mounting, maintaining, modifying, operating, or replacing small cell wireless facilities, utility poles, or wireless support structures in the ROW and to return the ROW to its original condition. If the wireless provider fails to make the repairs required by the City within sixty (60) days after written notice, the City may make those repairs and charge the wireless provider the reasonable, documented cost of the repairs.

#### **12.14.8 Permit Application Process.**

The applicant shall seek a ROW access permit from the Zoning Administrator to co-locate a small cell wireless facility or install, modify, or replace a utility pole on which a small cell wireless facility will be collocated as required by all ROW users. To obtain this permit, an applicant is subject to all of the following:

- A. An application for a permit is subject to all of the following requirements:
  - 1. Name of the company and contact information;
  - 2. Applicant name and contact information;
  - 3. Map of georeferenced location(s) of where the company is proposing the installation(s) of a supporting structure and/or small cell wireless facility;
  - 4. Parcel identification number and property ownership for parcels located within seventy (75) feet of the proposed facility;
  - 5. Distance from the proposed facilities and the nearest property line, roadways, rights-of-way, and utilities within the rights-of-way;

6. Zone and adjacent zones;
7. Dimensions of all proposed installations and height on the utility pole or support structure where a small cell wireless facility will be mounted;
8. For deployments in the CB-2 or residential districts, documentation of compliance with design and location requirements;
9. An inventory of any existing and approved small cell wireless facilities, poles, and wireless support structures that are within the jurisdiction of the City;
10. For all new poles, replacement poles, and wireless support structures, a certification by the wireless provider and a structural analysis sealed by a licensed engineer attesting that the towers and structures will accommodate co-location of additional antennas, including the extent of such collocation space;
11. For all new poles, replacement poles, and wireless structures, demonstration of compliance with ANSI/TIA 222-G-2 standards;
12. For all new poles, replacement poles, and wireless support structures, a statement from a licensed engineer why no current existing towers or structures are adequate to provide the services planned with the wireless facility;
13. Copy of all other permits related to the deployment, including any applicable METRO Act application and permit;
14. Documentation showing adequate insurance, including the City named as an additional insured;
15. A performance bond meeting the requirements of this Section;
16. Attestation that the small cell wireless facility will be operational for use by a wireless service provider within one year after the permit issuance date;
17. Site/structure remediation plan for restoring the public ROW after removal of wireless facilities or equipment;
18. Provide the estimated radius of service the small cell wireless facility will provide;
19. Material used to enclose small cell wireless facility and associated equipment;
20. Photo of installations;
21. Work plans for the amount of time and type of disturbance will be caused to the public ROW;
22. Certification of compliance with FCC radio frequency emission regulations;
23. Detailed description of the activities the applicant needs to accomplish:
  - a) Construct a utility pole or support structure;

- b) Install small cell wireless facility on an existing pole

24. Any additional information requested by the City.

- B. Within twenty-five (25) days after receiving an application, the Zoning Administrator shall notify the applicant in writing whether the application is complete. If the application is incomplete, the notice shall clearly and specifically delineate all missing documents or information. The notice tolls the running of the time for approving or denying an application.
- C. The running of time period tolled resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness. If a supplemental submission is inadequate, the City shall notify the applicant in writing not later than ten (10) days after receiving the supplemental submission that the supplemental submission did not provide the information identified in the original notice delineating missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in PA 365 of 2018 or subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness.
- D. The Building Department may require an applicant to include an attestation that the small cell wireless facilities will be operational for use by a wireless services provider within one (1) year after the permit issuance date, unless the Building Department and the applicant agree to extend this period or delay is caused by lack of commercial power or communications transport facilities to the site.

#### **12.14.9 Alternative Siting; Decommission.**

- A. Upon receiving an application to place a new utility pole, the Zoning Administrator may propose an alternate location within the ROW or on property or structures owned or controlled by the City within seventy (75) feet of the proposed location to either place the new utility pole or co-locate on an existing structure. The applicant shall use the alternate location if, as determined by the applicant, the applicant has the right to do so on reasonable terms and conditions and the alternate location does not impose unreasonable technical limits or significant additional costs.
- B. Before discontinuing its use of a small cell wireless facility, utility pole, or wireless support structure, a wireless provider shall notify the Zoning Administrator in writing. The notice shall specify when and how the wireless provider intends to remove the small cell wireless facility, utility pole, or wireless support structure. If the wireless provider does not complete the removal within forty five (45) days after the discontinuance of use, the City may complete the removal and assess the costs of removal against the wireless provider's performance bond. If the City incurs costs that exceed the performance bond, then the wireless provider shall reimburse the City within thirty (30) days. A permit under this section for a small cell wireless facility expires upon removal of the small cell wireless facility.

**12.14.10 Basis for Denial for a Permit.**

The Zoning Administrator shall deny a completed application for a proposed co-location of a small cell wireless facility or installation, modification, or replacement of a utility pole that meets the height requirements if the proposed activity would do any of the following:

- A. Materially interfere with the safe operation of traffic control equipment.
- B. Materially interfere with sight lines or clear zones for transportation or pedestrians, any small cell wireless facility should be mounted at least ten (10) feet high.
- C. Materially interfere with compliance with the Americans with Disabilities Ordinance of 1990, Public Law 101- 36, or similar federal, state, or local standards regarding pedestrian access or movement.
- D. Materially interfere with maintenance or full unobstructed use of public utility infrastructure under the jurisdiction of an authority.
- E. Materially interfere with maintenance or full unobstructed use of the drainage infrastructure as it was originally designed.
- F. Not be located a reasonable distance from the drainage infrastructure to ensure maintenance under the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630, and access to the drainage infrastructure.
- G. Fail to comply with reasonable, nondiscriminatory, written spacing requirements of general applicability adopted by ordinance or otherwise that apply to the location of ground-mounted equipment and new utility poles and that do not prevent a wireless provider from serving any location.
- H. Fail to comply with all other applicable codes.
- I. Fail to meet reasonable, objective, written stealth or concealment criteria for small cell wireless facilities applicable in a historic district, downtown, or residential district, as specified in an ordinance or otherwise and nondiscriminatory applied to all other occupants of the ROW, including electric utilities, incumbent or competitive local exchange carriers, fiber providers, cable television operators, and the City.

**12.14.11 Insurance; Bonding**

- A. The wireless provider shall furnish proof of insurance in an amount and form satisfactory to the City, naming the City as an additional insured. Such insurance shall cover a period of not less than the term of this permit and shall provide that it cannot be cancelled without thirty (30) days advance written notice to the City.
- B. Before any work under a permit issued pursuant to this Article may commence, a wireless provider shall furnish to the City a performance bond in the form of an irrevocable bank letter of credit form or surety bond form approved by City, in the amount of one thousand dollars (\$1,000.00) per small cell wireless facility included in the application for a permit, to provide for the reasonable costs of removal of abandoned or

improperly maintained small cell wireless facility, to repair the ROW, or to recoup unpaid rates or fees.

**12.14.12 Labeling**

A small cell wireless facility for which a permit is issued shall be labeled with the name of the wireless provider, emergency contact telephone number, and information that identifies the small cell wireless facility and its location.

**12.14.13 Appeals**

The applicant may appeal any City determinations related to this ordinance to the highest elected body of the City or, the circuit court in the judicial circuit where the City is located.



## ARTICLE 13: PERFORMANCE STANDARDS

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this Section.

### 13.1 PURPOSE AND SCOPE.

The purpose of this Section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.

- A. **Scope.** No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this Ordinance, except in conformity with all applicable performance standards set forth in this Section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this Section.
- B. **Submission of additional data.** Nothing in this Section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Section, provided that the Planning Commission finds that no harm to the public health, safety or welfare will result, and that the intent of this Ordinance will be upheld.

### 13.2 NOISE.

No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.

- A. **Noise disturbance examples.** Examples of noise disturbances include, but are not limited to:
  - 1. **Sounds that exceed Ordinance limits.** Any sound that exceeds the specific limits set forth in this Section shall be deemed a noise disturbance.
  - 2. **Loading and unloading.** Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a residential zone.
  - 3. **Construction.** Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary. This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.
  - 4. **Vibration.** Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the

minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

**B. Exceptions.** The provisions in this Section shall not apply to the following uses and circumstances:

1. **Emergency exceptions.** The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this Section.
2. **Additional exceptions.** The provisions in this Section shall not apply to the following activities, provided that such activities are conducted in a legally accepted manner:
  - a) Snow plowing and other public works activities.
  - b) Animal and agricultural uses.
  - c) Church bells, chimes, and carillons.
  - d) Lawncare and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
  - e) Licensed vehicles being operated on a street.
  - f) Nighttime excavation, construction, or repair of bridges, streets, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety or welfare.
  - g) The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.

**C. Maximum permitted sound levels by receiving zoning district.** Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

RECEIVING ZONING DISTRICT	TIME	AVERAGE SOUND LEVEL
<b>Residential Districts</b>	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
<b>Non-Residential Districts</b>	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

1. **Correction for impulsive or impact-type sounds.** For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by five (5) dB(A) where the receiving district is residential or commercial-noise sensitive.

2. **Mixed-Used Areas.** Where the receiving district is a Planned Unit Development (PUD) District or mixed-use area, the applicable standards of this table shall be based on the types of uses within the planned development.

### 13.3 SURFACE WATER FLOW.

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

### 13.4 DUST, SMOKE, SOOT, DIRT, FLY ASH AND PRODUCTS OF WIND EROSION.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

### 13.5 ODOR.

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

### 13.6 GLARE AND HEAT.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half ( $\frac{1}{2}$ ) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

### 13.7 FIRE AND SAFETY HAZARDS.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county, and local regulations, including the Michigan Fire Prevention Code (PA 207 of 1941, as amended).

- A. **Storage Tanks.** All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing one and one half (1.5) times the capacity of the largest tank so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

Belowground bulk storage tanks that contain flammable material shall be located no closer to lot lines than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

### **13.8 SEWAGE WASTES AND WATER POLLUTION.**

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by Federal state, county, and local regulatory agencies, including the Michigan Department of Health, the Michigan Department of Environment, Great Lakes, and Energy, the Sanilac County Health Department, and the U.S. Environmental Protection Agency.

### **13.9 GASES.**

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act PA 451 of 1994, as amended), federal Clean Air Acts, as amended, and any other applicable state or federal regulations.

### **13.10 ELECTROMAGNETIC RADIATION AND RADIO TRANSMISSION.**

Electronic equipment required in an industrial, commercial, or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

### **13.11 RADIOACTIVE MATERIALS.**

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

### **13.12 PROCEDURES FOR DETERMINING COMPLIANCE.**

In the event that the City receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

- A. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Administrator or designated City consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Administrator may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Administrator is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate

the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans for existing/proposed facilities, buildings, and equipment.
2. Descriptions of existing/proposed machinery, processes, and products.
3. Specifications for mechanisms and techniques used or proposed to control emissions regulated under the provisions of this Section.
4. Measurement of the amount or rate of emissions of materials purported to be in violation.

- B. Method and cost of determination.** The Zoning Administrator or designated City consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can accurately use equipment and personnel normally available to the City without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and spec equipment or instruments shall be secured to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, then such costs shall be paid by the City.

- C. Appropriate remedies.** If, after appropriate investigation, the Zoning Administrator or designated City consultant determines that a violation does exist, the Zoning Administrator shall provide written notice of the violation to the owners or operators of the facility deemed responsible and shall request that the violation be corrected within a specified time limit.
1. Correction of violation within time limit. If the alleged violation is corrected within the specified time limit, the Zoning Administrator shall note "violation corrected" on the City's copy of the notice, which shall be retained on file.
  2. Violation not corrected and no reply from owner or operator. If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Zoning Administrator shall take such action as may be warranted to correct the violation, in accordance with the regulations set forth in this Section.
  3. Reply requesting time extension. If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the Zoning Administrator may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health or property.
  4. Reply requesting technical determination. If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the Zoning Administrator may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

- D. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation.

If the bill is not paid within thirty (30) days, the City may take necessary action to recover such costs or may charge such costs against the property where the violation occurred.

## ARTICLE 14: PROCEDURES AND STANDARDS

### 14.1 SITE PLAN REVIEW.

#### 14.1.1 Purpose.

The purpose of this Section is to establish procedures and standards that provide a consistent method for review of site plans and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

Flexible review standards have been established to ensure that the type of review and amount of required information is directly proportional to the project's scale and use intensity. It is the further purpose of this Section to protect natural, cultural, and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the City and the applicant, and facilitate development in accordance with the City's Master Plan.

#### 14.1.2 Site Plan Approval Required.

Two separate review processes have been established in accordance with the purpose of this Section, as follows:

A. **Planning Commission approval.** The following development projects and uses shall require review and approval of a detailed site plan by the Planning Commission prior to establishment, construction, expansion, or structural alteration of any structure or use. Exceptions listed below shall not be subject to plan review, but shall be subject to zoning permit approval per Section 1.15 (Zoning Permits):

1. All special uses, subject to the provisions of Section 14.2 (Special Uses).
2. All Residential Uses, as specified in Article 3 (Land Use Table), except the following:
  - a) One (1) single-family, two-family or duplex dwelling, and customary accessory structures on a single residential lot of record.
  - b) Family child day care homes, as licensed by the State of Michigan.
  - c) Establishment of a home occupation listed in Section 5.3.5 (Home Occupations) as a permitted accessory use.
3. All Office, Service, and Community Uses, Commercial Uses, and Industrial, Research and Laboratory Uses, as specified in Article 3 (Land Use Table).
4. All Other Uses, as specified in Article 3 (Land Use Table), except the following:
  - a) Accessory structures and uses specified in Section 17.1 (Accessory Structures and Uses).
  - b) Temporary construction buildings and uses.

- c) Farming and active agricultural uses, as defined in Article 21 (Definitions).
  - d) Essential service and public utility facilities.
5. Construction, expansion, or alteration of a manufactured housing park, as defined in Article 21 (Definitions), shall be subject to preliminary plan approval in accordance with the procedures and standards of Section 5.3.6 (Manufactured Housing Parks).
  6. Construction, expansion, or alteration of a condominium development, as defined in Article 21 (Definitions), shall be subject to condominium site plan approval in accordance with the procedures and standards of Article 15 (Condominium Regulations).
  7. Construction, expansion, or alteration of a planned unit development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 16 (Planned Unit Developments).
  8. Construction, expansion, or alteration of a wireless communications facility, as defined in Article 21 (Definitions), shall be subject to approval in accordance with the procedures and standards of Article 12.14 (Wireless Communication Facilities).

**B. Projects eligible for administrative approval.** The following development projects, uses, and activities have been determined to be appropriate for an administrative site plan review and approval by the Zoning Administrator or designated City consultant. The Zoning Administrator or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative site plan approval:

1. Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan.
2. Minor building modifications that do not significantly alter the facade, height or floor area of a multiple-family or non-residential building.
3. For a multiple-family or non-residential uses, construction of accessory structures or fences or installation of a fence or wall around a waste receptacle, mechanical unit or other similar equipment.
4. Changes to a site required by the Sanilac County Chief Building Official to comply with State Construction Code requirements.
5. Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
6. Construction of an addition to an existing building or expansion of an existing, conforming use, subject to the following:
  - a) No variances to the requirements of this Ordinance are required.



- b) The proposed addition or expansion would not increase the total square footage of the building or area occupied by the use by more than twenty-five percent (25%) or one thousand (1,000) square feet, whichever is less.
7. Re-occupancy of an existing building that has been vacant for more than one hundred eighty (180) days, subject to the following:
- a) No variances to the requirements of this Ordinance are required.
  - b) The proposed use will be conducted within a completely enclosed building.
  - c) The proposed use will not require significant additional parking demands, access changes or other substantial modifications to the existing site.

#### 14.1.3 Site Plan Review Procedure.

Site plans shall be reviewed in accordance with the following:

- A. **Pre-application meeting.** Applicants shall meet with the Zoning Administrator and other City officials and designated City consultants to discuss a conceptual site plan, site issues, and application of Ordinance standards, prior to submitting site plans for formal review.
  - 1. Conceptual plans shall have sufficient detail to determine relationships of the site to nearby land, intensity of intended uses, layout of proposed structures and site improvements, and adequacy of access, parking, and other facilities.
  - 2. Comments or suggestions by City officials regarding a conceptual site plan shall constitute neither approval nor a disapproval of the plan, nor shall the City be bound by such comments or suggestions in preparing for formal submittal or review of a site plan by the Planning Commission.
- B. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the City, along with appropriate review fees, as determined by City Council. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant. All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent at least seven (7) days prior to the Planning Commission meeting where the site plan will be considered.
- C. **Technical review.** Prior to Planning Commission consideration, the Zoning Administrator shall distribute copies of the site plan and application to designated City officials and consultants for review and comment. The Zoning Administrator or Planning Commission may also distribute copies of the site plan and application to other local agencies or departments with jurisdiction for comment on any problems the plans might pose.

D. **Planning Commission consideration of the site plan.** The Planning Commission shall review the site plan, together with any reports and recommendations from City officials, consultants, and other reviewing agencies. The Planning Commission shall make a determination based on the requirements of this Ordinance and the standards of Section 14.1.12 (Standards for Site Plan Approval). The Planning Commission is authorized to table, approve, approve subject to conditions or deny the site plan as follows:

1. **Tabling.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
2. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant or agent to attend two (2) or more meetings shall be grounds for the Planning Commission to deny site plan approval.

3. **Approval.** Upon determination that a site plan is in compliance with the standards of this Ordinance, the site plan shall be approved.
4. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.

E. **Recording of site plan action.** Planning Commission action on the site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, and conditions or grounds for the Planning Commission's action.

1. After the Planning Commission has taken final action on a site plan, the Zoning Administrator shall clearly mark three (3) copies of the site plans APPROVED or DENIED, as appropriate, with the date that action was taken and any conditions of approval.
2. One (1) marked copy shall be returned to the applicant, the second copy shall be forwarded to the Sanilac County Chief Building Official, and the third copy shall be placed on file at the City offices per State of Michigan retention guidelines within forty five (45) days.

#### 14.1.4 Outside Agency Permits or Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to the start of development or construction on the site.

#### **14.1.5 Construction Plans.**

Where detailed construction or engineering plans are required by the City, Sanilac County or other agency with jurisdiction, the applicant shall submit a copy of such plans to the Zoning Administrator for review. The Zoning Administrator or designated City consultants shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.

Construction or engineering plans that are not consistent with the approved site plan shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

#### **14.1.6 Approval of Phased Developments.**

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

- A. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
- B. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independently of any improvements planned for later phases.
- C. Each future phase shall be subject to a separate site plan review by the Planning Commission and shall be required to meet all applicable Ordinance standards effective at the time of such review.

#### **14.1.7 Site Plan Resubmission.**

A site plan that has been denied may be revised by the applicant to address the reasons for the denial and then resubmitted for further consideration. The resubmitted site plan shall be subject to the same requirements, review fees, and approval procedures as a new application for site plan approval.

#### **14.1.8 Expiration of Site Plan Approval.**

Site plans shall expire three hundred sixty five (365) days after the date of approval unless the construction plan for the project has been submitted to the City for review.

Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to one hundred eighty (180) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this Ordinance.

#### **14.1.9 Rescinding Site Plan Approval.**

Site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed, or maintained in compliance with approved permits,

site plans, or conditions of site plan or special use approval. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 14.3 (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner or designated agent.

#### **14.1.10 Revisions to Approved Site Plans.**

Minor revisions to an approved site plan may be administratively reviewed by the Zoning Administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the Zoning Administrator to be minor, shall be reviewed by the Planning Commission as an amended site plan.

#### **14.1.11 Compliance with an Approved Site Plan.**

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve, and maintain the site, including the use, structures, and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed or a new site plan is approved. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

- A. To ensure compliance with this Ordinance, the approved site plan, and any conditions of site plan approval, the Planning Commission or Zoning Administrator may require that an irrevocable performance guarantee be deposited with the City Treasurer, subject to the standards of Section 1.17 (Fees and Performance Guarantees). The amount of the performance guarantee shall be sufficient to ensure faithful completion of the improvements associated with a project for which site plan approval is sought, as determined by the Zoning Administrator.
- B. The Zoning Administrator or designee shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall be considered a violation of this Ordinance and shall constitute grounds for the Planning Commission to rescind site plan approval.

#### **14.1.12 Standards for Site Plan Approval.**

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

- A. **Adequacy of information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.
- B. **Site appearance and coordination.** The site is designed in a manner that promotes the normal and orderly development of surrounding lands, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access.
- C. **Preservation of site features.** The site design preserves and conserves natural, cultural, historical, and architectural site features, including architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows, hedgerows, woodlands, and significant individual trees, to the extent feasible.
- D. **Pedestrian access and circulation.** Existing and proposed sidewalks or pedestrian pathways connect to existing public sidewalks and pathways in the area, are insulated as completely as possible from the vehicular circulation system, and comply with applicable regulations regarding barrier-free access.
- E. **Vehicular access and circulation.** Drives, streets, parking, site access, and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
- F. **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials.
- G. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
- H. **Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas, and storage areas from adjacent residential areas and public rights-of-way.
- I. **Exterior lighting.** All exterior lighting fixtures are designed, arranged, and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
- J. **Impact upon public services.** The impact upon public services (including utilities, streets, police and fire protection, and public sidewalks and pathways) will not exceed the existing or planned capacity of such services.
- K. **Drainage and soil erosion.** Adjoining land and uses, public rights-of-way, and the capacity of the public storm drainage system will not be adversely impacted by stormwater runoff and sedimentation.
- L. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury

or loss from incidents involving hazardous materials or processes will not exceed existing or planned emergency response capabilities.

**14.1.13 Required Information for Site Plans.**

The following information shall be included with site plan review applications, except where the Planning Commission determines that it is not applicable to the review:

<b>MINIMUM SITE PLAN INFORMATION</b>	<b>REQUIRED</b>
<b>Site Plan Descriptive Information</b>	
Name, address, telephone, email, and facsimile numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan.	Narrative submission
Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	Site Plan
Address, legal description, boundary lines of the parcel, and tax identification number of the parcel, with the gross and net land area.	Narrative submission and Site Plan
A statement describing the proposed use, including the floor area to be occupied, the zone of the parcel, proposed activities, number of units, and other information necessary to verify compliance with the use standards of this Ordinance.	Narrative submission
<b>Site Plan Data and Notes</b>	
Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches (1 inch =50 inches). If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be provided.	Site Plan
Location map with north-arrow and the scale.	Site Plan
Size and dimensions of proposed structures, including gross and usable floor area, number of stories, and overall height.	Site Plan
Existing and proposed use(s) and existing zoning of surrounding parcels (including across road rights-of-way).	Site Plan
Calculations for parking, residential density, or other Ordinance requirements.	Site Plan
<b>Existing Conditions</b>	
The location and nature of any streams, drains, regulated wetlands, floodplains, ponds, marshes, or unstable soils; existing surface water drainage flow directions; and topography at a minimum of two (2) foot contour levels.	Site Plan
Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	Site Plan
The dimensions of all lot and property lines and relationship to abutting properties.	Site Plan
The location and height of all existing structures, driveways, fences, walls, signs, and other site features on and within 100 feet of the subject property; with notes regarding their preservation or alteration.	Site Plan
Size and location of existing fire hydrants, utilities, and public utility connections.	Site Plan
<b>Site Plan Details</b>	
Location, dimensions, setback distances, and use(s) of all proposed improvements.	Site Plan
Identification of areas involved in each separate phase, if applicable.	Site Plan
Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	Site Plan
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	Site Plan
Outdoor sales, display or storage locations and method of screening, if applicable.	Site Plan
The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.	Narrative submission

MINIMUM SITE PLAN INFORMATION	REQUIRED
Building façade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.	Site Plan
The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	Site Plan
<b>Access and Circulation</b>	
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.	Site Plan
Location of pedestrian and nonmotorized facilities, if required.	Site Plan
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	Site Plan
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location of loading areas.	Site Plan
<b>Screening and Landscaping</b>	
Landscape plan, including location, size, quantity, and type of proposed plant materials and any existing plant materials to be preserved.	Site Plan
Planting list for proposed landscape materials, with the method of installation, botanical and common name, quantity, size, and height at planting.	Site Plan
A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	Site Plan
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.	Site Plan
Proposed fences, walls, or other screening devices, including typical cross-section, materials, and height above grade.	Site Plan
Locations and methods of screening for any waste receptacles; ground-mounted generators, transformers, and mechanical (HVAC) units; and similar devices.	Site Plan
<b>Utilities, Drainage, and Environmental Information</b>	
Grading plan, with existing and proposed topography at a minimum of two (2) foot contour levels, drainage patterns, and a general description of grades within 100 feet of the site to indicate stormwater runoff.	Site Plan
The method to be used to serve the development with municipal water.	Narrative submission
The method to be used for sewage treatment.	Narrative submission
The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke, or lights.	Narrative submission
Plans to control soil erosion and sedimentation, including during construction	Narrative submission
Size and location of proposed fire hydrants, utilities, and connections to public sewer or water supply systems.	Site Plan
<b>Additional Required Information</b>	
Other information as requested by the Zoning Administrator or Planning Commission to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the City's Master Plan.	As requested
General description of deed restrictions and/or cross access management easements, if any or required.	Narrative submission

## 14.2 SPECIAL USES.

### 14.2.1 Purpose.

This Section provides a set of procedures and standards for special uses of land or structures, which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent land, uses, and residents; and the community as a whole. Special uses include those uses that:

- A. Serve an area, interest, or purpose that extends beyond the borders of the City;
- B. Create particular problems of control in relation to adjoining uses or districts;
- C. Have detrimental effects upon public health, safety, or welfare; or
- D. Possess other unique characteristics that prevent such uses from being permitted without special approval in a particular zoning district.

This Section is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, and facilitate development in accordance with the objectives of the Master Plan.

### 14.2.2 Application Requirements.

Special use applications shall be submitted in accordance with the following:

- A. **Eligibility.** The application shall be submitted by the operator of the use or owner of an interest in the land or structure(s) for which special use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings. Applications that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant.
- B. **Application.** Special use applications submitted to the City shall include the following information:
  - 1. Names, addresses, email addresses, and telephone numbers for the applicant and property owner and proof of ownership.
  - 2. A signed statement that the applicant is the owner of the subject parcel or is acting as the owner's representative. If the property is leased by the applicant, the owner's signed and dated authorization for the application shall be provided.
  - 3. Address, location, and tax identification number of the parcel.
  - 4. A detailed description of the proposed use.
  - 5. A certified survey drawing of the subject parcel, and a complete site plan per Section 14.1 (Site Plan Review).
  - 6. Appropriate review fees, as determined by City Council.



7. Supporting statements, evidence, data, information, and exhibits that address the standards and requirements of this Section and Ordinance that apply to the proposed use, including Section 14.2.8 (Standards for Special Use Approval).
8. Any other information deemed necessary by the Zoning Administrator or Planning Commission to determine compliance with this Ordinance.

#### 14.2.3 Special Use Review Procedure.

Special use applications shall be reviewed in accordance with following procedures:

- A. **Coordination with site plan review.** The Zoning Administrator shall review the application to determine if it satisfies the standards for special land uses, and all other applicable standards of this Ordinance. The Planning Commission may, at its discretion, consider special use and site plan applications at the same meeting.
- B. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to appropriate City officials and staff for review and comment. The Zoning Administrator may also submit the application materials to designated City consultants for review.
- C. **Public hearing.** A public hearing shall be held for all special uses in accordance with Section 14.3 (Public Hearing Procedures).
- D. **Planning Commission consideration.** Subsequent to the hearing, the Planning Commission shall review the application for special use approval, together with any reports and recommendations from City officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards contained in Section 14.2.8 (Standards for Special Use Approval). The Planning Commission is authorized to table, approve, approve subject to conditions, or deny the special use as follows:
  1. **Tabling.** Upon determination by the Planning Commission that a special use application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  2. **Denial.** Upon determination that a special use application is not in compliance with the provisions of this Ordinance, including Section 14.2.8 (Standards for Special Use Approval), or would require extensive modifications to comply with said standards and regulations, the special use shall be denied. If a special use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the special use.
  3. **Approval.** The special use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Section 14.2.8 (Standards for Special Use Approval). Upon approval, the special use shall be deemed a conforming use permitted in the district in

which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the lot or area thereof upon which the use is located.

4. **Approval subject to conditions.** The Planning Commission may approve a special use subject to reasonable conditions:

- a) Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
- b) Related to the valid exercise of the police power and the impacts of the proposed use; or
- c) Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special use under consideration, and necessary for compliance with those standards.

E. **Recording of special use action.** Planning Commission action on the special use shall be recorded in the Planning Commission meeting minutes, stating the name, description, and location of the proposed use; address and tax identification number of the parcel; and the grounds for the Planning Commission's action. The Zoning Administrator shall keep one (1) copy of the written record on file in the City, and shall forward one (1) copy to the applicant as evidence of special use approval.

**14.2.4 Resubmission after Denial.**

A special use application that has been denied shall not be resubmitted for a period of three hundred sixty five (365) days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

**14.2.5 Appeals of Special Use Decisions.**

The Zoning Board of Appeals shall not have the authority to consider appeals of special use determinations by the Planning Commission.

**14.2.6 Expiration of Special Use Approval.**

Special use approval shall expire three hundred sixty five (365) days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special use has been submitted for review. Special use approval shall also expire upon expiration of the approved construction plan associated with a special use. Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of up to one hundred eighty (180) days, provided that the approved special use conforms to current Zoning Ordinance standards.

**14.2.7 Rescinding Special Use Approval.**

Approval of a special use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this

Ordinance, approved permits, site plans or conditions of site plan or special use approval. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 14.3 (Public Hearing Procedures), at which time the operator of the use or owner of an interest in the land or structure(s) for which special use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to said owner, operator or designated agent.

#### 14.2.8 Standards for Special Use Approval.

Approval of a special use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

- A. **Compatibility with adjacent uses.** The special use is compatible with adjacent uses and the existing or intended character of the zoning district and area. The use will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties or the orderly development of the neighborhood.
- B. **Compatibility with the Master Plan.** The special use location and character is consistent with the general principles, goals, objectives, and policies of the adopted Master Plan.
- C. **Compliance with applicable regulations.** The proposed special use is in compliance with all applicable Ordinance provisions.
- D. **Impact upon public services.** The impact of the special use upon public services will not exceed the existing or planned capacity of such services; including utilities, roads, police and fire protection services, drainage structures, refuse disposal, and availability or capacity of water and sewage facilities.
- E. **Traffic impacts.** The special use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
- F. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage or other adverse impacts.
- G. **A documented need exists for the proposed use.** A documented need exists for the proposed use within the community.
- H. **Isolation of existing uses.** Approval of the special use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

### **14.2.9 Compliance with Special Use Approval.**

It shall be the responsibility of the owner of the property and the operator of the use for which special use approval has been granted to develop, improve, operate and maintain the use, including the site, structures, and all site elements, in accordance with the provisions of this Ordinance and all conditions of special use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Zoning Administrator or designee may make periodic investigations of developments for which a special use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special use approval.

### **14.3 PUBLIC HEARING PROCEDURES.**

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended), and the following:

#### **14.3.1 Public Notice.**

Notice of the public hearing shall be posted by the City Clerk at the place the hearing will be held; published in a newspaper of general circulation in the City; and sent by mail or personal delivery to the applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and all occupants of structures within three hundred (300) feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one (1) occupant of a structure, except that one (1) occupant of each unit or spatial area shall receive notice if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner, who shall post the notice at the primary entrance to the structure.

- A. **Timing of notice publication and mailing.** The City Clerk shall publish and mail the notice in accordance with the following deadlines:
  1. Amendments to this Ordinance or Official Zoning Map. The notice shall be published once and given by mail not less than fifteen (15) days before the hearing date.
- B. **Other required notifications.** In the case of amendments to this Ordinance or Official Zoning Map, the City Clerk shall also mail the notice not less than fifteen (15) days before the hearing date to each electric, gas, pipeline, telephone public utility company, and each railroad and airport operating within the affected district that has previously registered with the City for that purpose.

- C. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
- D. **Discretionary notice.** The City may, at its discretion, post this notice at other public-accessible locations, including but not limited to City Hall, community bulletin boards, and the Internet.

#### **14.3.2 Pre-Hearing Examination.**

Upon reasonable request, any person may examine the application and all other documents on file with the City pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the City Council to cover the cost of making such copies.

#### **14.3.3 Right to Submit Written Statements.**

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing or within such time as may be allowed by the hearing body following such hearing. Such statements shall be made a part of the public record of the hearing.

#### **14.3.4 Timeframe for Hearings.**

The public hearing shall be scheduled for a date not more than ninety (90) calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

#### **14.3.5 Rights of All Persons.**

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

#### **14.3.6 Adjournment.**

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be provided of the adjourned hearing date, time, and place per Section 14.3.1 (Public Notice).

#### **14.3.7 Governance.**

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance and the rules and procedures adopted by the body conducting the hearing.

#### 14.4 AMENDMENTS.

The City Council may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended), and the following:

##### 14.4.1 Initiation of Amendment.

Amendments to the provisions of this Ordinance may be initiated by the City Council, Planning Commission, Zoning Administrator, or by petition from one (1) or more residents or property owners of the City. An amendment to the official Zoning Map (rezoning) may be initiated by the City Council, Planning Commission, Zoning Administrator, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the City Council, Planning Commission, or Zoning Administrator.

##### 14.4.2 Application.

An amendment to this Ordinance (except those initiated by the City Council, Planning Commission or Zoning Administrator) shall be initiated by submission of a complete and accurate application to the City, along with the required fee established by City Council. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

- A. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
- B. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property and surrounding properties.
- D. A written description of how the requested amendment meets the criteria stated in this Section.

##### 14.4.3 Amendment Review Procedure.

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

- A. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City officials for review and comment. The Zoning Administrator may also submit the application materials to designated City consultants for review.
- B. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with Section 14.3 (Public Hearing Procedures).
- C. **Planning Commission consideration and recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and

any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the City Council.

In considering an amendment to the Official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
  2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
  3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
  4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of City residents or burdening the City or Sanilac County with unplanned capital improvement costs or other unplanned public expenses.
  5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
  6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the City and surrounding communities to accommodate the demand.
  7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
  8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
  9. Other factors deemed appropriate by the Planning Commission and City Council.
- D. **City Council action.** The City Clerk shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the City Council for consideration and final action.
1. The City Council may adopt or reject the proposed amendment or may refer the amendment back to the Planning Commission for revision or further consideration. If the City Council requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.

2. The City Council may, at its discretion, hold additional public hearings on the proposed amendment. Additional public hearings shall be given proper notice as prescribed in Section 14.3.1 (Public Notice).

**14.4.4 Re-Application.**

Whenever an application for an amendment to this Ordinance has been rejected by the City Council, a new application for the same amendment shall not be accepted by the City for a period of three hundred sixty five (365) calendar days unless the Zoning Administrator determines that one or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.



## ARTICLE 15: CONDOMINIUM REGULATIONS

### 15.1 PURPOSE.

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable City regulations, and the Condominium Act (PA 59 of 1978, as amended). Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act (PA 59 of 1978, as amended), condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the City's site development standards. It is the intent of this Article to ensure that:

- A. Review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act (PA 288 of 1967, as amended), except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.
- B. Condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and the Land Division Act (PA 288 of 1967, as amended), except that the review procedures of this Article and Ordinance shall apply.

### 15.2 CONDOMINIUM UNIT REQUIREMENTS.

The following regulations shall apply to all condominium units:

#### 15.2.1 Types of Permitted Condominium Units.

The following types of condominium units shall be permitted under this Article, subject to conformance with the use and zoning district standards of this Ordinance:

- A. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.
- B. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance and the applicable zoning district.
- C. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into

individual condominium units shall conform to all requirements of this Ordinance for the zoning district.

### **15.2.2 Condominium Unit or Site Condominium Lot.**

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Land Division Act (PA 288 of 1967, as amended), and shall comply with the dimensional standards of the zoning district.

### **15.2.3 Area Computation.**

The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private street right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

### **15.2.4 Relocation of Lot Boundaries.**

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act (PA 59 of 1978, as amended), shall comply with the requirements of Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards), and shall be subject to the review procedures specified in Section 14.1.3 (Site Plan Review Procedure).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act (PA 59 of 1978, as amended), shall comply with the requirements of Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards), or shall be placed into common areas within the project.

## **15.3 REVIEW REQUIREMENTS.**

A condominium project shall be subject to the site plan review procedures specified in Section 14.1.3 (Site Plan Review Procedure), and the following:

### **15.3.1 Conceptual Review.**

To minimize time, costs, and interpretation of City development requirements, applicants are encouraged to shall meet informally with the Zoning Administrator and other City officials to discuss a conceptual condominium site plan, site issues, and application of Ordinance standards prior to submitting plans for formal review.

- A. Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum information required by Section 15.4.1 (Conceptual Condominium Plan Requirements).

- B. Comments and suggestions by the City regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the City be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of an initial plat investigation, as specified in the Land Division Act (PA 288 of 1967, as amended).

### **15.3.2 Condominium Site Plan Review.**

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission. The plan shall include all information required by Section 15.4.2 (Condominium Site Plan Requirements).

The Planning Commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Section 14.1.3 (Site Plan Review Procedure), and the standards for approval specified in Section 14.1.12 (Standards for Site Plan Approval).

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as specified in the Land Division Act (PA 288 of 1967, as amended).

### **15.3.3 Outside Agency Permits or Approvals.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

### **15.3.4 Condominium Construction Plans.**

When the City, County or other agency with jurisdiction requires detailed construction or engineering plans, such plans shall be reviewed by the City in accordance with Section 14.1.5 (Construction Plans). The plan shall include all information required by Section 15.4.3 (Condominium Construction Plan Requirements).

For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as specified in the Land Division Act (PA 288 of 1967, as amended).

## **15.4 REQUIRED PLAN INFORMATION.**

### **15.4.1 Conceptual Condominium Plan Requirements.**

The following information shall be included with a conceptual condominium site plan:

- A. **Ownership interest.** Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).

- B. **Proposed use.** The proposed use(s) of the condominium project.
- C. **Density.** The total acreage of the condominium site, acreage set aside for street rights-of-way, number of condominium units to be developed on the subject parcel, and density computation on a unit per acre basis.
- D. **Circulation.** The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any streets for dedication to the public.
- E. **Street layout.** The location of existing streets adjacent to the development, with details for the location and design of interior streets and access drives, and proposed connections to abutting streets.
- F. **Unit lot orientation.** The proposed layout of structures, unit lots, parking areas, open space, and recreation areas.
- G. **Drainage.** Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas.
- H. **Natural features.** Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams, and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.

#### 15.4.2 Condominium Site Plan Requirements.

The following information shall be included with a condominium site plan:

- A. **Site plan information.** All information required for a site plan review, as specified in Section 14.1.13 (Required Information for Site Plans). For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
- B. **Condominium restrictions.** All deed restrictions, restrictive covenants, or other proposed regulations for the layout, use, and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
- C. **Common areas defined.** Limited common elements, common elements, unit lots, preservation areas, convertible areas, and any other designated ownership areas shall be clearly delineated on the site plan.
- D. **Documents.** The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for City Attorney review.
- E. **Additional information.** The following additional information shall be submitted for City review:
  1. Cross sections of streets, driveways, sidewalks, and other paved areas.
  2. Details of any proposed sanitary, storm, and water system improvements.

3. All condominium documents as defined in this Ordinance.
4. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

#### **15.4.3 Condominium Construction Plan Requirements.**

The following shall be submitted to the City as part of any construction or engineering plans for a condominium project:

- A. **Revised plan.** A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.
- B. **Outside agency approvals.** Verification of all required state and county approvals or comments pursuant to Section 15.3.3 (Outside Agency Permits or Approvals) above.
- C. **Section 71 comments.** Presentation of all comments pursuant to Section 71 of the Condominium Act (PA 59 of 1978, as amended).
- D. **Condominium documents.** Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan in Section 15.7.1 (Document Submittals).

### **15.5 PROJECT STANDARDS.**

The following standards are applicable to condominiums:

#### **15.5.1 Use Standards.**

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

#### **15.5.2 Subdivision Requirements.**

All design standards and requirements for streets, sidewalks, utilities, storm drainage, and subdivision lots specified in the Land Division Act (PA 288 of 1967, as amended) and the City of Sandusky's Subdivision Ordinance shall apply to condominium subdivision (site condominium) projects.

#### **15.5.3 Setbacks.**

The setback requirements of the underlying zoning district, as specified in Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be

measured from the perimeter of the condominium lot or street right-of-way line to the nearest part of the structure or building envelope.

#### **15.5.4 Utility Connections.**

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems.

#### **15.5.5 Streets and Sidewalks.**

The internal circulation system shall provide adequate means of vehicular and non-vehicular circulation, subject to the following:

- A. **Streets.** The proposed development shall provide logical extensions of existing or planned streets in the City and shall provide suitable street connections to adjacent parcels, where applicable. Internal streets and street rights-of-way shall be designed to meet the City's engineering design standards and shall be dedicated to the public. Curb cuts and driveway access shall comply with the standards of Section 7.12 (Access Management).
- B. **Sidewalks and pedestrian paths.** To provide access to all common areas and uses, minimum five (5) foot wide concrete sidewalks shall be provided along both sides of all interior and perimeter streets serving a condominium development. Pedestrian access and circulation shall be further subject to the following:
  1. Additional pedestrian paths of concrete, asphalt, crushed limestone, or similar material approved by the Planning Commission may be provided for secondary pedestrian access and circulation within and through the site.
  2. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable.
  3. The Planning Commission may approve alternative sidewalk locations or may waive the sidewalk requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.
- C. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood. A traffic impact study may be required by the Planning Commission, per Section 7.13 (Traffic Impact Studies).

#### **15.5.6 Infrastructure and Other Site Improvements.**

Drainage, utility facilities, and improvements shall meet or exceed the applicable City and county requirements. All new utilities shall be installed underground. Stormwater detention/retention basins shall be designed to emulate a naturally formed or free form depression and to minimize the need for perimeter fencing.

## 15.6 MONUMENTS.

All condominium subdivision (site condominium) projects shall be clearly marked with monuments as follows:

### 15.6.1 Required.

Monuments shall be placed in the ground according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.

### 15.6.2 Construction.

Monuments shall be made of solid iron or steel bars at least one-half ( $\frac{1}{2}$ ) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

### 15.6.3 Location.

Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.

- A. Reference. If the required location of a monument is inaccessible or locating a monument would be impractical, it is sufficient to place a reference monument nearby, with the precise location clearly indicated on the plans and referenced to the true point.
- B. Steel rods. If a monument point is required to be on a bedrock outcropping, a steel rod, at least one-half ( $\frac{1}{2}$ ) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- C. Set at grade. All required monuments should be placed flush with the surrounding grade where practicable.

### 15.6.4 Condominium Unit Corners.

Each site condominium unit corner shall be identified by monuments in the field consisting of iron or steel bars or iron pipes at least eighteen (18) inches long and one-half ( $\frac{1}{2}$ ) inch in diameter, or other markers approved by the City Engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.

### 15.6.5 Timing.

The Sanilac Chief Building Official, upon recommendation of the City Engineer, may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits with the City Clerk a performance guarantee in an amount sufficient for the installation of all required monuments and markers, per Section 1.17 (Fees and

Performance Guarantees). Cost estimates for completing such improvements shall be made or verified by the City Engineer.

The period shall not exceed three hundred sixty five (365) days after the date of condominium construction plan approval. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to a forfeiture of the performance guarantee and the completion of the placement under the direction of the City Engineer.

## **15.7 POST CONSTRUCTION REQUIREMENTS.**

### **15.7.1 Document Submittals.**

- A. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Zoning Administrator:
  1. One (1) copy of the recorded Master Deed and all restrictive covenants as approved by the City Attorney;
  2. Two (2) copies of the project site plan and an "as built survey," sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the City; and
  3. One (1) copy of the project site plan and an "as built survey" in an electronic format acceptable to the City.
- B. The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project if such documents have not been submitted within ten (10) days after written request from the Zoning Administrator to do so.
- C. The developer or proprietor shall also record all condominium documents and exhibits with the Sanilac County Register of Deeds office in a manner and format acceptable to the County.

### **15.7.2 Plan Revisions.**

If the condominium construction plan [Exhibit B, as required by the Condominium Act (PA 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the City for review and approval in accordance with Section 14.1.10 (Revisions to Approved Site Plans).

### **15.7.3 Amended Documents.**

Amendments to any condominium document that significantly impact the approved condominium site plan or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission for review and approval. The Zoning Administrator may also submit the documents to the City Attorney and designated City consultants for review and comment.



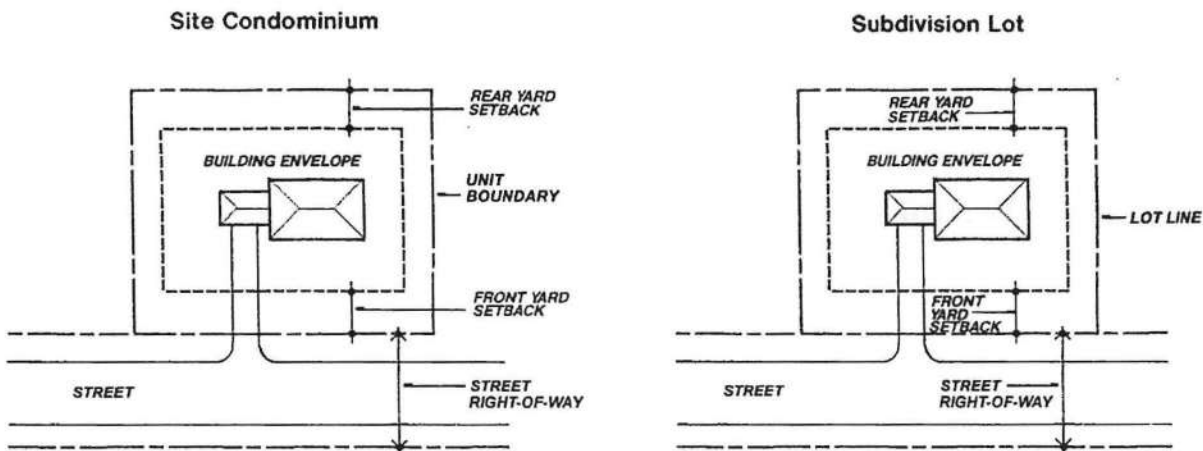
**15.7.4 Condominium Site Plan Expiration.**

Condominium site plans shall expire three hundred sixty five (365) days after the date of approval, unless the construction plan for the project has been submitted to the City for review. Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to three hundred sixty five (365) days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

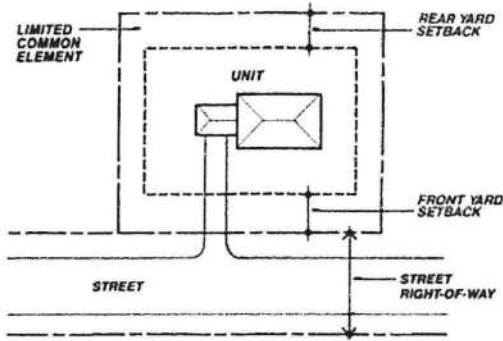
**15.7.5 Rescinding Approval of a Condominium Site Plan.**

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed, or maintained in compliance with approved permits, plans or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Section 14.1.9 (Rescinding Site Plan Approval).

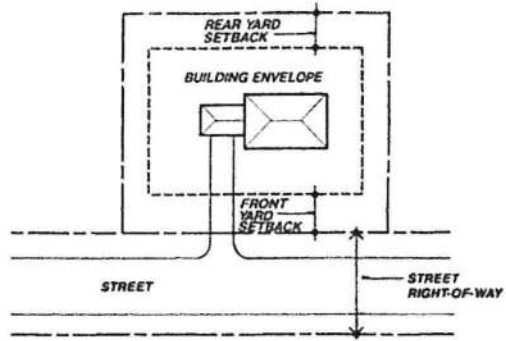
**15.8 ILLUSTRATIONS.**



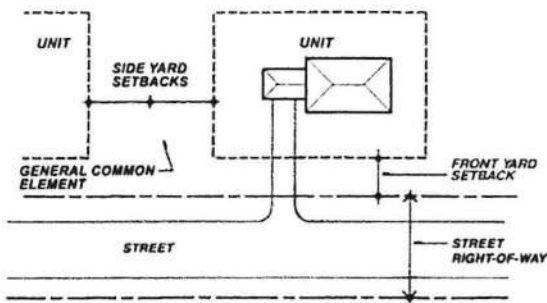
Site Condominium



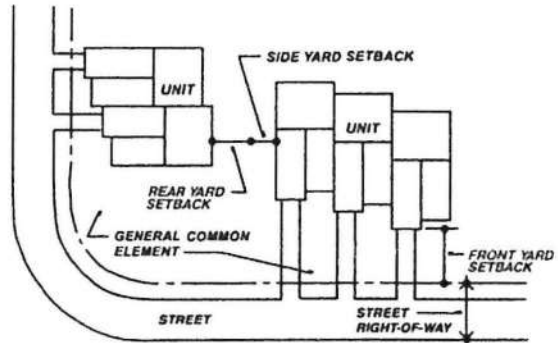
Subdivision Lot



Detached Condominium



Attached Condominium



## Condominium Terminology

## ARTICLE 16: PLANNED UNIT DEVELOPMENTS

### 16.1 INTENT.

It is the intent of these regulations to permit planned development for the purposes of:

- A. Fostering innovation in land use planning, development, and redevelopment consistent or compatible with the City's Master Plan.
- B. Achieving a higher quality of development than would otherwise be achieved under conventional zoning standards.
- C. Encouraging assembly of lots and redevelopment of inefficient or outdated land uses or structures.
- D. Supporting in-fill development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility, environmental status or other unique features or conditions related to the site.
- E. Providing enhanced housing, employment, and shopping opportunities.
- F. Creating a development framework that promotes appropriate business activity that improves the economic vitality of the City.
- G. Enhancing and expediting the redevelopment process for parcels, such as brownfield sites, that present complex solutions for re-use.

These planned development regulations are intended to result in development that is substantially consistent with the zoning standards generally applied to the proposed uses but allows for modifications to the general zoning requirements to assure a superior quality of development.

### 16.2 SCOPE.

The provisions of this Article may be applied to any parcel of land located in any zoning district and which is under single ownership, subject to a determination that the proposed project and site satisfy Section 16.3 (Eligibility Criteria). These regulations are not intended as a device for ignoring the more specific standards of the City or the planning upon which the standards are based.

### 16.3 ELIGIBILITY CRITERIA.

To be eligible for planned development approval, the applicant must demonstrate that the majority of the following criteria will be met:

- A. **Recognizable and Substantial Benefit.** The planned development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community.
- B. **Land Area.** Sufficient land area shall be provided to comply with all applicable regulations of this Ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding neighborhood.

- C. **Availability and Capacity of Public Services.** The proposed type and density of use shall not exceed the capacity of existing public services, facilities, and utilities.
- D. **Compatibility with the Master Plan.** The proposed development shall be consistent or compatible with the City's Master Plan.
- E. **Compatibility with the Planned Development Intent.** The proposed development shall be consistent with the intent and spirit of these regulations, as stated in Section 16.1 (Intent).
- F. **Economic Impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the Zoning Ordinance or planned in the adopted City Master Plan.
- G. **Unified Control of Property.** The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity responsible for completing the entire project.
- H. **Preservation of Site Features.** Long-term conservation of significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).
- I. **Not Permitted in Other Zones.** The use of this option shall not be for the sole purpose of avoiding the applicable zoning requirements. Any permission given for any activity, building, or use not normally allowed shall result in an improvement to the public health, safety and welfare in the area affected.

#### 16.4 REGULATORY FLEXIBILITY.

Unless otherwise waived or modified as part of an approval in accordance with this Section and Article, the standards of this Ordinance shall be applicable to uses proposed in a planned unit development. To encourage flexibility and creativity consistent with the planned development concept, limited deviations from specific Ordinance standards may be authorized, subject to the following:

- A. Proposed deviations shall be identified on the PUD site plan, and shall be subject to review and recommendation by the Planning Commission and approval by City Council.
- B. Such deviations may include modifications to yard and bulk standards, height requirements, density standards, use provisions or parking, loading, lighting, landscaping or other Ordinance requirements.
- C. Such deviations shall result in a higher quality of development than would be possible without the granting of the deviation.

#### 16.5 PROJECT USE STANDARDS.

Proposed planned developments shall comply with the following use standards:

##### 16.5.1 Permitted Uses.

Any land use authorized in Article 3 (Land Use Table) may be included in a planned development as a principal or accessory use, subject to the following:

- A. **Compatibility with the Master Plan.** Permitted uses within the development area of a PUD project shall not impair the public health, safety, and welfare and shall be compatible with the goals and objectives of the City Master Plan, as determined by the Planning Commission.
- B. **Exclusions.** Specific land use groups or individual land uses may be excluded by the City Council from any PUD, upon recommendation by the Planning Commission.
- C. **Use standards.** The specific standards of Article 5 (Supplemental Use Standards) shall apply to all uses permitted within a PUD project, except where deviations are authorized as part of the approved PUD.
- D. **Dimensional standards.** The specific standards of Article 2 (Zoning Districts and Map) and Article 4 (Additional Dimensional Standards) shall apply to development approved under this Article, except where deviations are authorized as part of the approved PUD.

#### 16.5.2 Residential Development.

The minimum land area per dwelling unit standards of Article 4 (Additional Dimensional Standards) shall apply to residential uses in a PUD project, except where deviations are authorized as part of the approved PUD:

- A. **General standards for increased density.** Modifications to the density of residential development may be permitted upon determination that the desired density will not adversely impact water and sewer services, storm water drainage, road capacity, traffic flow, parks and recreation services, fire and police services, schools, character of the area, and any planned public or private improvements in the area.
- B. **Requirement for a mix of housing options.** The Planning Commission may require that a variety of housing options be provided as part of a residential PUD project, including detached and attached single-family dwellings, two-family dwellings, townhouses, and other multiple-family dwellings.
- C. **Clustering of dwelling units.** The City Council may, after recommendation from the Planning Commission, permit a residential PUD project to include clustering of dwelling units on smaller lots than otherwise permitted in Article 4 (Additional Dimensional Standards) for the purpose of preserving contiguous open space or providing additional recreation area as part of the PUD project.

#### 16.5.3 Non-Residential Uses.

Non-residential uses shall be accessed by public streets and sited in such a manner as to not encourage through traffic in existing residential neighborhoods or any potential residential area within the PUD.

#### 16.5.4 Permitted Mix of Uses.

A PUD project may include a mix of compatible residential and non-residential uses, subject to Planning Commission recommendation and City Council approval. Mixed-use PUD projects shall be subject to the following additional standards:

- A. Where the existing zoning district classification or Master Plan future land use designation is non-residential in character, compatible residential uses may be permitted as part of a planned development at the discretion of the Planning Commission and City Council, provided that the applicant shall demonstrate that non-residential uses will continue to be predominant.
- B. Where the existing zoning district classification or Master Plan future land use designation is residential, compatible non-residential uses may be permitted as part of a planned development at the discretion of the Planning Commission and City Council, subject to the following:
  1. The applicant shall demonstrate that the residential uses will continue to be predominant.
  2. The Planning Commission shall determine predominance of use after taking into account the following criteria for each of the proposed uses:
    - a) Amount of traffic generated.
    - b) Hours of operation or use.
    - c) Noise, odors, overall environmental impact on adjoining uses.
    - d) Land area allocated to each use.
    - e) Building area allocated to each use.

## 16.6 PROJECT DESIGN STANDARDS.

Proposed planned developments shall comply with the following project design standards:

### 16.6.1 Access and Circulation.

The internal circulation system shall provide adequate systems for vehicular and non- vehicular circulation, subject to the following:

- A. **Streets.** The proposed development shall provide logical extensions of existing or planned streets in the City and shall provide suitable street connections to adjacent parcels, where applicable. Streets shall be designed to meet the City's engineering design standards and shall be dedicated to the public. Curb cuts and driveway access shall comply with the standards of Section 7.12 (Access Management).
- B. **Sidewalks and pedestrian paths.** Pedestrian circulation shall be provided within the site and shall interconnect all use areas. The pedestrian system shall provide for a logical extension of pedestrian ways outside of the PUD where applicable.
- C. **Parking and loading.** Off-street parking and loading spaces shall be provided in accordance with Article 7 (Parking, Loading, and Access Management).

- D. **Traffic impacts.** Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood. A traffic impact study may be required by the Planning Commission, per Section 7.13 (Traffic Impact Studies).
- E. **Emergency access.** The configuration of buildings, driveways, and other improvements shall allow convenient and direct emergency vehicle access.

#### 16.6.2 Setbacks and Screening.

The City Council may, after recommendation from the Planning Commission, require additional setbacks or screening between land uses within the PUD project or between the PUD and abutting land uses or zoning districts. Such screening shall be consistent with the standards of Section 8.4 (Buffering and Screening).

#### 16.6.3 Utilities.

All new utilities serving a planned development, including electric, telephone, internet, and cable television lines, shall be placed underground where feasible.

#### 16.6.4 Privacy for Dwelling Units.

The design of a planned development shall provide visual and sound privacy for any and all dwelling units within and surrounding the development. Fences, walks, and landscaping shall be used in the site design to protect the privacy of dwelling units.

#### 16.6.5 Open Space Requirements.

PUD projects that include residential uses shall provide and maintain one (1) or more areas of usable open space or common recreation land reserved for passive or active recreational uses or for the preservation of natural features within the development area. Such areas shall subject to the following:

- A. **Minimum area.** The Planning Commission may require that contiguous land area of the residential component of any PUD be designated and maintained as common recreation areas accessible and available to the residents of the PUD project.
- B. **Continuity.** The location of such common recreation areas shall be coordinated with surrounding uses and lands, as well as the natural features of the site.
- C. **Wetlands, floodplains, or open water.** A maximum of twenty-five percent (25%) of any required common recreation area may be occupied by wetlands, floodplains, or open water.
- D. **Use of common recreation areas.** Use of common recreation areas shall be limited to nature preserves, passive recreation (walking paths, trails, etc.) or active recreation (riding stables, playgrounds, ball fields, golf courses, etc.).

- E. **Not included as recreation areas.** Common recreation areas shall not include land areas occupied by road rights-of-way, driveways, off-street parking areas, or the lot area of individual lots within the PUD.
- F. **Irrevocable conveyance.** The applicant shall provide for a conservation easement, deed restriction, Master Deed or similar device satisfactory to the City Attorney to ensure that the common recreation areas will be irrevocably committed for that purpose. Such conveyance shall:
1. Indicate the proposed use(s) of the common recreation areas.
  2. Include a long-term maintenance plan for the common recreation areas, including standards and provisions for financing of future maintenance and improvements. Such areas shall be maintained by the private property owners with an interest in the open space.
  3. State whether public access will be allowed for such common recreation areas.
  4. Provide notice of possible assessment to the private property owners by the City for the cost of necessary maintenance, in the event that a lack of maintenance causes the open space to become a public nuisance.
  5. Be recorded with the Sanilac County Register of Deeds to provide record notice of the restrictions to all persons having a property interest in the PUD.

## 16.7 PROJECT PHASING.

Where a planned development project is proposed to be constructed in phases, the following standards shall apply:

### 16.7.1 Phasing Plan.

The applicant shall submit a revised phasing plan for review and approval by the Planning Commission. Once construction of a planned development has commenced, approval of any revisions to the phasing plan shall be approved only if the revised phasing does not materially change the integrity of the approved planned development.

### 16.7.2 Integrity of Each Phase.

The PUD project shall be designed so that each phase shall be complete in terms of the presence of services, construction, facilities, and open space and shall contain the necessary components to ensure the health, safety, and welfare of the users of the planned development and the residents of the City.

### 16.7.3 Rate of Completion of Residential and Non-residential Components.

If a planned development project includes both residential and non-residential components to be constructed in phases, a minimum of fifty percent (50%) of the total number of residential dwelling units in any planned unit development shall be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development.



- A. Site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses.
- B. The Planning Commission may authorize the construction of commercial uses prior to the completion of fifty percent (50%) of the total number of residential dwelling units, based on supportive evidence provided by a professional market study or upon determination that such authorization is necessary to ensure the successful completion of the PUD project.
- C. For purposes of carrying out this provision, the percentages shall be based upon the floor area and land area allocated to each use as presented in documents submitted by the applicant.

#### **16.8 REQUIRED APPLICATION INFORMATION.**

Applications for planned unit development approval shall include the following:

- A. A written explanation of the relationship of the proposed planned development to the City's Master Plan and documentation that the PUD application satisfies the standards of Section 16.3 (Eligibility Criteria).
- B. Total site acreage and percent of total PUD project in various uses, including the proposed density of residential uses. A detailed description of all proposed uses shall be provided on the PUD site plan.
- C. A detailed development plan, as applicable to the type of project proposed, shall be submitted by the applicant in accordance with the following:
  - 1. A detailed site plan, per the requirements of Section 14.1.13 (Required Information for Site Plans).
  - 2. A final preliminary plat in conformance with the Land Division Act (PA 288 of 1967, as amended).
  - 3. A condominium subdivision plan as provided by Article 15 (Condominium Regulations) and the Condominium Act (PA 59 of 1978, as amended).
- D. Identification and descriptions of any proposed modifications from the standards of this Ordinance.
- E. Depiction of proposed development phases and estimated schedule for completion, per Section 16.7 (Project Phasing).
- F. Fees for the review of a PUD application submittal shall be in accordance with the schedule of fees adopted by resolution of the City Council.
- G. Other data and graphics that will serve to further describe the proposed PUD and any additional information required by the Zoning Administrator or Planning Commission to ensure complete and efficient review of the proposed development.

### **16.9 PRE-APPLICATION CONFERENCE.**

Applicants shall meet with the Zoning Administrator, other City officials, or designated City consultants to discuss a proposed development concept, site issues, application of Ordinance standards, and City land development policies and procedures prior to submitting plans for formal review.

Any person may also request that a conceptual PUD plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. Comments and suggestions by the City regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the City be bound in any way by such comments or suggestions during the subsequent review of a PUD application.

### **16.10 PUD REVIEW PROCEDURES.**

The following procedures are intended to provide a consistent and uniform method for review of planned development applications and to ensure full compliance with the standards of this Ordinance, other applicable local ordinances, and state and federal laws:

#### **16.10.1 Application.**

The application shall be submitted by the owner of an interest in land for which planned development approval is sought, or by the owner's duly designated agent. The PUD application and development plan shall be prepared in the manner specified in this Article.

The PUD application materials, required fees, and sufficient copies of the completed development plan shall be submitted to the Zoning Administrator for review. PUD applications or development plans that are found by the Zoning Administrator to be incomplete or inaccurate shall be returned to the applicant, and shall not be formally reviewed until revised to be substantially complete.

#### **16.10.2 Technical Review.**

Prior to Planning Commission consideration, the PUD application materials shall be distributed to appropriate City officials and staff for review and comment. The Zoning Administrator may also submit the application materials to applicable outside agencies and designated City consultants for review.

#### **16.10.3 Public Hearing.**

Upon receipt of a complete PUD submittal, a public hearing shall be scheduled and held before the Planning Commission in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) and Section 14.3 (Public Hearing Procedures). The Planning Commission and City Council may hold a joint public hearing on a PUD application.

The public hearing and notice required by this Section shall satisfy the public hearing and notice requirements of the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) for amendment of the Zoning Ordinance.

#### 16.10.4 Planning Commission Recommendation.

After the public hearing, the Planning Commission shall review the PUD application and development plan, together with any reports and recommendations from City officials, consultants, and other reviewing agencies, along with any public comments. The Planning Commission shall make a determination based on the requirements of this Article and Ordinance and shall submit a report on the public hearing and the Planning Commission's recommendation to the City Council in accordance with the following:

- A. **Tabling.** Upon determination by the Planning Commission that the PUD application or development plan is not sufficiently complete for consideration, failure of the applicant to attend the meeting or upon request by the applicant, the Planning Commission may postpone consideration and action on the PUD application and development plan until a later meeting.
- B. **Plan revision.** If the Planning Commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next available scheduled meeting of the Planning Commission for further review and possible recommendation to Council.
- C. **Recommendation of approval.** Upon determination that the PUD application and development plan conforms with the standards of this Article and Ordinance, the Planning Commission may recommend to the City Council that the PUD application, development plan, and Zoning Map amendment be approved.
- D. **Recommendation of approval subject to conditions.** The Planning Commission may recommend approval of a PUD application, development plan, and Zoning Map amendment to the City Council, subject to reasonable conditions necessary to:
  1. Ensure that public services and facilities affected by the proposed development will be capable of accommodating increased service loads caused by the development.
  2. Protect the natural environment and conserve natural resources.
  3. Ensure compatibility with adjacent uses of land.
  4. Promote the use of land in a socially and economically desirable manner.
  5. Protect the public health, safety, and welfare of individuals in the development, neighboring residents or the community as a whole.
  6. Achieve the intent and purpose of this Article and Ordinance.
- E. **Recommendation of denial.** Planning Commission shall recommend to the City Council that the PUD application be denied upon determining that the PUD application or development plan:
  1. Fails to meet the standards of Section 16.3 (Eligibility Criteria);

2. Fails to conform with specific provisions of this Article or Ordinance;
3. May be injurious to the public health, safety, welfare, or orderly development of the City; or
4. Is otherwise not in conformance with the intent of this Article.

A written record shall be provided to the applicant and the City Council listing the reason(s) for such denial.

#### **16.10.5 PUD Agreement.**

The applicant shall prepare a PUD agreement setting forth the conditions upon which the approval is based for review by the City Attorney, Zoning Administrator, and designated City consultants. The Agreement shall be subject to the mutual approval of the City Council and the applicant and shall be recorded by the applicant in the Sanilac County Register of Deeds office upon approval. Proof of recording shall be provided to the City.

**A. Contents.** At a minimum, the Agreement shall provide:

1. Certified survey and legal description of the PUD project site.
2. List of permitted uses and any conditions attached to the establishment of a specified use.
3. Statement regarding the developer's intentions regarding sale or lease of all or portions of the PUD project, including common open space areas, dwellings units, nonresidential development sites and buildings, and recreational facilities.
4. Provision assuring that the common open space areas shown on the PUD plan for use by the public or residents will be or have been irrevocably committed for that purpose and that the satisfactory maintenance of these areas is assured.
5. Statement of covenants, easements (including easements for public utilities), and other restrictions to be imposed upon the uses in the PUD.
6. Statement regarding the phasing and timing of development phases.
7. The cost of installing all required infrastructure improvements and utilities has been assured by a satisfactory means, including the manner for assessments and the enforcement of any assessments and costs.
8. The approved PUD plan shall be attached as an exhibit.

**B.** PUD Agreement required for completion of approval process. The City Council may approve the PUD Agreement in conjunction with or following approval of the PUD application. The PUD approval process shall not be complete until the City Council has approved the PUD application, site plan, rezoning, and PUD Agreement.

**16.10.6 City Council Authorization.**

The City Council shall review the public hearing report and the Planning Commission recommendation. The City Council may approve, approve with modifications, or deny the PUD application, or may refer the PUD application back to the Planning Commission for further consideration or revision. The applicant shall be notified of the City Council's actions in writing. If the City Council denies the PUD application, the written notification shall include the reasons for the denial.

**16.11 EFFECT OF APPROVAL.**

Approval of a planned development application, site plan, and PUD Agreement shall constitute an amendment to the Zoning Ordinance to revise the official Zoning Map to designate the subject property as "PUD" (Planned Development District). The PUD Agreement, approved PUD site plan, and all conditions of approval granted under this Article shall constitute an inseparable part of the zoning amendment.

- A. All improvements and land uses of the site shall be in conformity with the planned development amendment and any conditions imposed and the approved development agreement.
- B. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in the Michigan Zoning Enabling Act (PA 110 of 2006, as amended).
- C. The applicant shall record the approved PUD Agreement with the Sanilac County Register of Deeds and shall provide copies of the recorded documents to the Zoning Administrator and the Sanilac County Chief Building Official.

**16.12 OUTSIDE AGENCY PERMITS AND APPROVALS.**

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies. Proof of such permits or approvals shall be provided to the Zoning Administrator.

**16.13 REVISION TO APPROVED PLANS.**

Revisions to an approved PUD site plan shall be subject to review and approval by the Planning Commission, provided that the proposed revisions will not affect the character nor the intensity of use, the general configuration of a buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns or the demand for public services.

Proposed alterations to the PUD boundaries, Agreement, or list of permitted uses shall be subject to review and approval in accordance with the procedures specified in Section 16.10 (PUD Review Procedures).

**16.14 ZONING BOARD OF APPEALS AUTHORITY.**

The ZBA shall have no authority to consider any appeal of a decision by City Council or Planning Commission concerning a planned development application.

**16.15 EXPIRATION OF FINAL PUD APPROVAL.**

If construction has not commenced within three hundred sixty five (365) calendar days of final PUD approval by the City Council, all PUD approvals become null and void and a new PUD application shall be required to continue the project. Upon written request received prior to the expiration date, City Council may grant one (1) extension of up to three hundred sixty five (365) calendar days, provided that the approved PUD plan remains in conformance with the intent and eligibility requirements of this Article, and adequately represents current conditions on and surrounding the site.

If development of approved final site plans is not substantially completed in three (3) years after approval, further final submittals under the PUD shall stop until the part in question is completed or cause can be shown for not completing same.

**16.16 PERFORMANCE GUARANTEES.**

Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with Section 1.17 (Fees and Performance Guarantees). Cost estimates for completing such improvements shall be made or verified by the Zoning Administrator or designated City consultants.

**16.17 COMPLIANCE REQUIRED.**

Any violation of the approved final PUD plan or PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to enforcement action and penalties as described in this Ordinance. No construction, grading, tree removal, topsoil stripping, or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under petition for PUD approval until the requirements of this Article have been met.

**16.18 RESCINDING APPROVAL OF A PUD.**

Approval of a planned unit development (PUD) may be rescinded by the City Council upon determination that the approved PUD plan or PUD agreement have been violated, or that the site has not been improved, constructed, or maintained in compliance with approved permits, approved PUD plan or PUD agreement. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held by the City Council in accordance with the procedures set forth in Section 14.3 (Public Hearing Procedures), at which time the developer of the PUD project, the owner of an interest in land for which PUD approval was sought or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the City Council with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

## ARTICLE 17: GENERAL PROVISIONS

### 17.1 ACCESSORY STRUCTURES.

The following shall apply to all new accessory structures in the City, except as otherwise permitted in this Ordinance, and to alterations, renovations, expansions, or other work that includes exterior changes to existing structures:

#### 17.1.1 Detached Accessory Structures.

The following additional standards shall apply to accessory structures not attached to a principal building in any zoning district:

##### A. Height and setback standards.

Detached accessory structures in any zoning district shall conform to the maximum height and minimum front, side, and rear yard setback requirements specified in [Article 2](#) (Zoning Districts and Map) and [Article 4](#) (Additional Dimensional Standards), except where otherwise permitted in this Section.

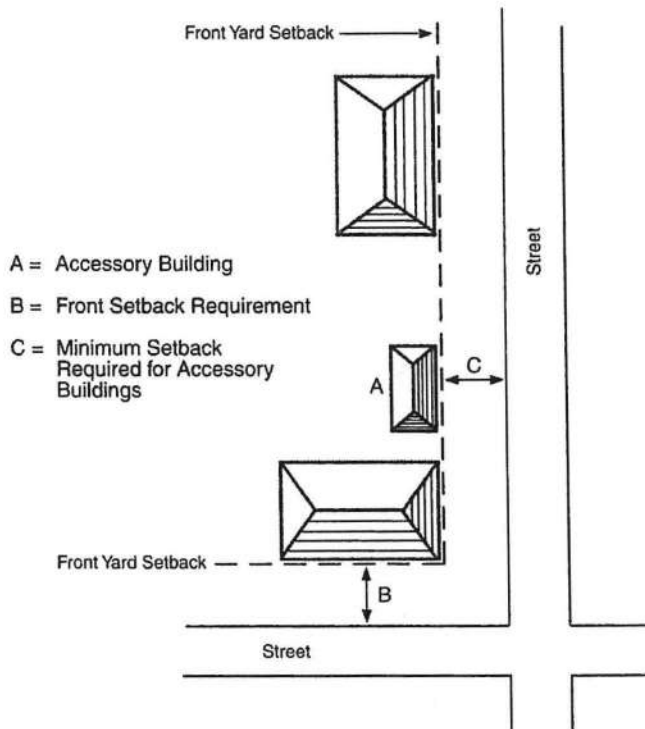
B. **Corner lots.** Detached accessory structures located on a corner lot that face the primary street frontage where the front entrance or front porch is located shall be set back behind the front building line of the principal building. Detached accessory structures that face the secondary street frontage of a corner lot shall not extend into the required front yard setback area.

C. **Easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.

D. **Vehicle shelters.** Temporary or permanent vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this Section.

E. **Additional standards for residential accessory structures.** The following standards shall apply to all detached structures accessory to Residential Uses.

1. Such accessory structures shall be set back behind the front building line of any principal building on the same lot and shall be set back a minimum of ten (10) feet from any principal building.
2. The ground floor area of an accessory structure accessory to a single-family or two-family dwelling shall not exceed the ground floor area of the principal dwelling.



3. Such accessory structures shall not exceed a maximum of fifteen (15) feet in height.
4. Such accessory structures may be located in a required side or rear yard setback area, subject to the following:
  - a) Such accessory structures shall not occupy more than twenty-five percent (25%) of a required rear yard.
  - b) Such accessory structures shall be set back a minimum of three feet from any side or rear lot line.

#### **17.1.2 Temporary Storage Structures.**

Semi-trailers, shipping containers, and similar temporary storage structures shall be permitted to be placed on a lot in the GB, I-1, and I-2 Districts for a maximum period of 14 days per calendar year, except as follows:

- A. Temporary storage structures shall be permitted at construction sites for the duration of any site plan or building permit approval.
- B. Temporary storage structures shall be permitted in designated loading or outside storage areas in accordance with an approved site plan.

#### **17.1.3 Approval Required.**

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals.

- A. All accessory structures shall conform to the standards of this Ordinance.
- B. Construction, alteration, or relocation of such structures accessory to Office, Service, and Community Uses, Commercial Uses, Industrial, Research, and Laboratory Uses, and Other Uses and exceeding two hundred twenty (200) square feet in floor area shall be subject to site plan approval per Section 14.1 (Site Plan Review).
- C. Construction, alteration, or relocation of such structures accessory to Residential Uses and exceeding two hundred (200) square feet in floor area shall be subject to zoning permit approval per Section 1.15 (Zoning Permits).
- D. Construction, alteration, or relocation of accessory structures shall be subject to building permit approval where required by the State Construction Code enforced by Sanilac County.

## **17.2 FENCES.**

All fences and similar enclosures shall conform to the following:

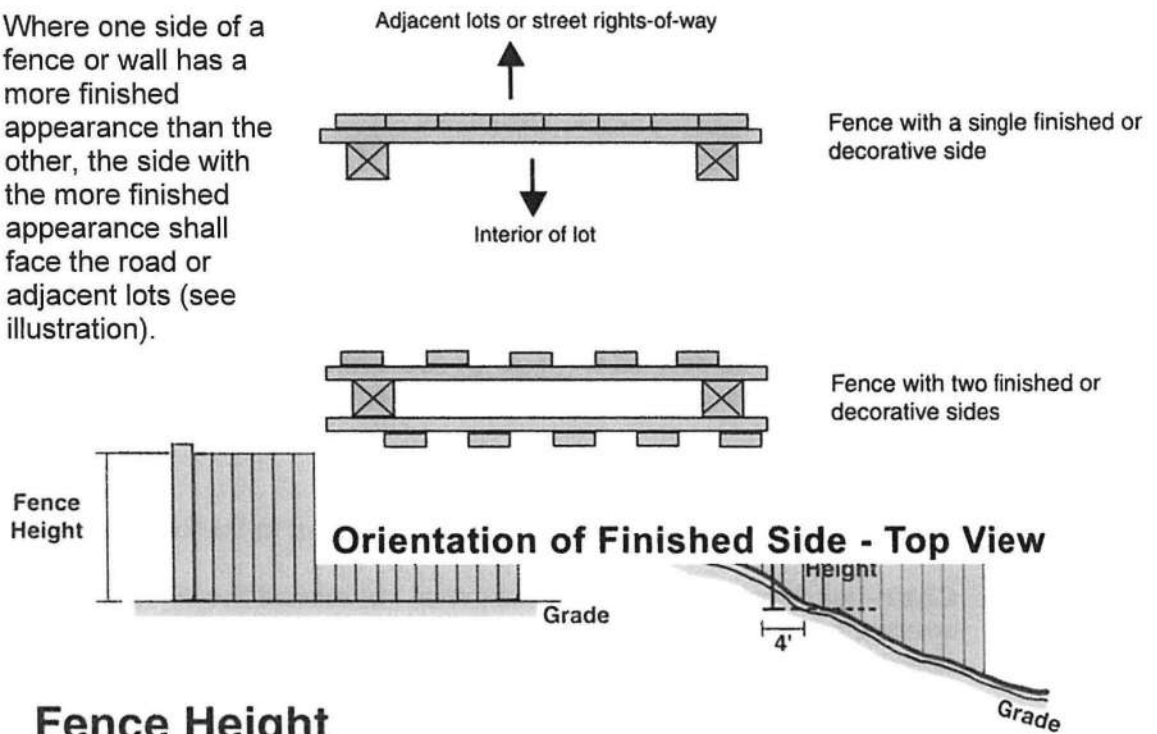
### **17.2.1 General Standards.**

The following shall apply to fences in all zoning districts:



- A. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
  - 1. Barbed or electric wire fences shall be permitted accessory to permitted public utility facilities and essential service uses in any zoning district.
  - 2. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.
  - 3. Wire cradles shall consist of no more than three (3) strands of wire and shall overhang into the lot it is intended to protect.
- B. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash, or any materials capable of providing habitat for pests or vermin.

C. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).



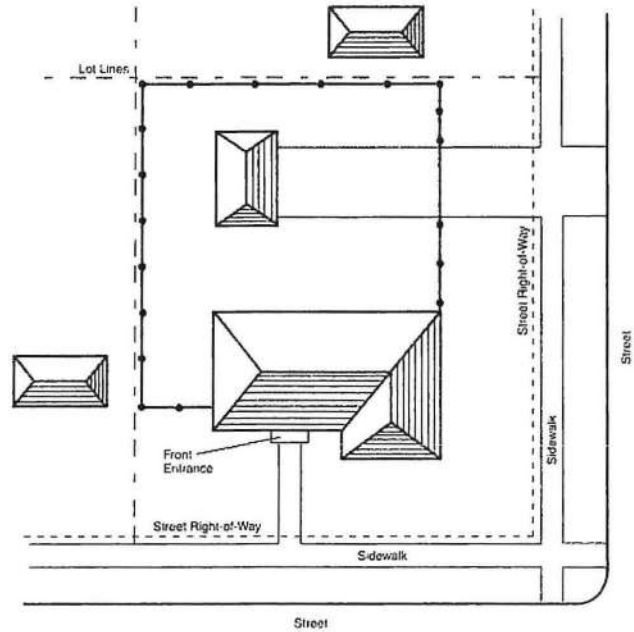
### Fence Height

- D. Fence height shall be measured from ground level adjacent to the highest point of the fence.
  - 1. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted.
  - 2. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

**17.2.2 Fences in Front Yards.**

Fences located within the required front yard or between the front building line of the principal building and the front lot line or street right-of-way shall be subject to the following:

- A. Fences in the front yard shall not exceed four (4) feet in height, except for wrought iron and where otherwise permitted by provisions of Article 5 (Supplemental Use Standards) for a specific use.
- B. Chain-link fences, as defined in Article 21 (Definitions), shall be prohibited.
- C. Fences shall comply with the unobstructed sight distance standards of Section 4.10 (Corner Clearance Areas).
- D. Ornamental fences and rail fences, as defined in Article 21 (Definitions), shall be permitted in the front yard subject to the standards of this Section.



Privacy Fence Location on Corner Lot

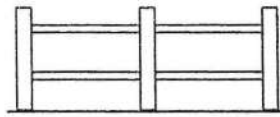
- E. Privacy fences, as defined in Article 21 (Definitions), shall be set back behind the front building line of the principal building and outside of any front yard area.

**17.2.3 Fences in Side or Rear Yards.**

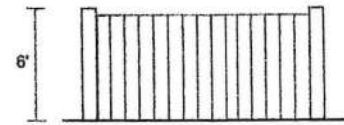
Fences located within any side or rear yard shall be subject to the following:

- A. **Chain-link fences.** Chain link fences shall not exceed five (5) feet in height, except where otherwise permitted by provisions of Article 5 (Supplemental Use Standards) for a specific use.

**B. Ornamental fences.** Ornamental fences, as defined in Article 21 (Definitions), shall not exceed six (6) feet in height, except where otherwise permitted by provisions of Article 5 (Supplemental Use Standards) for a specific use.

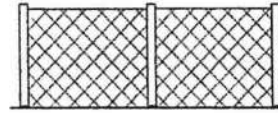


Rail Fence



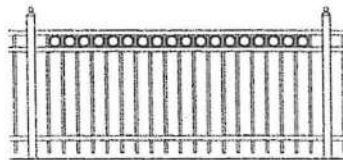
Privacy Fence

**C. Rail fences.** Rail fences, as defined in Article 21 (Definitions), shall not exceed five (5) feet in height.

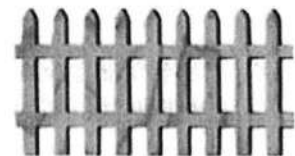


Chain-link Fence

**D. Privacy fences.** Privacy fences, as defined in Article 21 (Definitions), shall not exceed six (6) feet in height, except where otherwise permitted by provisions of Article 5 (Supplemental Use Standards) for a specific use.



Ornamental Fence



Ornamental Fence

**17.2.4 Parks and Playground Fences.**

Fences that enclose public parks, playgrounds or public landscaped areas shall not exceed eight (8) feet in height, and shall not obstruct vision to an extent greater than twenty-five percent (25%).

**17.2.5 Nonconforming Fences.**

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 18 (Nonconformities).

**17.2.6 Maintenance.**

Fences shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled, or broken components shall be replaced, repaired or removed, and exposed surfaces shall be painted, stained or similarly treated. Failure to maintain a fence in conformance to the standards of this Section shall be deemed a violation of this Ordinance.

**17.2.7 Approval Required.**

It shall be unlawful for any person to construct or cause to be constructed any fence upon any lot without having first obtained all necessary permits or approvals.

A. Construction, alteration, or relocation of any fence shall conform to the standards of this Ordinance.

- B. Construction, alteration, or relocation of fences accessory to Office, Service, and Community Uses, Commercial Uses, Industrial, Research, and Laboratory Uses, and Other Uses shall be subject to a zoning permit by the Zoning Administrator per Section 1.15 (Zoning Permits).
- C. Construction, alteration, or relocation of fences accessory to Residential Uses and exceeding ten (10) feet in length shall be subject to approval of a zoning permit by the Zoning Administrator per Section 1.15 (Zoning Permits).

### **17.3 SWIMMING POOLS, SPAS, AND HOT TUBS.**

Outdoor swimming pools, spas, and hot tubs with a diameter exceeding twelve (12) feet, a depth exceeding four (4) feet or an area exceeding one hundred (100) square feet permanently or temporarily placed in, on, or above the ground shall be permitted as an accessory structure in all zoning districts subject to the following:

- A. A swimming pool shall be provided with a barrier that shall be installed, inspected, and approved prior to plastering or filling with water.
- B. Any openings in the barrier shall not allow passage of a four-inch diameter.
- C. Swimming pools, spas, and hot tubs shall be prohibited in the front or side yard area, or within any easement or right-of-way.
- D. There shall be a minimum distance of not less than ten (10) feet between adjoining lot lines or alley right-of-way and the outside wall of the swimming pool, spa, or hot tub.
- E. All lighting shall be so shielded, arranged, and operated, to prevent annoyance to neighboring premises.
- F. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.
- G. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate. The latch on the gate must be at least fifty four (54) inches above the ground.
  - 1. Aboveground pool walls four (4) feet or more in height shall satisfy this requirement, provided that the pool ladder or steps shall be capable of being secured, locked, or removed.
  - 2. The Zoning Administrator may waive this requirement upon determining that the swimming pool, spa, or hot tub is otherwise secured against unauthorized access.
- H. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.

- I. A distance of at least three (3) feet horizontally must be maintained from a permanent pool to any sanitary sewer line or lead; and from any underground water, electrical, telephone, gas or other pipes and conduits, except for parts of the swimming pool system.
- J. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Sanilac County and all requirements of the Sanilac County Health Department.
- K. Construction, alteration, or relocation of swimming pools, spas, and hot tubs shall be subject to approval of a zoning permit by the Zoning Administrator per Section 1.15 (Zoning Permits).

#### **17.4 OUTDOOR WOOD BOILERS.**

An outdoor wood boiler (OWB) is any furnace, stove, or boiler designed to burn wood, where the unit is not located within a building intended for habitation by humans or domestic animals. Outdoor wood boilers, or water stoves, typically look like a small utility building with a smoke stack, which are used to heat a home, farm building, swimming pools, hot tub, or to produce domestic hot water. Outdoor wood boilers (OWB) generate undesirable and unhealthy particle pollution, including thick, acrid, foul smoke, soot, carbon monoxide, and other toxic air pollutants, which cause environmental degradation and health problems, and as such, shall be prohibited in all zoning districts.

#### **17.5 BACK-UP GENERATORS.**

Back-up power generators may be permitted as an accessory structure in all zoning districts and shall be subject to the following standards:

- A. Serve as a back-up power generation system only to be operated under emergency situations when power supply is disrupted and for routine maintenance and system checks;
- B. Prohibited from any front yard, side setback, and rear setback;
- C. Not be visible from the public right-of-way without adequate screening that exceeds the height of the generator by at least one (1) foot.
- D. Subject to all applicable City ordinances, including but not limited to those governing noise.

#### **17.6 OPEN PARKING AND STORAGE.**

The regulations set forth in this Section are intended to regulate the methods of storage, the types of materials that may be stored, and the accumulation of unusable, inoperable, or unsightly motor vehicles, machinery or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents or detract from the orderly appearance of the City.

##### **17.6.1 Motor Vehicle Parking and Storage.**

No motor vehicle shall be kept, parked, or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building.

- A. These provisions shall not apply to any motor vehicle ordinarily used but temporarily out of running condition.

- B. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Ordinance Enforcement Officer may grant the owner a period of up to ninety (90) calendar days to secure a license.
- C. The motor vehicle shall be kept, parked, or stored on an access drive and is prohibited from being kept, parked, or stored anywhere else on the rear or side yard.
- D. The motor vehicle shall not serve as a place of residence.

#### **17.6.2 Machinery and Building Materials Storage.**

Unusable, rusty, nonfunctional, or inoperable machinery, equipment, parts or building supplies not suited for use on the premises shall not be kept or stored outside of a building. Building materials intended to be used to improve the premises may be stored outside during the term of any site plan or permit approval, provided that such materials are piled off the ground so as not to become suitable environment for vermin.

#### **17.6.3 Use of Vehicles for Storage.**

Motor or recreational vehicles, cargo trailers, tankers, semi-trailers, and other vehicles shall not be used for storage purposes, except as permitted under Section 17.1 (Accessory Structures).

#### **17.7 ACCESS THROUGH YARDS.**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards to provide access to rear yards or accessory or attached structures. Any walk, terrace, or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

#### **17.8 PROPERTY MAINTENANCE.**

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin, or other matter. Any hazardous places on a lot shall be fenced and secured.

#### **17.9 PROPERTY BETWEEN THE LOT LINE AND ROAD.**

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness, and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

#### **17.10 VOTING PLACE.**

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

#### **17.11 ESSENTIAL SERVICES.**

Essential services, buildings, and structures shall be permitted as authorized under any franchise in effect within the City and the following:

- A. Such essential services shall be subject to federal, state, county, and local regulations and shall be consistent with the list of uses permitted in each zoning district.
- B. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or City Ordinance.
- C. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the City boundaries shall receive the review and approval, after a public hearing, of the Planning Commission. Such review of the ZBA shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and further, and shall consider injurious effects on adjacent lands, uses or the orderly appearance of the City.

#### **17.12 HEIGHT EXCEPTIONS.**

- A. Parapet walls may extend above the maximum height specified in the respective district by up to five (5) feet.
- B. Freestanding telecommunications towers may exceed the maximum height specified in the respective district.
- C. Spires and other similar integral towers architecturally associated with religious institutions may extend above maximum height specified in the respective district by up to twenty (20) feet.
- D. Chimneys attached to residential dwellings may extend above the maximum height specified in the respective district only to the extent required to meet fire and state construction codes.
- E. Hospitals may exceed the height for the zone by two (2) stories if there is a demonstrated need to increase its capacity to serve the community.

#### **17.13 LOTS ADJOINING ALLEYS.**

In calculating the area of a lot that adjoins a vacated and unpaved alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.

#### **17.14 DEMOLITION OF BUILDINGS.**

No structure shall be demolished until a demolition permit has been issued by the Zoning Administrator. The demolition shall be completed within such reasonable time period as shall be prescribed by the City and under conditions that may be specified by the as necessary to protect the public health, safety and welfare. The demolition of structures within the City shall comply with the following:

- A. An application for a Demolition Permit shall include the reasons for the demolition and, if applicable, the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a Demolition Permit shall be withheld until such time as approval for the new use is obtained, unless the property is deemed a hazard or attractive nuisance to the general public.

- B. The demolition of the structure includes the foundation, cement flooring footings, and walls, unless the applicant has immediate plans to incorporate those features into the proposed structure's design. Following the removal of all required debris, any excavation or foundation shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties. All construction fencing shall be removed upon completing the demolition. At no point during the demolition process shall any public property be damaged. If any damage to public property is done, the applicant is responsible for making all the repairs within thirty (30) days.
- C. Following grading, all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil and seeded with an appropriate grass seed.
- D. An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.
- E. Because of the inherent health, safety, and fire damage to adjoining structures, time is of the essence. The contractor shall complete all work within 30 calendar days after the permit is issued. Failure to complete the project in that time frame shall result in charges of one hundred fifty dollars (\$150.00) per day. A one thousand dollar (\$1,000) bond shall be put in an escrow account and will not be refunded until final approval of the permit for that location. A separate bond is required for each building.

#### **17.15 ADDRESS IDENTIFICATION**

New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than four (4) inches high with a minimum stroke width of one half (1/2) inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from public way, a monument, sign, or other means shall be used to identify the structure. Address identification shall be maintained.

#### **17.16 DONATION BINS**

Bins designed to solicit donations shall be allowed in any non-residential zoning district as an accessory structure without requiring a zoning permit, subject to the following standards:

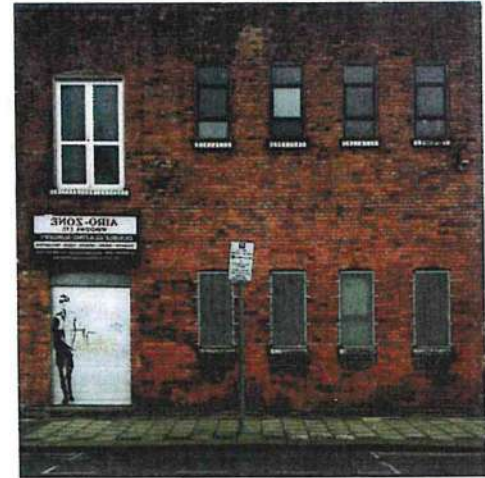
- A. Donation bins shall be limited to one (1) per parcel.
- B. No illumination shall be used to draw attention to any donation bin.
- C. Donation bins shall be located adjacent to the principle structure on the parcel, but shall not encroach into any required yards or public rights-of-way.
- D. The size of all donation bins shall be limited to a height of five (5) feet and a width and depth not to exceed four (4) feet.



- E. All donation bins shall be securely attached to the ground or principal structure to prevent any tipping hazard.

**17.17 VACANT BUILDINGS.**

To deter vandalism and protect vacant structures, any structure that sits vacant shall have boarded up windows using decals that give the appearance of a window within thirty (30) days of becoming vacant.



## **ARTICLE 18: NONCONFORMITIES**

### **18.1 INTENT.**

It is the intent of this Section to provide for the regulation of legally nonconforming structures, lots of record, sites, and uses; and to specify those circumstances and conditions under which such nonconformities shall be permitted to continue. It is necessary and consistent with the regulations prescribed by this Ordinance that those nonconformities that adversely affect orderly development and the value of nearby property shall not be permitted to continue without restriction.

The regulations of this Ordinance are designed to protect the public health, safety, and general welfare by regulating the future use of land through appropriate groupings of compatible and related uses. The continued existence of nonconformities is inconsistent with the purposes of which such regulations are established, so the gradual elimination of such nonconformities is generally desirable.

The regulations of this Article and Ordinance are intended to permit such nonconformities to continue without specific limitation of time, while restricting extensive further investments that may make them more permanent. This Article is further established to:

- A. Regulate the use and development of nonconforming lots; the completion, alteration, and reconstruction of nonconforming structures; the redevelopment and improvement of nonconforming sites; and the maintenance, extension, and substitution of nonconforming uses.
- B. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
- C. Establish standards for determining whether a use is nonconforming and whether a nonconforming use has ceased to occupy a particular zoning lot.
- D. Recognize that certain nonconformities may not have a significant adverse impact upon nearby properties or the public health, safety, and welfare. Accordingly, this Article establishes a "preferred class" of nonconforming uses that distinguishes between nonconforming uses that are not desirable and should be eliminated, and those that may be perpetuated and improved in a manner that protects adjacent properties and the character of the district.

### **18.2 SCOPE.**

Except as otherwise provided in this Article, any nonconforming lot, use, site, or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible and shall convert to conforming status as required by this Article.

### **18.3 GENERAL STANDARDS.**

#### **18.3.1 Physically Unsafe Structures.**

If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance or is declared by the Chief Building Official of Sanilac County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

**18.3.2 Expansion Restricted.**

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify nonconformity shall be prohibited.

**18.3.3 Normal Repairs and Maintenance.**

- A. Normal repair, maintenance, or replacement of interior non-bearing walls, fixtures, wiring, plumbing, or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements. Such repair and maintenance shall not be so extensive as to constitute a replacement of the structure by replacing an exterior wall(s). For the purposes of this subsection, the determination of whether proposed repairs and maintenance constitute replacement shall be made by the Zoning Administrator. The determination of the Zoning Administrator shall be appealable to the Zoning Board of Appeals.
- B. This Article shall not prevent work required for compliance with the provisions of the State Construction Code enforced by the Sanilac County.

**18.3.4 Buildings under Construction.**

Nothing in this Article shall require a change in the plans, construction, or designated use of any building or structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that such work shall be completed within three hundred sixty five (365) calendar days of the effective date.

**18.3.5 Damaged or Unsafe Structures.**

Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming structure damaged by fire, collapse, explosion, acts of God, or acts of public enemy.

- A. Application for a building permit for such reconstruction shall be made within three hundred sixty five (365) calendar days of the date of such damage, and all work shall be completed within the building permit approval period.
- B. The lot and damaged structure shall be adequately secured from unauthorized access to the Zoning Administrator's satisfaction. The damaged structure shall be protected against further damage from the elements.
- C. Where pending insurance claims require an extension of time, the Zoning Administrator may grant one (1) extension of up to three hundred sixty five (365) calendar days, provided that the property owner submits a certification from the insurance company attesting to the delay.
- D. Nonconforming single-family dwellings and customary accessory structures shall be exempt from this Section, provided that application for a building permit shall be made within three hundred sixty five (365) days from the date of damage or destruction.

### **18.3.6 Issued Zoning Permit.**

Any zoning permits issued prior to the effective date of this Ordinance, or any subsequent amendments, shall be valid in accordance with its terms, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within twelve (12) months after the date of permit issuance and proceeds meaningfully until completion.

### **18.3.7 Loss of Nonconformity.**

A legal nonconformity is lost by changing to conform to the ordinance or through vacancy, lack of operation or otherwise for twelve (12) or more successive calendar months. If lost, any future use of such premises shall be in conformity, in its entirety, with the provisions of this ordinance. Loss of a nonconformity shall terminate the right to continue the nonconformity.

## **18.4 NONCONFORMING STRUCTURES.**

Nonconforming structures shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following conditions:

- A. **Expansion Restricted.** A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that would increase or intensify nonconformity shall be prohibited.
- B. **Normal Repairs and Maintenance.** Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that the cost of such improvements does not exceed one hundred fifty percent (150%) of the state equalized value of the structure at the time such work is proposed.
  1. If a nonconforming structure becomes physically unsafe or unlawful due to a lack of repairs and maintenance or is declared by the Chief Building Official of Sanilac County to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
  2. This Article shall not prevent work required for compliance with the provisions of the State Construction Code enforced by the Sanilac County.

## **18.5 NONCONFORMING LOTS.**

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

### **18.5.1 Lot Division and Combination.**

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots. Where possible, nonconforming lots of record shall be combined to create lots that comply with the dimensional requirements of this Ordinance.

### 18.5.2 Use of Nonconforming Lots.

Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance.

- A. Any use allowed in the district may be allowed on a nonconforming lot of record, unless a use specifies a minimum area or width, provided all setbacks and other dimensional standards are met.
- B. This provision shall apply even though such lot fails to meet the requirements for minimum lot area or lot width generally applicable in the district.
- C. Use of a nonconforming lot shall conform to all other yard dimensions and other use and dimensional standards for the district in which such lot is located.
- D. Public water and sanitary sewer service shall be provided to the dwelling.

### 18.6 NONCONFORMING SITES.

The purpose of this Section is to encourage improvements to existing sites in the City that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards.

Various site design standards and supplemental use standards are established in this Ordinance and as a result many sites do not meet current requirements (i.e. parking lot standards, landscaping, design). Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

- A. Any legal nonconforming site may be continued so long as it remains otherwise lawful subject to this subsection.
- B. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
- C. A nonconforming site on which there is a conforming use shall not be expanded or contracted unless the site is brought into conformance with the provisions of this ordinance.
- D. No structure shall be relocated within a nonconforming site until the site is brought into conformance with the provisions of this ordinance.
- E. The proposed site improvements shall resolve public safety deficiencies, pedestrian/vehicle conflicts, and improve emergency access.
- F. The proposed site improvements shall address at least three (3) of the standards specified in Section 14.1.12 (Standards for Site Plan Approval). The three (3) site improvements shall be selected by the Zoning Administrator based on which specifications best align with Master Plan goals.

- G. A nonconforming site shall be allowed to be occupied by another use allowed by right in the district so long as no exterior structural modifications are to occur. In the event the new occupant desires to provide exterior structural modifications, the site shall be brought into compliance with all applicable site and use standards, unless a nonconforming site variance has been approved by the Zoning Board of Appeals.
- H. The scope of any additional site improvements requested by the Planning Commission shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
- I. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

### **18.7 NONCONFORMING USES.**

All nonconforming uses that have been designated as "preferred class" by City action shall not be subject to the requirements of this Section, but rather shall be subject to the provisions of Section 18.8 (Preferred Class Designations). Nonconforming uses not designated as "preferred class" shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

#### **18.7.1 Compliance with Other Applicable Standards.**

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations, and codes, other than the specific use regulations for the zoning district where the use is located.

- A. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.
- B. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within one hundred eighty (180) days of their effective date, shall constitute grounds for the City to seek court approval to terminate or remove the use at the owner's expense.

#### **18.7.2 Expansion Prohibited.**

Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a greater area of land or floor area or moved in whole or in part to any other portion of the lot or structure.

#### **18.7.3 Cessation.**

A nonconforming use that ceases for a period of more than three hundred sixty five (365) calendar days or is superseded by a conforming use shall not be resumed. If a structure associated with a nonconforming use is removed or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to the use provisions of this Ordinance.

## 18.8 PREFERRED CLASS DESIGNATIONS.

It is the intent of this Section to establish a "preferred class" designation that the Planning Commission may approve for certain nonconforming uses, subject to the following:

### 18.8.1 Procedure.

The procedure for considering all preferred class nonconforming designations shall be as follows:

- A. **Application.** Applications for consideration of a preferred class designation for a nonconforming use may be initiated by the owner, operator, or person having beneficial use of the lot occupied by the nonconforming use. The application shall include a detailed description of the use and the reasons for the request.
- B. **Public hearing.** A public hearing shall be held for all requests for a preferred class nonconforming designation in accordance with the procedures set forth in Section 14.3 (Public Hearing Procedures).

### 18.8.2 Conditions for Approval of a Preferred Class Designation.

Subsequent to a public hearing, the Planning Commission may grant a preferred class designation upon finding that all of the following conditions exist:

#### A. Use standards.

1. The nonconformity does not significantly depress the value of nearby properties.
2. The use does not adversely impact the public health, safety, and welfare.
3. The use does not adversely impact the purpose of the district where it is located.
4. No useful purpose would be served by the strict application of Ordinance requirements that apply to the nonconformity.

B. **Signage.** The Planning Commission may require that signage associated with the use be brought into compliance with Article 9 (Signs).

C. **Plan for site improvements.** The Planning Commission may require that a site plan be submitted for review per Section 14.1 (Site Plan Review), which addresses the site improvement priorities listed in Section 18.6 (Nonconforming Sites).

D. **Other conditions.** The Planning Commission may attach conditions to the approval to assure that the use does not become contrary to the purpose of this Article and Ordinance, or to the public health, safety, and welfare.

### 18.8.3 Effect of Approval of a Preferred Class Designation.

Preferred class nonconformities may perpetuate and expand in accordance with an approved site plan, subject to the provisions of this Section, and any conditions of approval. Preferred class nonconforming structures may be perpetuated, expanded, improved or rebuilt if damaged

or destroyed, in accordance with an approved site plan and subject to the provisions of this Section and any conditions of approval.

#### **18.8.4 Effect of Denial of a Preferred Class Designation.**

An application for a preferred class designation that has been denied by the Planning Commission may not be appealed to the Zoning Board of Appeals, but may be resubmitted for Planning Commission consideration after a minimum of three hundred sixty five (365) calendar days have elapsed from the date of denial.

#### **18.8.5 Cessation of Preferred Class Nonconforming Uses.**

The preferred class designation shall be deemed removed when the principal structure occupied by a preferred class nonconforming use is permanently removed or when a preferred class nonconforming use is replaced by a conforming use. All subsequent uses shall conform to the use provisions of this Ordinance.

#### **18.8.6 Rescinding Approval of a Preferred Class Designation.**

Failure of the owner, operator, or person having beneficial use of a lot occupied by a preferred class nonconforming use to maintain or improve the site in accordance with the provisions of this Section, an approved site plan or any conditions of approval shall be grounds for the Planning Commission to rescind the preferred class designation. Such action shall be subject to the following:

- A. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Section 14.3 (Public Hearing Procedures), at which time the owner, operator, or person having beneficial use occupied by a preferred class nonconforming use shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator, or person having beneficial use occupied by a preferred class nonconforming use.

#### **18.8.7 Existing Dwellings in Non-Residential Districts.**

Single-family dwellings so existing and used in non-residential zoning districts before the effective date of adoption or amendment of this Ordinance are hereby designated as preferred class nonconforming uses. Such dwellings and accessory structures may be used, repaired, expanded, altered, or replaced if destroyed, subject to the following:

- A. Use, repair, expansion, alteration, or replacement of the dwelling or accessory structures shall conform to all applicable dimensional and use standards of the R (Single-Family Residential) District and NB (Neighborhood Business) District.
- B. The use, dwelling, and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations, and rules.



## **18.9 NONCONFORMING USE DETERMINATIONS.**

This Section is intended to provide reasonable standards for determining whether a use is nonconforming and whether a nonconforming use has been removed, discontinued, or otherwise ceased to occupy the land or structure in question. The Zoning Administrator shall be responsible for determining whether a use is conforming, nonconforming, or unlawful in the zoning district where it is located. When there is a question or dispute about the status of a particular use, such determinations shall be made by the Zoning Board of Appeals, subject to the following:

### **18.9.1 Standards for Determining that a Use is Nonconforming.**

The Zoning Board of Appeals shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

- A. The use does not conform to the purpose and use regulations of the district where it is located.
- B. The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations, and codes.
- C. Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:
  1. Local, county, or state government files or records, including, but not limited to permits, inspection reports, dated photographs, or notarized statements of government officials, agents, representatives, or employees.
  2. Dated telephone directories or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
  3. Utility records, including, but not limited to providers of water, sewer, electric, natural gas, or telecommunications service.
  4. Dated advertising or other information published in a newspaper or magazine, including, but not limited to advertisements, articles, features, or photographs that address the use of the land in question.
  5. Dated aerial photos from the State of Michigan, Sanilac County, or other sources accepted by the Zoning Board of Appeals.
  6. Other relevant information, including, but not limited to date-stamped photographs, diary or log entries, affidavits, or notarized statements.

### **18.9.2 Standards for Determining that a Nonconforming Use has Ceased.**

The Zoning Board of Appeals shall determine that a nonconforming use has been removed, discontinued, or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

- A. **Local, county, or state government files or records show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs, or notarized statements of government officials, agents, representatives, or employees.
- B. **Dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to, entries that show the address associated with the use as vacant or occupied by another use, show the telephone number associated with the use as disconnected or in use at another location.
- C. **Utility records, including, but not limited to providers of water, sewer, electric, natural gas, or telecommunications service, show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to, records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization, or individual associated with the use has moved to another location.
- D. **Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to advertisements, articles, features, or photographs that address the use of the land in question.
- E. **Dated aerial photos from State of Michigan, Sanilac County or other sources as accepted by the Zoning Board of Appeals show that the nonconforming use has ceased.**
- F. **Other relevant information shows that the nonconforming use has ceased.** Such evidence may include, but shall not be limited to, date-stamped photographs, diary or log entries, affidavits, or notarized statements.

#### **18.10 UNLAWFUL USES.**

Any use that is not a conforming use in the district where it is located or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this Ordinance.

#### **18.11 CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming lot, structure, site, or use, provided that there is no change in the nature or character of the nonconformity.

#### **18.12 RECORDING OF NONCONFORMING USES.**

The Zoning Administrator shall prepare and keep a record of all known nonconforming uses in the City, which shall include the names and addresses of the owners of record and any occupants, the legal description of the zoning lot occupied by the use, and the nature and extent of use.

#### **18.13 CESSATION OF NONCONFORMITIES BY CITY ACTION.**

The elimination of nonconforming structures and uses shall be for a public purpose and for a public use. The City may acquire private property by purchase, condemnation, or other means for the removal

of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). The City Council may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

## **ARTICLE 19: ZONING BOARD OF APPEALS**

### **19.1 AUTHORITY.**

The Zoning Board of Appeals (ZBA) is hereby established and shall perform its duties as provided for in the Michigan Zoning Enabling Act PA 110 of 2006 in such a way that the objectives of this Ordinance shall be served, public health, safety, and welfare protected, and substantial justice done.

### **19.2 MEMBERSHIP.**

The Zoning Board of Appeals shall consist of five (5) members and up to two (2) alternates appointed by the City Council for three (3) year terms.

- A. One (1) member shall be a member of the Planning Commission, and one (1) member may be a member of the City Council.
- B. All members shall have been a resident of the City for at least one (1) year prior to the date of appointment, and shall be a qualified and registered elector of the City on such day and throughout his or her tenure of office.
- C. An employee or contractor of the City may not serve as a member of the Zoning Board of Appeals.
- D. Members of the Zoning Board of Appeals may be removed from office for inefficiency, neglect of duty, or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the City Clerk and a public hearing has been held by City Council. Vacancies shall be filled by resolution of the City Council.
- E. In the event a Zoning Board of Appeals member is elected to City Council and such election increases the number of City Council members serving on the ZBA to more than one (1), then such member's seat on the ZBA shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by appointment in the same manner as for regular appointments for full terms.
- F. A member of the ZBA who is also a member of the Planning Commission or City Council shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the City Council. However, the member may consider and vote on other unrelated matters involving the same property.

### **19.3 ALTERNATES.**

Alternate members may be called on a rotating basis to sit as members of the Zoning Board of Appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a ZBA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest.

#### 19.4 HEARINGS AND DECISIONS.

The Zoning Board of Appeals shall make no determination on a specific case until after a public hearing conducted in accordance with Section 14.3 (Public Hearing Procedures). Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case.

#### 19.5 RULES OF PROCEDURE.

The Zoning Board of Appeals shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance, the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) and any adopted Zoning Board of Appeals bylaws and rules of procedure.

- A. The ZBA shall annually elect a Chair, Vice-Chair, and Secretary.
- B. Meetings shall be held at the call of the Chair, and at such other times as the ZBA may determine.
- C. The ZBA shall select a reasonable time and place for hearings and shall give due notice thereof to the parties. All hearings conducted by the ZBA shall be open to the public. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. The ZBA shall render all decisions without unreasonable delay.
- D. An appeal to the ZBA shall stay all proceedings in furtherance of the appealed action, unless the Zoning Administrator certifies to the ZBA, after the notice of appeal shall have been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property; in which case proceedings shall not be stayed other than by a restraining order granted by the Circuit Court.
- E. The ZBA shall keep minutes of its proceedings showing the vote, absence, or failure to vote of each member, and shall also keep a public record of hearings and other official actions in the office of the City Clerk.
- F. The ZBA shall not conduct business unless a majority of the members are present.
- G. The concurring vote of a minimum of three (3) members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; or to grant a variance from any non-use or dimensional standard of this Zoning Ordinance.
- H. The concurring vote of a minimum of four (4) members of the ZBA shall be necessary to grant a variance from the use provisions of Article 3 (Land Use Table).
- I. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

#### 19.6 APPLICATIONS.

Applications to the Zoning Board of Appeals shall be filed with the City, with payment of the appropriate review fee established by City Council. At a minimum, applications shall include the following:

- A. The applicant's name, address, and contact information; and the address and location of the property involved in the request.
- B. Zoning classification of the subject parcel(s) and all abutting parcels.
- C. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, street rights-of-way, easements, structures, setback dimensions, parking areas, driveways, sidewalks, and other site improvements.
- D. A letter from the applicant stating the reasons for the request and addressing the applicable review criteria specified in this Article for the type of request.
- E. Any additional information deemed necessary by the Zoning Board of Appeals to make a determination on the issue in question.

### **19.7 ADMINISTRATIVE APPEALS.**

The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision, or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:

#### **19.7.1 Standing to Appeal.**

Such appeals may be taken to the ZBA by the person, firm, or corporation aggrieved, or by an official, department, board or commission of the City affected by the order, requirement, decision, or determination. Applications for administrative appeals shall be filed with the City within twenty (21) calendar days of the order, requirement, decision, or determination.

#### **19.7.2 Review Criteria for Administrative Appeals.**

The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision, or determination:

- A. Constituted an abuse of discretion;
- B. Was arbitrary or capricious;
- C. Was based upon an erroneous finding of a material fact; or
- D. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may reverse or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as, in its determination, ought to be made under the provisions of this Ordinance. In doing so, the ZBA shall exercise all authority granted by this Ordinance to the person or body from whom the appeal is taken.

**19.8 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.**

Where an ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the City of Sandusky Zoning Ordinance and Master Plan. The following rules shall apply to such interpretations:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.
- B. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.
- C. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.
- D. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.
- E. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the ZBA shall interpret the district boundaries.

**19.9 INTERPRETATION OF ZONING ORDINANCE PROVISIONS.****19.9.1 Interpretations.**

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question and carry out the intent and purpose of this Ordinance and Master Plan.

**19.9.2 Determinations of Similar Uses.**

In recognition that every potential use cannot be addressed in this Ordinance, the ZBA shall have the authority to determine whether a proposed use not listed in this Ordinance is similar to a principal or special use permitted by this Ordinance, subject to the following:

- A. Prior to making such a determination, the ZBA shall find that the principal or special use closely resembles the proposed use in terms of characteristics, intensity, nature, and other applicable common elements of such uses.
- B. The ZBA may determine that the use is (or is not) similar to a use listed in this Ordinance, or may recommend to the City Council that the proposed use be addressed through an amendment to this Ordinance.
- C. If it is determined that there is no similar use listed in this Ordinance, the use shall be prohibited.
- D. If it is determined that the proposed use is similar to a use listed in this Ordinance, the proposed use shall comply with any conditions or special use standards that apply to the listed use.

- E. The ZBA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this Ordinance, to protect the health, safety, or welfare or to preserve the social and economic wellbeing of adjacent residents and landowners or the City, as a whole.

### 19.10 VARIANCES.

The Zoning Board of Appeals shall have the authority to grant variances from specific requirements of this Ordinance in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, as amended) and the provisions of this Article.

The ZBA shall state the grounds upon which it justifies the granting or denying of a variance in writing and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Ordinance.

#### 19.10.1 Dimensional Variances.

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties. To grant a variance, the ZBA shall determine that request meets all of the following criteria A-G and one of the special conditions under H:

- A. **Practical difficulties.** Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant or unreasonably prevent the owner from using the property for a permitted purpose.
- B. **Economic.** The variance shall not be granted based on the economic circumstances of the applicant.
- C. **Substantial justice.** The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
- D. **Unique circumstances.** The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.
- E. **Preservation of property rights.** The variance is necessary for the preservation and enjoyment of a substantial property right also possessed by other property owners in the same zoning district.
- F. **Public safety and welfare.** The requested variance or appeal can be granted in such fashion that the spirit of this Ordinance will be observed, and public safety and welfare secured.
- G. **Not self-created.** The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.



- H. **More than mere inconvenience.** The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.
- I. **Additional considerations.** The ZBA shall consider all of the following when reviewing a variance to ensure that the proposed variance is the minimum necessary to meet the requirements of the applicant under the Ordinance and may impose condition upon any variance granted based upon its findings under this subsection:
1. The granting of a lesser variance will not provide reasonable relief and substantial justice to the applicant.
  2. The granting of a variance will not increase the hazard of fire or otherwise endanger public safety.
  3. The granting of a variance will not unreasonably diminish or impair the value of surrounding properties.
  4. The granting of a variance will not alter the essential character of the neighborhood or surrounding properties.
  5. The granting of a variance will not impair the adequate supply of light and air to any adjacent property.

#### 19.10.2 Use Variances.

The granting of a variance from the use provisions of Article 3 (Land Use Table) shall require a finding of unnecessary hardship, based upon the following criteria:

- A. **The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property.** Under this standard, the ZBA shall find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.
- B. **The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.** Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.
- C. **The use variance, if granted, would not alter the essential character of the neighborhood.** This standard requires consideration of whether the intent and purpose of the Ordinance and zoning district will be preserved, and the essential character of the area will be maintained.
- D. **The hardship is not the result of the applicant's actions.** Under this standard, the ZBA shall determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

### 19.11 EXCEPTIONS.

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the Zoning Board of Appeals to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

### 19.12 LIMITATIONS OF AUTHORITY.

The following specific limitations shall apply to the authority and jurisdiction of the Zoning Board of Appeals under this Ordinance:

- A. **Expiration of approval.** No order of the ZBA permitting the construction or alteration of a permanent structure or establishment of a use shall be valid for a period longer than three hundred sixty five (365) calendar days, unless appropriate permits for such construction or alteration have been obtained or the use has been lawfully established within such period. Where the use is dependent upon the construction or alteration of a building, such order shall continue in force, provided that appropriate permits are obtained, and such construction or alteration proceeds to completion in accordance with such permits.
- B. **Limitations on review.** The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or City Council regarding amendments to this Ordinance, special uses, appeal of special uses, preferred class nonconforming designations, or planned unit developments.
- C. **Ordinance changes prohibited.** The Zoning Board of Appeals shall not have the authority to alter this Zoning Ordinance or Map.

## **ARTICLE 20: SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION**

### **20.1 SEVERABILITY.**

If any part, sentence, paragraph, section, or provision of this Ordinance or application thereof is adjudged unconstitutional or invalid, such invalidity shall not affect the remaining portion or application, or validity of this Ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this Ordinance as if the invalid provision had not been included.

### **20.2 REPEAL OF PREVIOUS ORDINANCES.**

All previous zoning ordinances adopted by the City of Sandusky, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed, nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired:

- A. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed.
- B. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

### **20.3 ADOPTION.**

This Ordinance was adopted by the City Council of the City of Sandusky, Michigan, following compliance with all procedures required by the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), at its regular meeting duly held on the April 19, 2021, and ordered to be given publication in the manner prescribed by law.

### **20.4 EFFECTIVE DATE.**

This Ordinance is hereby declared to be effective as of the April 27, 2021, pursuant to the notice of adoption required under the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended).

## ARTICLE 21: DEFINITIONS

### 21.1 RULES OF CONSTRUCTION

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary; the word "may" is permissive and discretionary.
- D. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
- E. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- F. The word "dwelling" includes "residence." The word "lot" includes the words "plot" and "parcel."
- G. The term "act" or "action" includes "omission to act."
- H. The word "used" includes "arranged," "designed," "intended," or "occupied."
- I. The terms "Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of the City of Sandusky and any amendments thereto.
- J. The terms "abutting" or "adjacent to" includes land across a zoning or governmental boundary, property line, street, alley, dedicated right-of-way or access easement.
- K. The phrase "such as" shall mean "such as but not limited to," and the words "include" or "including" shall mean "including but not limited to."
- L. The word "person" includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust or any other entity recognizable as a "person" under the laws of Michigan.
- M. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination. Words or terms defined in this Article shall be construed as defined herein. Words or terms not defined in this Article shall be defined in terms of

their common or customary usage.

- N. Terms referred to in the masculine gender include the feminine.
- O. Unless otherwise stated, the word "days" shall mean calendar days; "month" shall mean any consecutive period of 30 calendar days; and "year" shall mean any consecutive period of 365 calendar days.

## 21.2 DEFINITIONS

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

**Access Drive.** A private street designed to provide vehicular access from a public road.

**Access Management.** A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from one another; and the promotion of alternatives to direct access.

**Access, Reasonable.** A property owner's legal right, incidental to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

### Accessory

**Structure.** A building or structure, that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal building and/or structure to which it is exclusively related.

**Use.** Use that is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

**Adult Day Care Facility.** A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

**Adult Foster Care Facility.** An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

**Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.

**Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults to be provided with foster care.

**Adult Foster Care Large Group Home.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

**Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.

**Adult Entertainment Use.** Any business which primarily features sexually stimulating material or performances, including the following uses:

**Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."

**Adult Book or Video Store.** An establishment having a substantial portion equaling more than twenty percent (20%) of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes, and novelty items that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent (10%) of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.

**Adult Entertainment Cabaret.** A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel that are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.

**Adult Model Studio.** Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

**Adult Motel.** A hotel, motel or similar commercial establishment that rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:

- (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an

emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or

- (2) Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (4) Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten (10) hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

**Adult Personal Service Business.** A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
- (2) Establishments that routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
- (3) Establishments that offer massages performed by certified massage therapists;
- (4) Gymnasiums, fitness centers, and health clubs;
- (5) Electrolysis treatment by a licensed operator of electrolysis equipment;
- (6) Continuing instruction in martial or performing arts or in organized athletic activities;
- (7) Hospitals, nursing homes, medical clinics or medical offices;
- (8) Barber shops, beauty parlors, hair stylists and salons that offer massages by certified massage therapists;
- (9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"

- (10) Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

**Adult Theater.** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances that are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."

- (1) **Adult Motion Picture Arcade or Miniature-Motion Picture Theater.** Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
- (2) **Adult Motion Picture Theater.** A commercial establishment that regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on matters exhibiting, depicting, or describing "specified sexual activities" or "specified anatomical areas."
- (3) **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

**Escort Service.** An establishment that provides the services of escorting members of the opposite sex for payment of a fee.

**Nude Modeling Business.** An establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity," "simulated nudity" or while displaying "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.

**Nude Modeling Studio.** An establishment where an employee or entertainment personnel appears in a "state of nudity," "simulated nudity" or displays "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.

**Sexually Oriented Encounter Center.** A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a "state of nudity" or "simulated nudity" and the activity is intended to provide sexual stimulation or sexual gratification to its customers.

**Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with or related to "specified sexual activities" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.



**Special Definitions.** With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:

- (1) **Massage Parlor.** An establishment wherein private massage is practiced or made available as a principal use of the premises.
- (2) **Nudity or State of Nudity.** Appearing while any of the following portions of the human body are less than completely and opaquely covered:
  - (a) Genitals, whether or not in a state of sexual arousal;
  - (b) Pubic region or pubic hair;
  - (c) Buttock(s);
  - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
  - (e) Any combination of the above.
- (3) **Nudity, Simulated.** A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."
- (4) **Sexual Intercourse.** Fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.
- (5) **Specified Anatomical Areas.** Portions of the human body defined as follows:
  - (a) Less than completely and opaquely covered;
  - (b) Human genitalia and pubic region;
  - (c) Buttock and anus; or
  - (d) Female breast below a point immediately above the top of the areola.
  - (e) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (6) **Specified Sexual Activities.** The explicit display of one or more of the following:
  - (a) Human genitals in a state of sexual stimulation or arousal;
  - (b) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
  - (c) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;

- (d) Human excretory functions as part of or as related to, any of the activities described above;
  - (e) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.
- (7) **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any stock in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.

**Airport or Heliport.** The use of land for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or acquired for airport buildings or other airport facilities.

#### **Alterations.**

- (1) **Structural.** A change, addition, or modification to; or enlargement, rearrangement, replacement, or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof, or exterior walls.
- (2) **Building.** A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.

**Sign.** A change, addition, or modification to; or enlargement, rearrangement, replacement, or removal of any part of any sign, including the sign copy area.

**Amusement Center, Indoor.** Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or amusement devices, or equipment of a similar nature, as distinguished from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.

**Amusement Center, Outdoor.** Predominantly uses conducted in open or partially enclosed or screened facilities. Typically uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

**Amusement Device.** A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.

**Arcade.** A place of business that has in operation an excess of five (5) mechanical amusement devices; electronic tables featuring pool, billiards, bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.

**Animal, Domestic.** An animal that has traditionally, through long association with humans, lived in a state of dependence upon humans or under the dominion and control of humans and has been kept as tame pets no longer possessing a disposition or inclination to escape or to bite without provocation nor cause death, maiming, or illness of a human, nor used for commercial breeding purposes. Domestic animals shall include the following:

- (1) Bird (caged)
- (2) Cat (domestic)
- (3) Prairie Dog (bred)
- (4) Chinchilla
- (5) Dog
- (6) Fish (non-biting or non-poisonous)
- (7) Lizard (non-poisonous)
- (8) Marmoset (bred)
- (9) Rodent (bred)
- (10) Snake (non-poisonous)
- (11) Spider (non-poisonous)

**Animal, Wild or Exotic.** Any animal not indigenous to the City; incapable of being completely domesticated; requiring the exercise of art, force, or skill to keep it in subjection; or that a person is prohibited from possessing by law. Wild or exotic animals shall include, but not be limited to, the following:

- (1) Alligator and crocodile (family)
- (2) Badger
- (3) Bear
- (4) Bird (wild)
- (5) Cat (wild family)
- (6) Coyote
- (7) Deer (family)
- (8) Dog (wild family)
- (9) Dog-Wolf
- (10) Ferret
- (11) Fish (biting and or poisonous)
- (12) Lemur

- (13) Lizard (poisonous)
- (14) Marten
- (15) Opossum (family)
- (16) Primate (family)
- (17) Raccoon
- (18) Snake and other reptile (poisonous)
- (19) Skunk
- (20) Spider (poisonous)
- (21) Weasel (family)
- (22) Wild boar or swine (family)

**Appeal.** An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this Ordinance.

**Awning.** Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

**Balcony.** An exterior floor projecting from and supported by a structure without additional independent supports.

**Banks and Financial Institutions.** An establishment where the principal businesses is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit unions.

**Basement.** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling.

**Big Box Commercial Uses.** A large-scale (minimum of 50,000 square feet) self-service retail store selling food, drugs, household merchandise, clothing, and a variety of other retail goods. The store may, in some cases, include limited medical services, such as a dentist's office.

**Bed and Breakfast Inn.** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only. The dwellings do not provide separate cooking facilities for guests.

**Bedroom.** A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

**Berm.** A mound of soil graded, shaped, and improved with landscaping in such a fashion so as to be utilized for screening purposes.

**Block.** The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets; railroad right-of-way; alley; un-subdivided acreage; lake, river or stream; boundary lines of the City; or any other barrier to the continuity of development.

**Body Art Facility.** The location at which an individual performs one or more of the following for 1) tattooing, 2) branding, and/or 3) body piercing.

**Brewpub.** A restaurant or tavern (as defined within this Ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.

**Building.** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.

- (1) **Accessory Structure.** A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses, and swimming pools.
- (2) **Principal Building.** A building in which is conducted the principal use of the lot on which said building is situated.
- (3) **Building Setback.** The line parallel to the front lot line or street right-of-way line that defines the separation distance required from the street right-of-way or front lot line.

**Building Line.** The line formed by the junction of the plane of the outer surface of the building with the plane of the finish grade or surface of the adjoining ground.

**Building Official.** The person or persons designated by Sanilac County or the City of Sandusky to administer and enforce the State Construction Code.

**Build-to-Line.** An alignment established a certain distance from the curb line to a line along which the building shall be built. Front porches and handicap ramps shall be exempt from build-to line requirements, and must occur behind the property line.

**Caliper.** The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

**Catering Facility.** An establishment that serves and supplies food to be consumed off premises.

**Canopy Tree.** A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

**Car Wash.** A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks, or other motor vehicles or recreational vehicles are automatically or manually cleaned.

**Cemetery.** Land used or intended to be used for burial of the human dead and dedicated for such purpose.

**Child Care Organization.** A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of eighteen (18) years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended or Public Act 218 of 1979, as amended, and the associated rules promulgated by the State Department of Consumer and Industry Services. Such care organizations are classified below:

**Child Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

**Child Caring Institution.** A childcare facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

- (1) **Family Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to six (6) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.
- (2) **Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (3) **Foster Family Group Home.** A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- (4) **Group Child Day Care Home.** A private home, as licensed by the State of Michigan, in which up to twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage or adoption.

**City.** The geographical area and governmental entity encompassing the City of Sandusky, Michigan.

**City Council.** The City Council for the City of Sandusky, Michigan.

**City Engineer.** The person, persons or firm designated by the City to advise the City on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The City Engineer may be a consultant or employee of the City, or the responsibilities of this position may be divided between more than one (1) person or firm.

**City Planner.** The person, persons or firm designated by the City to administer and enforce this Zoning Ordinance on a day-to-day basis; provide staff support to the City Council, Planning Commission or Zoning Board of Appeals; or advise the City on community planning, zoning, land use, housing, and other related planning and development issues. The City Planner may be a consultant or an employee of the City, or the responsibilities of this position may be divided between more than one (1) person or firm.

**Civic Club.** A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. See also Lodge.

**Clinic.** Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.

**Cocktail Lounge or Night Club.** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

**Code Enforcement Officer.** The person or persons designated by the City to enforce the provisions of this Ordinance and other City ordinances, as directed by the City Manager.

**Commercial Kitchen.** certified commercial kitchen that meets the regulatory requirements for venting, sanitation, and food safety where individuals or businesses prepare value-added food products and meals after paying an hourly or daily rate to lease a space shared by others.

**Commercial Vehicle.** Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 6,500 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

- (1) **Semi-trailer.** A trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds twelve (12) feet in height.
- (2) **Truck Tractor.** A commercial vehicle capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
- (3) **Other Commercial Vehicles.** Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in

excess of nine (9) feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.

**Common Land.** A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.

**Common Open Space.** An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners, and occupants, and generally owned and maintained in common.

**Community Garden.** Land used to grow and harvest food or non-food crops for personal or group use. The products of gardens/community gardens may or may not be for commercial purposes.

**Composting.** A controlled process of degrading compostable organic material by microorganisms.

- (1) **Compostable Material.** Compostable or organic matter and material shall include typical yard wastes and clippings, such as and limited to leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings less than four (4) feet in length and two (2) inches in diameter, that can be converted to compost humus. This term does not include stumps, roots, animal waste, sewage sludge, or garbage.
- (2) **Composting Methods.** Composting may be achieved by several methods:
  - (a) **Mechanical.** A method in which the compost is continuously and mechanically mixed and aerated;
  - (b) **Ventilated cell.** Compost is mixed and aerated by being dropped through a vertical series of ventilated cells; and,
  - (c) **Windrow.** An open air method in which compostable material is placed in windrows, piles, or ventilated bins or pits and occasionally turned or mixed. The process may be anaerobic or aerobic, however, for purposes of this Ordinance only aerobic is permitted. Furthermore, sheet composting is not permitted.
- (3) **Composting Support Service Facility.** Those structures and spaces necessary for the operation of a composting facility. Such support services shall be devoted exclusively to the facility to which they are adjacent.
- (4) **Sheet Composting.** The composting of material that is spread in a thin layer over a large surface area on the ground in a sheet-like manner.

**Condominium.** A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act (Public Act 59 of 1978, as amended). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

- (1) **Convertible Area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the



condominium documents and in accordance with this Ordinance and the Condominium Act (Public Act 59 of 1978, as amended).

- (2) **General Common Element.** The common elements other than the limited common elements intended for the common use of all co-owners.
- (3) **Limited Common Element.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- (4) **Site Condominium.** All allocation or division of land permitted under the Condominium Act (Public Act 59 of 1978, as amended), which permits single family detached housing pursuant to a master deed.
- (5) **Site Condominium Project.** A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.
- (6) **Condominium Subdivision Plan.** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act (Public Act 59 of 1978, as amended).
- (7) **Site Condominium Lot.** The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
  - (a) **Front Yard Setback.** The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall equal two hundred percent (200%) of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.
  - (b) **Side Yard Setback.** The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two (2) units shall be double the side yard setback required in the zoning district.
  - (c) **Rear Yard Setback.** The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two (2) buildings shall be double the rear yard setback required in the zoning district.

**Condominium Master Deed.** The condominium document recording the condominium project as approved by the City, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.

**Condominium Unit.** The portion of the condominium project designed and intended for separate ownership 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.

**Contractible Condominium.** A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this Ordinance, and the Condominium Act.

- (1) **Condominium Conversion.** A condominium project containing condominium units that were occupied before the establishment of the condominium project.
- (2) **Expandable Condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Corner Clearance Area.** A triangular area formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.

**Co-working Facility.** A facility in which employees from different companies share office, kitchen, or other types of space for work purposes.

**Crematorium.** A location containing properly installed, certified apparatus intended for use in the act of cremation.

**Cul-de-Sac.** A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.

**Deceleration Lane.** An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

**Deck.** A platform, commonly constructed of wood, which is typically attached to a dwelling unit, and which is typically used for outdoor leisure activities.

**Demolition.** An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

**Density.** The number of dwelling units per net acre of land.

**Density bonus.** An incentive that allows a development to expand its square footage beyond the maximum permitted per the zoning district to increase the number of residential units built per net acre of land in exchange for the provision of desired upgrades to that site.

**Detention basin.** A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse. Also referred to as a retention basin.

**Development.** The construction of new structures or other site improvements on a zoning lot; relocation, alteration, or expansion of an existing building; or the use of open land for a new use.

**Diameter Breast Height (D.B.H.).** The diameter of a tree measured in inches at four and one-half (4½) feet above the existing ground level.

**District.** A portion of the City of Sandusky within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this Ordinance. This term is synonymous with the term "zoning district."

**Drive-In Establishments.** A business establishment that provides facilities or spaces for the purpose of serving patrons in or momentarily stepped away from their motor vehicles, to facilitate consumption within motor vehicles.

**Drive-Through Lanes or Establishments.** Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure, to facilitate consumption within motor vehicles.

**Driveways.** A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.

**Dumpster Enclosure.** Any exterior space that secures or screens containers, structures or other receptacles intended for temporary storage of solid waste materials.

**Dwelling.** A residential unit providing complete, independent living facilities for one (1) family, including permanent living, sleeping, cooking, eating, and sanitation facilities.

- (1) **Apartment.** A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one (1) family or a group of individuals living together as a single housekeeping unit.
- (2) **Accessory Dwelling Unit.** A unit, with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.
- (3) **Accessory Apartment.** A dwelling for one (1) family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).
- (4) **Bungalow/Cottage Courts.** Three or more detached one-family or two-family structures with separate ground floor entrances arranged around a common court that opens onto a street.
- (5) **Efficiency Apartment.** A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
- (6) **Attached Dwelling.** A dwelling unit attached to one (1) or more dwelling units by common major structural elements.
- (7) **Detached Dwelling.** A dwelling unit that is not attached to any other dwelling unit by any means.
- (8) **Dwelling Unit Above 1st Floor.** A dwelling unit located on the second floor of a building or structure and above a first floor used for business, office, retail, or institutional purposes.

- (9) **Live/Work Unit.** A building(s) or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.
- (10) **Manufactured Dwelling.** A building or portion of a building designed for long-term residential use and characterized by all of the following:
- (a) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
  - (b) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
  - (c) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- (11) **Manufactured Home.** A type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this Ordinance.
- (12) **Modular Dwelling.** A dwelling which consists of prefabricated units transported to the site in two (2) or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.
- (13) **Multiple Family Building.** A building divided into apartments, townhouses, or stacked flats and designed for residential occupancy by three (3) or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three (3) or more families.
- (14) **Site Built Dwelling.** A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
- (15) **Single-Family Dwelling.** A building designed exclusively for residential occupancy by not more than one (1) family.
- (16) **Stacked Flats Building.** A building occupied by three (3) or more families, where dwellings are divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance, and access, utilities, and service facilities are independent for each dwelling.
- (17) **Townhouse.** A dwelling in a multiple-family building that is divided from the dwelling adjacent to it by a party wall extending the full height of the building. Each townhouse dwelling shall be capable of individual use and maintenance, and access, utilities, and service facilities shall be independent for each dwelling.

- (18) **Two-Family (Duplex) Dwelling.** A building designed exclusively for residential occupancy by two (2) families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.
- (19) **Three-Family (Triplex) Dwelling.** A building designed as a single structure, containing three (3) separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.
- (20) **Four-Family (Quadplex) Dwelling.** A building designed as a single structure, containing four (4) separate dwelling units, each of which is designed to be occupied as a separate permanent residence for one family.

**Easement.** A grant of one (1) or more of the property rights by a property owner to or for use by the public or another person or entity.

**Elderly Housing.** *See Senior Housing.*

**Erect.** To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.

**Essential Services.** The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

- (1) Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this Ordinance.
- (2) Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this Ordinance.

**Excavation.** The removal, movement or breaking of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

**Exception.** An exclusion from the normal Zoning Ordinance rules and regulations allowed by the Zoning Board of Appeals under certain conditions.

**Exterior Architectural Feature.** The architectural style, design, general arrangement, and components of all of the outer surfaces of a structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

**Facade.** The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.

**Family.** Means either of the following:

- (1) A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- (2) The functional equivalent of the domestic family, that is, 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 that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement 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. There shall be a rebuttable presumption enforceable by the Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by appeal of the Zoning Administrator's determination to the Zoning Board of Appeals, subject to the standards of this Ordinance for such appeals.

**Farm Market.** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**Fence.** Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this Ordinance; or for decorative use.

- (1) **Chain-link fence.** A fence constructed of galvanized steel or similar materials as approved by the Zoning Administrator for the purpose of enclosing or securing an area (see illustration).
- (2) **Ornamental fence.** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood, or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than fifty percent (50%). Ornamental fences shall not include chain-link, wire or similar fences (see illustration).  
**Privacy fence.** Any fence that blocks vision to an extent greater than fifty percent (50%) for the purpose or effect of obscuring or screening an area from public view (see illustration).
- (3) **Rail fence.** A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart, and which does not block vision to an extent greater than fifty percent (50%) (see illustration).
- (4) **Temporary fence.** A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.

**Filling.** Filling shall mean the depositing or dumping of ground, soil, gravel, stone, or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

- (1) **Flood, 100-Year.** A flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.
- (2) **Floodplain.** Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:
  - (a) That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year flood.
  - (b) Principal estuary courses of wetland areas that are part of the river flow system.
  - (c) Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

**Floor Area.** The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a structure used for parking of motor vehicles shall not be computed in the floor area.

- (1) **Gross Floor Area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.
- (2) **Residential Floor Area.** The sum of the horizontal areas of each story of the dwelling, as measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or porches.
- (3) **Usable Floor Area (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

**Frontage.** A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.

**Funeral parlor** {also mortuary} An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

**Garage, Private.** An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.

**Garbage.** Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.

**Garden Center.** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

**Golf Facility.** A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms, maintenance structures, driving range, practice facilities, instruction, and training center. A golf facility may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required special land use permit.

**Grade.** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

- (1) **Grade, Average.** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a structure.
- (2) **Grade, Finished.** The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.
- (3) **Grade, Natural.** The elevation of the ground surface in its natural state, before construction begins.

**Greenbelt.** A strip of land, not less than five (5) feet in width, which is planted with trees or shrubs in compliance with the requirements of this Ordinance.

**Green roof.** A vegetated landscape either built up from a series of layers that are installed on a roof surface as 'loose-laid' or modular (that is, installed layer by layer on the roof or as pre-prepared layers in trays) or installed in planter boxes with the purpose of creating a space to add value to property or to achieve, stormwater capture and retention, improved species diversity, or insulate a building against heat gain or loss.

**Gunsmith or Licensed Firearms Dealer.** Any premises or portion thereof used for the sale, vending, dealing, exchange, or transfer, within a 12-month period, of two or more firearms as defined in the State of Michigan.

**Height.** The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front.

**Hazardous Materials.** Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one (1) or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with



generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):

- (1) Any substance that is demonstrated, on a case-by-case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
- (2) "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
- (3) "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
- (4) "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

**Hazardous Material Storage.** The storage of any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes but is not limited to hazardous substances and hazardous wastes.

**Health Club or Fitness Center.** A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**Home Occupation.** Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

**Hobby.** An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

**Home Office.** An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.

**Hospital.** An institution licensed by the state of Michigan providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.

**Hotel or Inn.** One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.

**Improvements.** Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the City, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.

**Intensive Industrial Operations.** Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

**Institutional Uses.** The following specific uses of an educational, social, or religious character, as defined or used in this Ordinance:

- (1) Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
- (2) Auditoriums, theaters, concert halls, and similar places of assembly.
- (3) Libraries, museums, and similar centers for cultural activities.
- (4) Churches, temples, and other places of worship. Religious institutions.
- (5) Post offices.
- (6) Private clubs, fraternal organizations, and lodge halls.

**Junk Yard or Motor Vehicle Storage or Dismantling Yard.** An open area where waste, 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 includes 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. The term "junk yard" does not include drop-off stations for residential recyclables.

**Junk.** Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

**Kenel.** Any building, lot, or premises where four (4) or more dogs or cats over twelve (12) weeks of age are kept, or any structure, lot, or premises where animals are kept or housed for remuneration. This definition shall not include the raising of animals for agricultural purposes or premises used for residential purposes, where the occupant keeps personal pets.

**Laboratory.** A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

**Landfill.** A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

**Lighting.** The following definitions are related to lighting:

- (1) **Fixture.** The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
- (2) **Floodlight.** A fixture or lamp designed to direct light over a broad area.
- (3) **Footcandle.** Illuminance produced on a surface one (1) foot from a uniform point source of one (1) candela, or when one (1) lumen is distributed into an area of one (1) square foot.
- (4) **Fully Shielded Fixture.** An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully

shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.

- (5) **Glare.** An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- (6) **Lamp or Bulb.** The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
  - (a) **High Pressure Sodium (HPS) Lamp.** High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
  - (b) **Incandescent or Tungsten-Halogen Lamp.** A lamp that produces light by a filament heated to a high temperature by electric current.
  - (c) **Low Pressure Sodium (LPS) Lamp.** A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
  - (d) **Mercury Vapor Lamp.** A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
  - (e) **Metal Halide Lamp.** A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- (7) **Laser Source Light.** An intense beam of light, in which all photons share the same wavelength.
- (8) **Light Trespass.** Light falling where it is not wanted or needed (also called spill light).
- (9) **Lumen.** Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One (1) footcandle is equal to one (1) lumen per square foot. One lux is one lumen per square meter.
- (10) **Recessed Fixture.** An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

**Liquor License Establishment, Class C.** Any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

**Loading Space.** An off-road space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lodge.** An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

**Lot.** A parcel of land consisting of one (1) or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road.

- (1) **Corner Lot.** A lot located at the intersection of two (2) roads or a lot bounded on two (2) sides by a curving road, where any two (2) chords of which form an angle of 135 degrees or less.

- (2) **Double Frontage or Through Lot.** A lot other than a corner lot having frontage on two (2) more or less parallel roads.
- (3) **Interior Lot.** A lot other than a corner lot with only one (1) lot line fronting on a road.
- (4) **Zoning Lot.** A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
  - (a) Single lot of record.
  - (b) Portion of a lot of record.
  - (c) Combination of lots of record, or portion(s) thereof.
  - (d) Condominium lot.
  - (e) Parcel or tract of land described by metes and bounds.

#### **Lot Area.**

- (1) **Gross Lot Area.** The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.
- (2) **Net Lot Area.** Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.

**Lot Depth.** The mean horizontal distance measured from the front road right-of-way line to the rear lot line.

**Lot Line.** Any line dividing one lot from another lot or from a road right-of-way or from any public place.

- (1) **Front Lot Line.** The line separating a lot from a road right-of-way.
  - (a) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.
  - (b) Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the water.
  - (c) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained.
- (2) **Rear Lot Line.** The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- (3) **Side Lot Line.** Any lot line not a front lot line or a rear lot line.

**Lot of Record.** A parcel of land that meets any of the following conditions:

- (1) An existing lot or parcel of which the dimensions are shown on an approved final subdivision plat recorded with the Sanilac County Register of Deeds and the City Assessor;
- (2) An existing lot or parcel of which the dimensions are shown on an approved condominium subdivision plan recorded with the Sanilac County Register of Deeds and the City Assessor;
- (3) An existing lot or parcel of which the dimensions are described by metes and bounds, the accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan, recorded with the Sanilac County Register of Deeds and the City Assessor.

**Lot Split or Consolidation.** The dividing or uniting of lots by virtue of changes in the deeds recorded with the Sanilac County Register of Deeds and the City Assessor.

**Lot Width.** The horizontal distance between the side lot lines, measured at the two (2) points where the building line or setback line intersects the side lot lines.

**Low Impact Design.** LID includes a variety of practices that mimic or preserve natural drainage processes to manage stormwater. LID practices typically retain rain water and encourage it to soak into the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

**Lumber Mill.** Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing craft, or construction.

**Makerspace.** A facility in which individuals share space and equipment such as fabrication or machining equipment or computers for the purposes of recreation, education, or work purposes.

**Manufactured Home.** A structure, transportable in one (1) or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, house trailer, trailer coach or travel trailers.

- (1) **Manufactured Home, HUD-Code.** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).
- (2) **Manufactured Home Site.** An area within a mobile home park that is designated for the exclusive use of a specific mobile home.

**Manufactured Housing Park.** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the

public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment or facility used or intended for use incident to the occupancy of a manufactured or mobile home, subject to the rules and requirements of the Mobile Home Commission Act, Public Act 96, of 1987, as amended (MCLA 139.2301 et seq.) and the Manufactured Housing Commission General Rules.

**Manufactured Housing Sales.** An establishment dedicated to the sale of transportable, factory-built homes with an attached undercarriage frame, which are designed to be used as a year-round residential dwelling.

**Massage Therapist.** An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation, or successor organizations.

- (1) **Therapeutic Massage.** A method by which a person utilizes his or her hands, feet, or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding, or vibrating.

**Master Plan.** The comprehensive plan of the City of Sandusky, including graphic and written text indicating the City's development goals and objectives, planned future use of all land within the City of Sandusky, general location for roads, parks, schools, public buildings, and all physical development, and any portion or amendment to such plan. Such plans shall have been adopted by the Planning Commission, and may or may not be adopted by City Council.

**Mezzanine.** An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third (1/3) of the floor area of such story.

**Mixed Use.** A structure or project containing residential and nonresidential uses.

**Motion Picture Cinema.**

- (1) **Outdoor.** An outdoor area or portion thereof devoted to showing motion pictures.
- (2) **Outdoor temporary.** An outdoor motion picture cinema operating on an impermanent, temporary, or seasonal basis.
- (3) **Inside.** A building or part of a building devoted to showing motion pictures.

**Motor Home (Trailer Coach).** A self-propelled motorized vehicular unit primarily designed, used or constructed for travel or recreational usage, and duly licensable as such, which vehicular unit also contains facilities for cooking and for overnight lodging for one (1) or more persons. "Motor home" does not include "mobile home."

**Motor Vehicle Fueling Station.** A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

**Motor Vehicle Repair Station.** An enclosed building where minor and major motor vehicle repair services may be carried out.

- (1) **Major Repair.** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.
- (2) **Motor Vehicle Service Center.** A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.
- (3) **Minor Repair.** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.

**Natural Area.** A land area or body of water that is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic, or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.

**Natural Resources.** Natural resources include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types; renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as "natural features" in this Ordinance.

**New Construction.** Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

**Noise.** Any sound that annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

- (1) **A-weighted sound level.** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- (2) **Day-night average sound level.** The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten (10) dB(A) before averaging.
- (3) **Emergency.** Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate attention.
- (4) **Impulsive sound.** Sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
- (5) **Noise disturbance.** Any sound that (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- (6) **Noise sensitive zone.** An area that contains noise-sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing homes.
- (7) **Pure tone.** Any sound that can be distinctly heard as a single pitch or a set of single pitches.

- (8) **Sound.** An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- (9) **Sound level.** The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the American National Standards Institute.
- (10) **Vibration.** An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

### Nonconformities

- (1) **Cease.** To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this Ordinance, would prevent the use from being resumed.
- (2) **Nonconforming Lot.** A platted or unplatted parcel of land lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- (3) **Nonconforming Sign.** See Signs.
- (4) **Nonconforming Site.** A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current Ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving and other site elements.
- (5) **Nonconforming Structure.** A structure or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county and City laws ordinances, regulations and codes.
- (6) **Nonconforming Use.** A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this Ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval, where provisions of this Ordinance require such approval, but is otherwise in compliance with all other applicable federal, state, county and City laws ordinances, and regulations.
- (7) **Preferred Class Nonconforming Designation.** A nonconforming use designated by the Planning Commission to be perpetuated and improved in accordance with this Ordinance and an approved site plan.
- (8) **Unlawful Structure.** A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and City laws ordinances, regulations, and codes.
- (9) **Unlawful Use.** A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county and City laws ordinances, regulations and codes.



**Noxious.** An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare, or heat.

**Nuisance.** Any 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 which prevents the free use of one's property or renders its normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

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

**Obscene Material.** As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL752.362.2(4), as amended] found to be "obscene" [as defined in MCL752.362.2(5), as amended].

**Occupancy or Occupied.** The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."

**Occupancy Load.** The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.

**Open Air Business.** Any business that is conducted primarily out-of-doors. Unless otherwise specified by this Ordinance, "open air business" shall include:

- (1) Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) Roadside stands for the sale of agricultural products.
- (3) Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- (4) Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

**Open Space.** All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.

- (1) **Conservation easement.** A legal agreement and a conveyable interest in land in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.
  - (a) A conservation easement provides limitation on the use of land or a body of water or development of structures or site improvements.

- (b) A conservation easement defines the responsibilities of all parties for retaining or maintaining the land or body of water predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
  - (c) A conservation easement may require or prohibit certain acts on or with respect to the land or body of water.
  - (d) Also see definition of "conservation easement" in Section 2140 of the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended)].
- (2) **Development rights.** The rights to develop land to the maximum intensity of development authorized by law.
- (3) **Greenway.** A contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature preserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
- (4) **Restrictive covenant.** An agreement between two or more parties to a written instrument establishing limitations on the use and enjoyment of interests in real property.
- (5) **Undeveloped state.** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.

**Outdoor café/ eating area.** Any outdoor dining area located in any public sidewalk or right-of-way that is associated with a restaurant or other eating and drinking establishment on a contiguous adjacent parcel.

**Outdoor Sales or Display.** The placement or exhibition of products or services on a lot outside of a building. See also Open Air Business.

**Outdoor Storage Yard.** An open area where including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. The term includes automobile wrecking yards and any area of more than 200 square feet used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings or drop-off stations for recyclables.

**Outdoor Motor Vehicle Storage or Dismantling Yard or Junk Yard.** An open area used for any of the following purposes:

- (1) Purchase, sales, exchange, storage, baling, packaging, disassembly or handling of used parts of motor vehicles, old iron, metal, glass, paper, cordage or other waste, used or secondhand material;
- (2) Any business and any place of storage or deposit that includes two (2) or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation purposes.

**Outlot.** A parcel of land designated on a site plan for future development.

**Package Liquor Store.** A retail establishment licensed by the State of Michigan where more than ten percent (10%) of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

**Park.** Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.

**Parking Lot.** A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

**Parking Space.** A space set aside for the sole purpose of parking an automobile on a temporary basis.

**Pavement or Hard Surface.** Plant-mixed bituminous material, concrete, brick, masonry pavers, or similar durable materials approved by the City.

**Pawnshop.** Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

**Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

**Person.** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**Pet.** A domesticated dog, cat, bird, gerbil hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

**Planning Commission.** The Planning Commission for the City of Sandusky, Michigan, as authorized by the Michigan Planning Enabling Act PA 33 of 2008, as amended.

**Plat.** A map of a subdivision of land.

**Pond.** A small man-made body of water developed for the personal use of the property owner and maintained by surface water runoff, groundwater or a public or private water distribution system.

**Porch.** A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.

**Premises.** A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.

**Private 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.

**Produce Stand.** A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

**Recognizable and Substantial Benefit.** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.

**Recreation Establishment, Indoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

**Recreation Establishment, Outdoor.** A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

**Recreation Area.** Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing, or other recreational purposes.

**Recreational Vehicle.** A vehicle that is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:

- (1) **Boats and Boat Trailers.** Motorized or floatation equipment that may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
- (2) **Folding Tent Trailer.** A folding structure, mounted on wheels and designed for travel and vacation use.
- (3) **Motor Home.** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 400 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
- (4) **Pickup Camper.** A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- (5) **Travel Trailer.** A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

- (6) **Horse Trailer.** A structure mounted on wheels and designed primarily to be used for the transportation of horses.
- (7) **Snowmobiles, Motorcycles or All-Terrain Vehicles (ATV).** Motorized vehicles designed primarily for recreational travel or off-road use.
- (8) **Utility Trailers.** A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

**Recycling Collection Facilities.** A building in which recyclable material only is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

**Religious Institution** (Church, Temple, Place of Worship or). A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals, and other temporary assemblies are not included in this definition.

**Repair and Maintenance, Ordinary.** Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

**Restaurant.** Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.

- (1) **Carry-Out Restaurant.** Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
  - (a) Food and beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
  - (b) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and the restaurateur strictly enforces such prohibition.
- (2) **Restaurant, Drive-In.** Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:
  - (a) Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.

- (b) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged, or permitted.
- (3) **Drive-Through Restaurant.** A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

**Retail Stores and Retail Sales.** A showroom, sales floor, display area or similar facility for the selling, trading, and exchanging of goods, wares, or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.

- (1) Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.
- (2) Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers, and shopping malls.
- (3) Also included in this definition are mail-order sales, internet sales, and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
- (4) This definition does not include temporary uses, outdoor display or sales areas or adult uses and sexually-oriented businesses.

**Retention Basin.** A pond, pool, or basin used for the long-term storage of water runoff.

**Right-of-Way.** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied, or occupied by a road, utility, and other similar uses.

**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. Plans presented showing one (1), two (2) or three (3) bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**School, Nonpublic.** A nonpublic school is any school other than a public school giving instruction to children below the age of 16 years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

**School, Public.** A public school is a public elementary or secondary educational entity or agency that has as its principal mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university or by the department or state board.

**Self-Storage Warehouse.** A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

**Senior Housing.** An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily 55 years of age or older. Housing for the elderly may include:

- (1) **Assisted Living Facility.** A facility providing responsible adult supervision of or assistance with routine living functions of an individual in instances where the individual's condition necessitates that supervision or assistance.
- (2) **Congregate or Interim Care Housing.** A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- (3) **Convalescent or Nursing Home.** A home for the care of two (2) or more children, the aged or infirm persons suffering serious or chronic bodily disorders, which may be licensed under applicable state laws.
- (4) **Dependent Housing Facilities.** Facilities such as convalescent homes and nursing homes that are designed for older persons who need a wide range of health and support services, including personal nursing care.
- (5) **Elderly Housing.** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- (6) **Senior Apartments.** Multiple-family dwelling units intended to be occupied by persons 55 years of age or older.

**Separate Ownership.** Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation, or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this Ordinance.

**Setback.** The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way.

- (1) **Parking Lot Setback.** The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
- (2) **Required Setback.** The minimum horizontal distance between a front, rear or side lot line, and a foundation line to comply with required yard provisions of this Ordinance.

**Shopping Center.** A group of commercial establishments, owned and managed as a unit; and related in location, size, and type of shops to the trade area it serves.

**Sign.** Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags, or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public street, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- (1) **Abandoned Sign.** A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.
- (2) **Accessory Sign.** A sign that pertains to the principal use of the premises.
- (3) **Billboard or Non-Accessory Signs.** Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."
- (4) **Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.
  - (a) **Awning Sign.** A sign that is painted or printed on, or attached to an awning or canopy.
  - (b) **Building Directory.** A wall sign where individual occupants of a building whose space is not located on the street level façade may display information directing visitors to their portion of the building.
  - (c) **Nameplate.** A small wall sign accessory to the address numbers of a building for the purpose of identifying the building, occupants or uses.
  - (d) **Projecting Sign.** A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
  - (e) **Wall Sign.** A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than two (2) feet from the wall with no copy on the sides or edges.
  - (f) **Window Sign.** A sign affixed to or installed inside a window so as to be observable from the exterior of the building.
- (5) **Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- (6) **Color Value.** The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
  - (a) **Saturation.** The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- (7) **Damaged Sign.** A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.



- (8) **Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.
- (9) **Ground Sign.** A freestanding sign supported by one or more columns, uprights, or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
- (10) **Noncombustible Material.** Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- (11) **Nonconforming Sign.** A sign that was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a street right-of-way, or any sign that is missing necessary structural and functional components.
- (12) **Portable Sign.** A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.
- (13) **Roof Sign.** Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
- (14) The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally illuminated sign, awning, or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
- (15) **Signable Area.** The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public street where the address or primary public entrance is located.
- (16) **Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
- (a) **Changeable Copy-Automatic.** Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per minute.
- (b) **Changeable Copy-Manual.** Moveable letters or other forms of sign copy, not including animated copy, which can be changed manually.
- (17) **Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.
- (18) **Site Entry Feature with Signage.** A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
- (19) **Temporary Sign.** Display signs, banners, balloons, festoons or other advertising devices 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, but not including decorative displays for holidays or public demonstration.

- (a) **Banner.** A temporary sign made of fabric or other non-rigid material with no enclosing framework.
  - (b) **Festoons.** A string of ribbons, tinsel, small flags or pinwheels.
  - (c) **Inflatable Sign.** Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
- (20) **Unlawful Sign.** A sign for which no valid permit was issued by the City at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
- (21) **Unsafe Sign.** A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

**Site Plan.** A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this Ordinance.

**Soil.** The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.

#### **Solar Installations.**

- (1) **Ground-mounted.** A private system installed on the ground of a parcel as a principal or accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.
- (2) **Roof-mounted.** A private system installed on the roof of a building as an accessory use that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

**State Licensed and Other Managed Residential Facilities.** A structure or facility constructed for residential purposes to provide resident services and 24 hour supervision or care for six (6) or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended). A structure constructed for residential purposes that is defined by a State of Michigan statute and regulated by the Michigan Department of Licensing and Regulatory Affairs, except such uses as specified otherwise in this ordinance.

**Steep Slopes.** Slopes with a grade of twelve percent (12%) or more.

**Story.** That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

- (1) A mezzanine shall be deemed a full story when it covers more than one-third ( $\frac{1}{3}$ ) of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- (2) A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.

**Story, Half.** An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven (7) feet six (6) inches. For the purposes of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

**Street.** A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.

**Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, mobile homes, aboveground swimming pools, radio towers, sheds, signs and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas and patios.

- (1) **Temporary Structure.** A structure permitted to exist during periods of construction, special events, and other limited time periods.

- (a) **Tent or Carport Shelter.** A structure consisting of canvas or the like supported by poles and fastened by cords or pegs driven into the ground, and not intended for permanent use on a site.

**Subdivision.** A subdivision as defined in the Land Division Act (P.A. 288 of 1967, as amended), and any City of Sandusky subdivision regulations.

**Swimming Pool.** Any structure or container located above or below grade designed to hold water to a depth of greater than two (2) feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this Ordinance.

**Tavern (Pub).** An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than thirty percent (30%) of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.

**Telecommunications.** Any origination, creation, transmission, emission, storage-retrieval, or reception of signs, signals, writing, images, sounds, or intelligence of any nature, by wire, radio, television, optical, or other means.

**Tract.** Two (2) or more parcels that share a common property line and are under the same ownership.

**Transient Housing.** A facility, which is operated by a government or an IRS-recognized 501(c)(3) tax exempt organization, that provides free sleeping, bathing, cooking, and eating facilities for individuals or families on a transient basis. The term "Transient Housing" does not include a bed and breakfast, hotel, motel, adult or child foster care, or other such transient uses.

**Truck Terminal.** The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

**Undeveloped State.** Land in a natural condition; preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state shall not include a golf course, but may include passive recreational facilities; including recreational trails, picnic areas, children's play areas, greenways or linear parks. Land in an undeveloped state may be, but it not required to be, dedicated to the use of the public.

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

- (1) **Accessory Use.** A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
- (2) **Permitted Use.** A use permitted in each zoning district by right subject to site plan review approval.
- (3) **Principal Use.** The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the requirements and standards of this Ordinance.
- (4) **Seasonal Use.** A temporary use permitted and regulated pursuant to this Ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
- (5) **Special Use.** An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
- (6) **Temporary Use.** A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.

**Utility, Public or Private.** A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this Ordinance.

**Variance.** A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

**Veterinary Clinic or Hospital.** An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock, and other animals.

**Walls.**

- (1) **Decorative.** A screening structure wall of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.

- (2) **Obscuring.** An obscuring structure of definite height and location constructed of masonry, concrete, or similar material.

**Wetland.** Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps, or marshlands. Wetlands shall also have one (1) or more of the following attributes:

- (1) At least periodically, the land supports predominantly hydrophytes.
- (2) The substrate is predominantly un-drained hydric soil.
- (3) The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

**Wetland, Regulated.** Certain wetlands as regulated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), that have any of the following characteristics:

- (1) Contiguous to an inland lake, pond, river or stream;
- (2) Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;
- (3) Other wetlands where EGLE determines, with notification to the land owner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

**Wireless Communications Facility.** All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but is not limited to: radio and television towers; telephone devices and exchanges; microwave relay towers; telephone transmission equipment buildings; and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham and amateur radio facilities; television reception antennae; satellite dishes; and governmental facilities that are subject to state and federal law or regulations that preempt municipal regulatory authority.

- (1) **Abandoned Tower or Antenna.** An antenna that is not operated for a continuous period of twelve months or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- (2) **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- (3) **AM Array.** One or more tower units with a supporting ground system that function as one AM broadcasting antenna shall be considered as one tower with a perimeter equaling the smallest rectangular figure that can encompass all elements associated with the array. Setbacks and other distances shall be measured from this perimeter. Additional tower units may be added within the perimeter of an approved array by right.
- (4) **Amateur Radio Antenna.** An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.

- (5) **Antenna.** Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiates or captures electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
- (6) **Backhaul Network.** The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers, or public-switched telephone network.
- (7) **Co-Location.** The location of two (2) or more wireless telecommunication facilities on a common structure, tower, or building.
- (8) **Equipment Enclosure.** A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- (9) **Satellite Dish.** An antenna structure designed to receive from or transmit to orbiting satellites.
- (10) **Tower.** A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

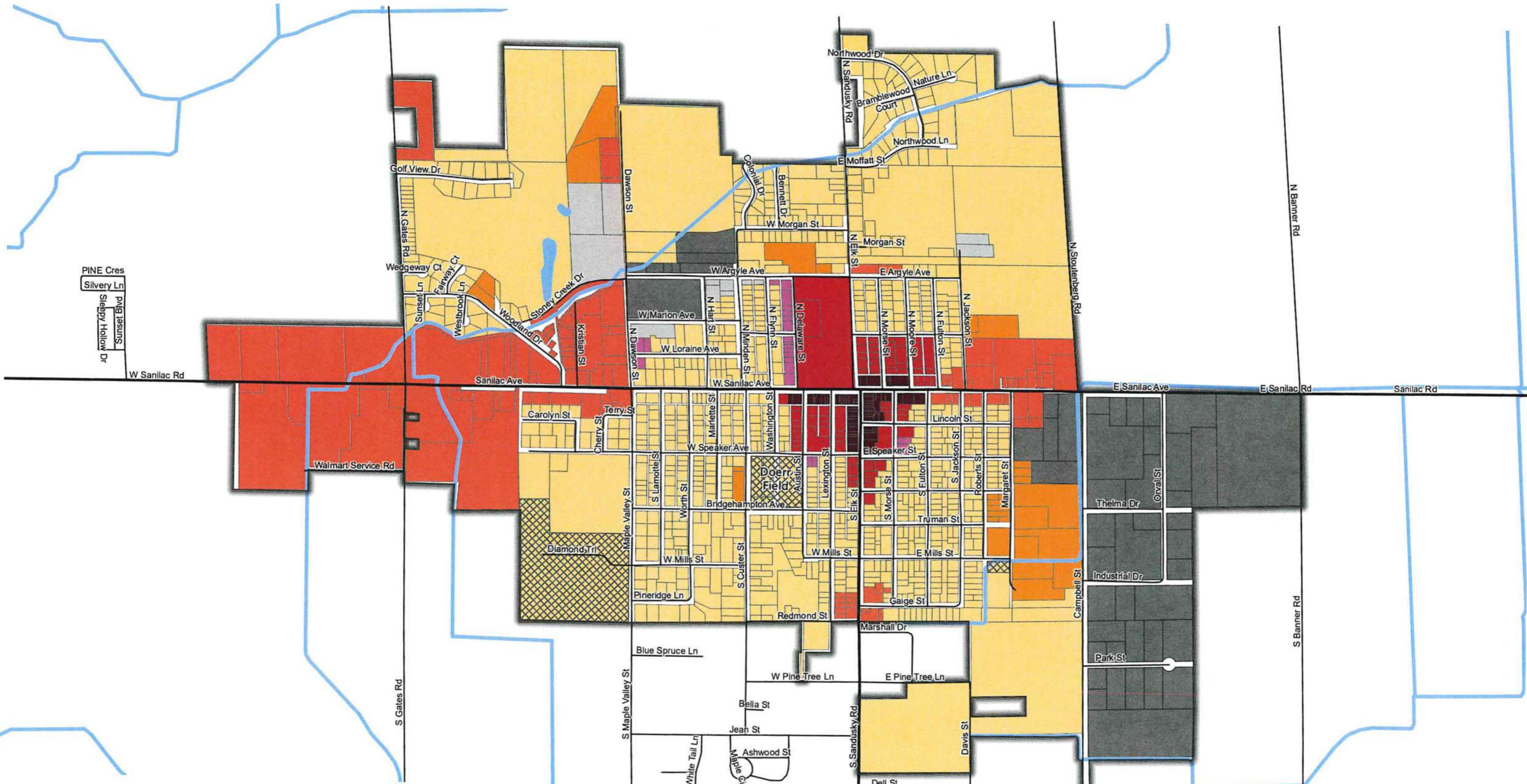
**Yard.** An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein.

- (1) **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.
- (2) **Rear Yard.** The yard directly opposite the designated front yard; or an open space extending across 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 principal building.
- (3) **Required Yard.** An open space or yard area that conforms to the requirements of this Ordinance for yard, setback, or other open space requirements.
- (4) **Side Yard.** An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.

**Zoning Administrator.** The person or persons designated by the City to administer this Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, providing staff support to the Planning Commission or Zoning Board of Appeals, sending notices of public hearings, and similar work.

**Zoning Board of Appeals.** The Zoning Board of Appeals appointed by the City Council for the City of Sandusky, Michigan.

**Zoning Permit.** Authorization given by the City of Sandusky to use land or structures for uses permitted under this Ordinance; to erect, construct or alter structures in the City in conformity with this Ordinance; or to maintain or conduct other specified activities permitted by this Ordinance.



# CITY OF SANDUSKY Zoning Map

Data Sources: State of Michigan Geographic Data Library, City of Sandusky

- City Boundary
- State Roads
- All Roads
- Railroads

- Parcels
- Rivers / Streams
- Lakes / Ponds
- Park

- R: Single Family Residential
- RM: Multiple-Family Residential
- NB: Neighborhood Business
- GB: General Business

- CB-1: Community Business 1
- CB-2: Community Business 2
- I-1: Industrial-Research
- I-2: General Industrial



Disclaimer: This map is to be used for illustrative purposes only. It was adapted from the 2005 City of Sandusky Zoning Map. Map viewers are responsible for confirming local zoning districts and/or zoning information with City Officials.