

## **Chapter 86**

### **ZONING**



ARTICLE I  
In General

**§ 86-1. Purpose of chapter; statutory authority. [Amended 6-6-1994 by Ord. No. 94-06]**

Pursuant to the authority conferred by Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended, this chapter is enacted for the purpose of promoting and protecting the public health, safety, peace, comfort, convenience and general welfare of the inhabitants of the City by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas, by securing the most appropriate use of land; by preventing overcrowding; and by facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements; and by other means, all in accordance with a comprehensive plan.

**§ 86-2. Definitions and rules of construction. [Amended 6-6-1994 by Ord. No. 94-06; 6-22-2001 by Ord. No. 2001-01; 7-7-2006 by Ord. No. 06-03; 11-19-2007 by Ord. No. 07-03]**

- (a) The following rules of construction apply to the text of this chapter:
- (1) The particular shall control the general.
  - (2) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
  - (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  - (4) Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural and the singular, unless the context clearly indicates the contrary.
  - (5) The word "building" or "structure" includes any part thereof.
  - (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
  - (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
  - (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

- c. "Either. . .or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (9) Terms not defined in this chapter shall have the meaning customarily assigned to them.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ABUTTING** — Having a common border with or being separated from such a common border by a right-of-way, alley or easement.

**ACCESSORY BUILDING**[**Amended 7-20-2015 by Ord. No. 2015-04**] —

- (1) A building that:
  - a. Has a roof that is supported by columns and walls;
  - b. Is intended for the shelter or enclosure of persons, animals, goods or chattel; and
  - c. Is further intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use to which it is exclusively related.
- (2) Examples of accessory buildings include garages, carports, storage sheds, gazebos, and greenhouses. Portable structures made of fabric/vinyl with structural supports may be included within this definition provided they meet all the requirements of this section.

**ACCESSORY USE and ACCESSORY** — A structure/building or use that:[**Amended 7-20-2015 by Ord. No. 2015-04**]

- (1) Is clearly incidental to and customarily found in connection with a principal building or use;
- (2) Is subordinate to and serves a principal building or a principal use;
- (3) Is subordinate in area, extent or purpose to the principal building or principal use served;
- (4) Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served; and
- (5) Is located on the same lot as the principal building or use served.

**ADDITION** — An extension or increase in floor area or height of a building or structure.

**ADULT ENTERTAINMENT BUSINESS** — The following words and phrases shall have the following definitions when/as relates to "adult entertainment businesses":

- (1) **ADULT ENTERTAINMENT BUSINESS** — One or a combination of more than one of the following types of businesses: adult bookstore, adult motion

picture theater, adult cabaret, adult personal service business, adult novelty business.

- (2) **ADULT BOOKSTORE** — An establishment having as a principle activity the sale or rental of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of specific sexual activities or specific anatomical areas and an establishment with a segment or section devoted to the display of such materials.
- (3) **ADULT CABARET** — An establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show specific anatomical areas of their bodies of who engage in, perform or simulate specific sexual activities. "Cabaret" also includes any place wherein food or any type of alcoholic beverage is sold or given away on the premises, the operator of which place holds a yearly license to sell such beverages by the glass.
- (4) **ADULT NOVELTY BUSINESS** — A business which has as a principle activity the sale of devices which simulate human genitals or devices designed for sexual stimulation.
- (5) **ADULT MOTION PICTURE THEATER** — An enclosed building or any open area used for presenting motion picture films, video cassettes, cable television or other visual media, distinguished or characterized by an emphasis on specific sexual activities or specific anatomical areas for observation by patrons therein.
- (6) **ADULT PERSONAL SERVICES BUSINESS** — A business having as a principle activity a person of one sex, while nude or partially nude, providing personal services for a person on an individual basis in a enclosed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances.
- (7) **PRINCIPLE ACTIVITY** — An activity accounting for more than 15% of a business' sales, gross receipts, display space, floor space, or movie display time per month.
- (8) **SPECIFIC ANATOMICAL AREAS** — Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the line of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (9) **SPECIFIC SEXUAL ACTIVITIES** — Shall include, but not be limited to human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**ADULT FOSTER CARE FACILITY** — A governmental or nongovernmental establishment subject to state licensing procedures as may be required, having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed,

developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. The term "adult foster care facility" does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

**ADULT FOSTER CARE FAMILY HOME** — A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days per week, and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

**ADULT FOSTER CARE LARGE GROUP HOME** — An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care.

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

**AGED** — An adult whose chronological age is 60 years of age or older, or whose biological age, as determined by a physician, is 60 years of age or older.

**ALLEY** — Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**ALTERATIONS** — Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to in this chapter as "altered" or "reconstructed."

**APARTMENTS** — A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single family or a group of individuals living together as a single housekeeping unit.

**ARCADE** — Any place of business or establishment whose principal use shall be the housing of mechanical amusement devices. Mechanical amusement devices include any machine which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto, whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

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

**AUTOMOBILE REPAIR** — The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting and undercoating of automobiles.

**BASEMENT** — That portion of a building which is partly or wholly below grade

but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

**BED-AND-BREAKFAST INN** — A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

**BLOCK** — The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of such features and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

**BOARDINGHOUSE** — A dwelling where meals, or lodging and meals, are provided for compensation and where one or more rooms are occupied by persons by prearrangement for definite periods of not less than one month. A boardinghouse is to be distinguished from a hotel, motel, bed-and-breakfast establishment, or convalescent, nursing or group home.

**BUFFER AREA** — An area, usually landscaped, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**BUILDING** — A structure erected on-site, a mobile home or mobile structure, or a premanufactured or precut structure, above or below ground, having a roof or walls, and built for, or capable of, the shelter or enclosure of persons, animals, chattels or property of any kind.

**BUILDING HEIGHT** — The vertical distance from grade to the top of a parapet wall in the case of a flat roof, to the deck line for mansard roofs, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. The height of detached accessory structures shall be the distance from grade to the top of a parapet wall in the case of a flat roof, and to the peak of the roof for mansard, gable, hip and gambrel roofs.

**BUILDING INSPECTOR** — The administrative official designated by the City Manager with the responsibilities of administering and enforcing this chapter.

**BUILDING LINE** — A line formed by the face of the building. For the purposes of this chapter, a minimum building line is the same as a front setback line.

**CARWASH** — An area of land or a structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

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

**CLUB, PRIVATE FACILITIES** — Any nonprofit facility established to provide recreational or social activities for the sole and exclusive use of its members, their families and guests.

**CLUSTER DEVELOPMENT** — A development design technique that concentrates buildings in specific locations on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally

sensitive areas.

**CONVALESCENT OR NURSING HOME** — A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

**COUNTY WORK RELEASE FACILITY** — A facility owned and operated by the county for the purpose of housing inmates within the county correctional system who meet one of the following classifications:

- (1) **WORK RELEASE INMATES** — Men and women sentenced to jail by the various judges in the county who are granted the privilege of being released each day to go to their normal employment. They return after work and remain in the custody of the sheriff. They do not include persons convicted of major sex offenses. Judicial discretion is the major tool for determining the availability of work release for each inmate.
- (2) **COMMUNITY WORKER INMATES** — Men and women sentenced to jail by the various judges in the county who provide general labor to several governmental or non-profit groups. These persons are low-end offenders who propose minimal risk and do not include persons convicted of drug crimes resulting in a felony conviction and violent crimes resulting in a felony conviction.
- (3) **INMATE TRUSTY** — Men and women sentenced to jail by the various judges in the county who are assigned duties that vary from general cleaning and laundry service to food preparation. Such a facility could also include accessory uses related to work with inmates and parolees including offices for a community corrections program.

**DAY CARE CENTER** — A school, kindergarten or adult care facility wherein day care, or day care and education, is provided.

**DEVELOPMENT** — The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**DISTRICT** — A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

**DWELLING, MOBILE HOME** — A detached residential dwelling unit with a body width greater than eight feet, of not less than 40 feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities and the like. A mobile home shall not be considered a travel trailer, motor home or any other type of recreational vehicle. In addition, mobile homes which do not conform to the standards for one-family dwellings of this chapter shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as provided in this chapter.



DWELLING, MULTIPLE-FAMILY — A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.

DWELLING, ONE-FAMILY — A building designed exclusively for one family for residential use.

DWELLING, TWO-FAMILY — A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.

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

DWELLING UNIT, MANUFACTURED — A dwelling unit which is substantially built, constructed, assembled or finished off the premises upon which it is intended to be located.

DWELLING UNIT, SITE-BUILT — A dwelling unit which is substantially built, constructed, assembled and finished on the premises which are intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as the dwelling unit's final location.

EARTH BERM — A mound of earth planted with ground cover, grass, trees or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

EASEMENT — A grant of one or more property rights by the property owner to or for the use by the public, a corporation, or another person or entity.

ELDERLY HOUSING — A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older, or couples where either spouse is 60 years of age or older. This does not include a foster care home, home for the aged, or nursing home.

ERECTED — Built, constructed, altered, reconstructed or moved upon. Any physical operations on the premises which are required for construction, excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES — A public utility or municipal department utilizing underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or collection, communication, supply or disposal systems, but not including buildings.

EXCAVATION — Any breaking of ground, except common household gardening and ground care.

FAMILY — A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon the premises, or a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bonds distinguished from a group occupying a boardinghouse, lodginghouse, club, fraternity or hotel.

FENCE — Any permanent partition, structure or gate erected upon or near, but not limited to, the dividing line between adjoining property owners, for the purpose of separating, screening, enclosing or protecting property. Hedges, ornamental shrubs, trees and bushes shall be considered fences when placed in a manner or position to serve as such.

FLOODPLAIN and FLOODPRONE AREA — Any land area susceptible to being inundated by water from any source.

FLOOR AREA, GROSS — The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building shall not include the basement floor area except when more than one-half of the basement height is above grade. Floor area shall include elevator shafts and stairwells at each floor, floorspace used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet 10 inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in floor area.

FLOOR AREA, RESIDENTIAL — For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FOSTER CARE — The provision of supervision, personal care and protection, in addition to room and board, for 24 hours per day, five or more days per week, and for two or more consecutive weeks, for compensation.

FRONTAGE — The minimum width required in a use district which abuts a public right-of-way or private road.

GARAGE, PRIVATE — An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

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

GASOLINE SERVICE STATION — A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

GOVERNMENTAL AGENCY — Any department, commission, independent agency or instrumentality of the United States, or of a state, county, incorporated or unincorporated municipality, authority, district or governmental unit.

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

feet out from the edge of the building.

**GREENBELT** — A strip of land of definite width and location reserved for the planting of shrubs or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this chapter.

**HEALTH CARE FACILITY and HOSPITAL** — A facility or institution, whether public or private, principally engaged in providing services for health maintenance and diagnosis and treatment of human disease, pain, injury, deformity or physical condition, allowing overnight stay, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital or maternity hospital.

**HISTORIC DISTRICT** — An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance to warrant conservation and preservation.

**HOME FOR THE AGED** — A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home or county medical care facility, that provides room, board and supervised personal care to 21 or more unrelated nontransient individuals 60 years of age or older. The term "home for the aged" includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older when the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

**HOME OCCUPATION** — An accessory use of a dwelling that constitutes, either entirely or partly, the livelihood of a person living in the dwelling, conducted entirely within the dwelling and carried on by the inhabitants therein, and having no external effects.

**HOTEL** — A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

**JUNKYARD** — An area where waste, used or secondhand materials are 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. The term "junkyard" includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

**KENNEL** — Any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded for remuneration.

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

**LODGE** — Any nonprofit facility established to provide recreational or social activities for the sole and exclusive use of its members, their families and guests.

LOT — A measured portion of a parcel or tract of land, which is legally described and fixed in a recorded plat.

LOT AREA — The total horizontal area within the lot lines of the lot.

LOT, CORNER — A lot abutting on and at the intersection of two or more streets.

LOT COVERAGE — The part or percent of the lot occupied by buildings, including accessory buildings.

LOT DEPTH — The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, INTERIOR — Any lot other than a corner lot.

LOT LINES — The lines bounding a lot as defined in this section.

- (1) FRONT LOT LINE — In the case of an interior lot, means that line separating the lot from the streets.
- (2) REAR LOT LINE — That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line and wholly within the lot.
- (3) SIDE LOT LINE — Any lot line other than the front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD — A lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two or more lots as contained on any recorded plat into a single building site, or combined two or more lots contained on any recorded plat in the records of the township assessor or treasurer, the combination of lots shall be deemed to be a single lot of record for the purposes of this chapter.

LOT, THROUGH — Any interior lot having frontage on two more or less parallel streets, as distinguished from a corner lot.

LOT WIDTH — The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines, or, in the case of a corner lot, the side lot line and opposite lot line.

LOT, ZONING — A single tract of land, which may include one or more lots of record, which conforms with this chapter with respect to area, size, dimensions and frontage in the district.

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

MAJOR THOROUGHFARE — An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Michigan Department of Transportation Act 51 Certification Maps.

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

**MEZZANINE** — An intermediate floor in any story occupying not to exceed one-third of the floor area of such story.

**MINIWAREHOUSE and SELF-STORAGE FACILITY** — A facility consisting of a building or a group of buildings in a controlled access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

**MOBILE HOME PARK** — A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

**MOTEL** — A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space, which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

**MOTORIZED HOME** — A self-propelled motor vehicle which provides the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

**MUNICIPALITY** — The City of Corunna, Michigan.

**NONCONFORMING BUILDING** — A building or portion thereof lawfully existing on June 10, 1994, that does not conform to the provisions of this chapter in the district in which it is located.

**NONCONFORMING LOT** — Any lot, outlet or other parcel of land which does not meet the land area or dimension requirements of this chapter.

**NONCONFORMING USE** — A use which lawfully occupied a building or land on June 10, 1994, and that does not conform to the use regulations of the district in which it is located.

**NON-SECURED JUVENILE FACILITY** — A juvenile court-operated residential care facility that is licensed by the State of Michigan, which would be used to temporarily house youths who are placed in the facility upon a court order from the county in which they are residents as a short-term consequence for their delinquent behavior.

**NORMAL GRADE LEVEL** — Normal grade shall be construed to be the lower of:

- (1) The existing grade prior to construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a fence.

In cases in which the normal grade cannot reasonably be determined, fence height shall be computed on the assumption that the elevation of the normal grade at the base of the fence is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

**NUISANCE FACTOR** — An offensive, annoying, unpleasant or obnoxious thing 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 can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to:

- (1) Sound.
- (2) Dust.
- (3) Smoke.
- (4) Odor.
- (5) Glare.
- (6) Fumes.
- (7) Light.
- (8) Vibration.
- (9) Shock waves.
- (10) Heat.
- (11) Electronic or atomic radiation.
- (12) Effluent.

**NURSERY, PLANT MATERIALS** — A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

**NURSING HOME** — A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of Michigan of 1885 (MCL 36.1 et seq., MSA 4.871 et seq.), as amended, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury or infirmity.

**OCCUPIED** — Includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**OFF-STREET PARKING FACILITY** — A facility providing vehicular parking

spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

**OPEN AIR BUSINESS USE** — Includes any business when the business is not conducted from a wholly enclosed building.

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

**OVERNIGHT LODGING FACILITY (HOTEL, MOTEL OR MOTOR INN)** — An establishment or building providing a number of bedrooms, baths, etc., and usually food, for the accommodation of travelers or other transient guests.

**PARKING SPACE** — An area of definite length and width; such area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

**PLANNED COMMERCIAL OR SHOPPING CENTER** — A group of commercial establishments planned, constructed and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

**PLANNED UNIT DEVELOPMENT** — A land area which has both individual buildings sites and common property such as a park and which is designed and developed under one owner or organized group as a separate neighborhood or community unit. **[Amended 6-18-2018 by Ord. No. 18-01]**

**PORCH** — A projection on a building or structure containing a floor, which may be either totally enclosed or open.

**PRINCIPAL USE OR PRINCIPAL STRUCTURE IN THE R-A OR R-O ZONED DISTRICT** — The main use or main structure to which the premises are devoted and the principal purpose for which the premises exist.

**PUBLIC BUILDING** — Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed but are intended for private use, e.g., public housing.

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

**RECREATIONAL VEHICLE** — A vehicle which moves one or more persons over the ground, air, water, ice or snow, and which is either self-propelled or connects to a vehicle which is self-propelled.

**RELIGIOUS ASSEMBLY** — Religious services involving public assembly such as customarily occurs in synagogues, temples, mosques and churches.

**RESTAURANT** —

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

the consumption of food on the premises.

- (2) **CARRYOUT RESTAURANT** — Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or method of operation encourages the consumption of food off-site, or it may permit incidental consumption on the premises.
- (3) **DRIVE-IN OR DRIVE-THROUGH RESTAURANT** — Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes one or both of the following characteristics:
  - a. Foods, frozen desserts or beverages are served directly to the customer in a motor vehicle, either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
  - b. The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, within the restaurant building or at other facilities on the premises outside the restaurant building is permitted.

**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, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

**ROOM** — For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom equal to at least 80 square feet in area. A room shall not include the area in a kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways and storage. Plans presented showing one-, two- or three-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.

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

**SIGN** — A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot, and which directs attention to an object, product, place, activity, person, institution, organization or business. Signs include but are not limited to figures, devices, pennants, emblems and pictures. Any figure, device, pennant, emblem or picture which is not placed out of doors, when placed near or inside the surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists and pedestrians, shall also be considered as a sign. See Chapter 58.

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

**STORY** — That part of a building, except a mezzanine, included between the



surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

**STORY, HALF** — An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet. For the purposes of this chapter, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

**STREET** — A public dedicated right-of-way, other than an alley, which affords the principal means of vehicular access to abutting property, including access for emergency response vehicles.

**STRUCTURE** — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, such as a tent. **[Amended 7-20-2015 by Ord. No. 2015-04]**

**SWIMMING POOL** — Any constructed or portable pool, used for swimming or bathing, over 24 inches in depth, or with a surface area exceeding 160 square feet.

**TEMPORARY USE and TEMPORARY STRUCTURE** — A use or structure permitted to exist during a specified period of time. **[Amended 7-20-2015 by Ord. No. 2015-04]**

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

**VARIANCE** — Permission to depart from the literal requirements of this chapter.

**VARIANCE, NONUSE** — A departure from the provisions of this chapter relating to setbacks, side yards, frontage requirements, lot size, parking, signage and other requirements of the applicable zoning district.

**VARIANCE, USE** — A variance granted for a use or structure that is not permitted in the applicable zoning district.

**WALL, OBSCURING** — A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

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

- (1) **FRONT YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of corner lots, a front yard shall be deemed to exist along each street frontage.
- (2) **REAR YARD** — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- (3) **SIDE YARD** — An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONING DISTRICT — A portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted, and within which yard, open space, lot area and other requirements are established by this chapter.

**§ 86-3. Interpretation of chapter. [Amended 6-6-1994 by Ord. No. 94-06]**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that, where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

**§ 86-4. Vested rights. [Amended 6-6-1994 by Ord. No. 94-06]**

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district or zoning classification or any permissible activities therein, and the provisions of this chapter are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

**§ 86-5. Penalty for violation of chapter. [Amended 6-6-1994 by Ord. No. 94-06]**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than \$500 and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution.

**§ 86-6. Liability of property owner for violations. [Amended 6-6-1994 by Ord. No. 94-06]**

The owner of any building, structure or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof shall be subject to the penalty provided in § 86-5.

**§ 86-7. Continuing violations. [Amended 6-6-1994 by Ord. No. 94-06]**

A separate offense shall be deemed committed upon each day during or when a violation of this chapter occurs or continues.

**§ 86-8. Remedies cumulative. [Amended 6-6-1994 by Ord. No. 94-06]**

The rights and remedies provided in this chapter are cumulative and in addition to any other remedies provided by law.

**§ 86-9. through § 86-30. (Reserved)**



ARTICLE II  
**Zoning Districts and Maps**

**§ 86-31. Districts enumerated. [Amended 6-6-1994 by Ord. No. 94-06]**

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

R-C	Recreation/Conservation District
R-A	One-Family Residential District
RM	Multiple-Family Residential District
R-O	Residential/Office District
C-1	Central Business District
C-2	Service/Business District
C-3	General Business District
I	Industrial District

**§ 86-32. District boundaries established. [Amended 6-6-1994 by Ord. No. 94-06]**

The boundaries of the districts listed in § 86-31 are hereby established as shown on the zoning districts map, which accompanies the ordinance from which this chapter is derived, and which map, with all notations, references and other information shown thereon, shall be as much a part of this chapter as if fully described in this chapter.

**§ 86-33. Interpretation of district boundaries. [Amended 6-6-1994 by Ord. No. 94-06]**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning districts map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in Subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of

the map.

- (7) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by Subsections (1) through (6) of this section, the Board of Appeals shall interpret the district boundaries.
- (8) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

**§ 86-34. Zoning of vacated areas. [Amended 6-6-1994 by Ord. No. 94-06]**

Whenever any street, alley or other public way within the City shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

**§ 86-35. Zoning of annexed areas. [Amended 6-6-1994 by Ord. No. 94-06; 11-7-2005 by Ord. No. 05-02]**

- (a) Whenever any area is annexed to the City, it shall immediately upon such annexation be automatically classified as being in whichever zoning district most clearly conforms with the zoning that existed prior to annexation. Such interim zoning shall only be in effect until rezoning pursuant to Subsection (b) hereof is completed.
- (b) The Planning Commission shall, within 90 days after the territory is annexed, review and recommend to the City Council the appropriate zoning of the territory, with consideration being given to the existing land use and land use policies of the City comprehensive plan. The City Council, upon the acceptance of the Planning Commission's recommendation, will cause the current zoning map of the City to automatically reflect such zoning on the annexed area.

**§ 86-36. Zoning of Act 425 territory. [Added 11-7-2005 by Ord. No. 05-02]**

- (1) Pursuant to Public Act 425 of 1984, as amended (1984 PA 425); MCL 124.21 et seq., it is provided that two local units of government may by contract conditionally transfer property for purposes of economic development and in formulating the contract, matters typically governed by zoning must be considered and zoning classifications are permissible for inclusion in any such 1984 PA 425 contract.
- (2) Pursuant to 1984 PA 425, a territory by contract that comes under the jurisdiction of the City of Corunna for zoning purposes shall, for its initial zoning district classifications, be zoned as specifically provided in the contract.
- (3) If a territory for zoning purposes comes under the jurisdiction of the City of Corunna under a 1984 PA 425 contract that does not specifically provide for the initial zoning classifications, it shall be zoned in the same manner as annexed territory as provided in § 86-35.

**§ 86-37. through § 86-60. (Reserved)**

ARTICLE III  
**R-C Recreation/Conservation District**

**§ 86-61. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) The intent of the R-C District is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife and other natural resources. This district may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.
- (b) The regulations in this article and the applicable regulations contained in other articles of this chapter shall apply to the R-C Recreation/Conservation District.

**§ 86-62. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06]**

Principal uses permitted in the R-C district are as follows:

- (1) Publicly owned and operated parks and parkways and recreational facilities.
- (2) Forest, woodland, natural, wetland and wildlife preserves and areas.
- (3) Campgrounds, riding academies, golf courses, riding trails, summer or winter resort areas, hunting, fishing or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property, but not including marinas, boat rentals, docks or piers.
- (4) Water supply works, flood control or watershed protection works, and fish and game hatcheries.
- (5) Public buildings, structures and properties of the recreational, cultural, historic, administrative or public service type, including fire, ambulance or rescue services.
- (6) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-63. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06]**

The following special condition uses shall be permitted in the R-C district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c.(2) of the City-Village Zoning Act (MCL 125.584c, MSA 5.2934(3)), as amended, and further subject to review and approval by the Planning Commission as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans:

- (1) Public utility buildings and structures other than essential utility equipment.
- (2) Trap, skeet, rifle or archery ranges, including gun clubs, provided the distance requirements for such use shall be five times the distance requirements specified elsewhere.

- (3) Marinas, boat rentals, docks and piers.
- (4) Cemeteries, mausoleums and memorial gardens.
- (5) Permanent nonfarm single-family dwellings, provided that the minimum lot size shall be maintained at one acre.
- (6) Any other use that the Planning Commission finds is customarily similar to any principal use permitted or special condition use listed in this article.
- (7) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-64. Required conditions. [Amended 6-6-1994 by Ord. No. 94-06]**

For all structures proposed within the R-C district, soil borings and wetland determinations are required.

**§ 86-65. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the R-C district are set out in Article XI of this chapter, the Schedule of Regulations, limiting height and bulk of buildings, providing the minimum size of lots permitted by land use, and providing minimum yard setback requirements.

**§ 86-66. through § 86-90. (Reserved)**



ARTICLE IV  
**R-A One-Family Residential District**

**§ 86-91. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

The One-Family Residential Districts are established as districts in which the principal use of land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this chapter, the specific intent is to:

- (1) Encourage the construction of and the continued use of the land for one-family dwellings.
- (2) Prohibit business, commercial or industrial use of the land, and prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
- (3) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
- (4) Discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- (5) Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

**§ 86-92. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06]**

In a one-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) One-family detached dwellings in accordance with § 86-301.
- (2) Adult foster care family homes (six or fewer adults).
- (3) Family day care (one to six children in a home).
- (4) Publicly owned and operated parks, parkways and recreational facilities.
- (5) Cemeteries which lawfully occupied land on June 10, 1994.
- (6) Public, parochial and other private schools offering courses in general education and not operated for profit.
- (7) Home occupations in accordance with § 86-345.
- (8) Bed-and-breakfast operations in accordance with § 86-346.
- (9) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-93. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06; 7-7-2006]**

**by Ord. No. 06-03]**

The following special condition uses shall be permitted in the R-A district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c.(2) of the City-Village Zoning Act (MCL 125.584c, MSA 5.2934(3)), as amended, and further subject to review and approval by the Planning Commission as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans:

- (1) Two-family dwelling (duplex), subject to the following conditions:
  - a. The proposed use shall be a conversion of an existing single-family dwelling unit to a two-family dwelling (duplex).
  - b. The minimum livable floor area per unit shall be in accordance with § 86-154(5).
  - c. A minimum of two parking spaces must be provided. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway or garage, or combination thereof, and shall be located on the same lot as the premises they are intended to serve.
  - d. The provisions of § 86-336, pertaining to accessory building and structures, for garages must be complied with.
  - e. Any building modifications or additions shall meet all applicable provisions of this chapter.
- (2) Agricultural uses (farms).
- (3) Churches, temples, mosques, and synagogues designed for religious assembly, private clubs, lodges, and other facilities normally incidental thereto, subject to the following conditions:
  - a. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than 15 feet.
  - b. Buildings of greater than the maximum height allowed in Article XI of this chapter, the Schedule of Regulations, may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
  - c. All access to the site shall be in accordance with § 86-347, pertaining to access to a major thoroughfare.
- (4) Public utility buildings and uses (without storage yards) when operating requirements necessitate the locating of the building within the district in order to serve the immediate vicinity. No building or structure shall be located in any required yard.
- (5) Group day care home (seven to 12 children in a home).
- (6) Home for the aged (congregate care facility) or adult foster care facility for more

than seven adults when the following conditions are met:

- a. Minimum lot size shall be three acres.
  - b. All access to the site shall be in accordance with § 86-347, pertaining to access to a major thoroughfare.
  - c. No structure shall be located closer than 40 feet to any property line.
  - d. The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one bed in the facility there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscaped setbacks, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The 1,500 square feet requirement is over and above the building coverage area.
- (7) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-94. Required conditions. [Amended 6-6-1994 by Ord. No. 94-06]**

For all nonresidential uses allowed in the R-A residential districts, the setbacks shall equal the height of the main building, or the setbacks required in § 86-301, whichever is greater.

**§ 86-95. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the R-A district are set out in Article XI of this chapter, the Schedule of Regulations, limiting the height and bulk of buildings, providing the minimum size of lots permitted by land use, and providing minimum yard setback requirements.

**§ 86-96. through § 86-120. (Reserved)**



ARTICLE V  
**R-O Residential/Office District**

**§ 86-121. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

The R-O Residential/Office Districts are designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures. This district recognizes the existence of older residential areas of the City where larger houses have been or can be converted from single-family and two-family residences to low intensity office uses in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

**§ 86-122. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06; 12-20-2004 by Ord. No. 04-05]**

In a residential/office district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) All uses in the one-family residential districts permitted and as regulated under § 86-92. The standards of the Schedule of Regulations applicable to the R-A one-family residential district shall apply as minimum standards when one-family detached dwellings are erected.
- (2) Professional offices such as medical offices (excluding medical and veterinary clinics), dental offices, chiropractors, optometrists, osteopaths and similar or allied professions.
- (3) Professional services such as insurance, real estate, legal, financial and similar or allied professions.
- (4) Funeral homes.
- (5) Churches.
- (6) Personal service establishments, which perform services on the premises, such as but not limited to beauty parlors and barbershops, photographic studios, and tailor shops.
- (7) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-123. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06]**

The following special condition uses shall be permitted in the R-O district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c.(2) of the City-Village Zoning Act (MCL 125.584c, MSA 5.2934(3)), as amended, and further subject to review and approval by the Planning Commission as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans: all special condition uses for the one-family residential districts, permitted and as regulated under § 86-93.

**§ 86-124. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the R-O district are set out in Article XI of this chapter, the Schedule of Regulations, limiting the height and bulk of buildings, providing the minimum size of lots permitted by land use, providing the maximum density permitted, and providing minimum yard setback requirements.

**§ 86-125. through § 86-150. (Reserved)**

ARTICLE VI  
**RM Multiple-Family Residential District**

**§ 86-151. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

The RM multiple-family residential district is designed to provide sites for multiple-family dwelling structures and related uses, which will generally serve as a transitional land use between nonresidential districts and lower density one-family districts. The multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, one-family community.

**§ 86-152. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06]**

In a multiple-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Two-family dwellings.
- (2) Multiple-family dwellings.
- (3) Housing for the elderly.
- (4) Boardinghouses.
- (5) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-153. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06]**

The following special condition uses shall be permitted in the RM district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c.(2) of the City-Village Zoning Act (MCL 125.584c, MSA 5.2934(3)), as amended, and further subject to review and approval by the Planning Commission and as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans:

- (1) All special condition uses in the One-Family Residential District, permitted and as regulated under § 86-123.
- (2) General hospitals, with no maximum height restrictions, when the following conditions are met:
  - a. All such hospitals shall be developed only on sites consisting of at least three acres in area.
  - b. All access to the site shall be in accordance with § 86-347.
  - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 50 feet for front, rear and side yards for all two-story structures. For each story above two, the minimum yard distance shall be increased by at least 20 feet.

- d. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six feet in height.
- (3) Convalescent or nursing homes when the following conditions are met:
- a. The building shall not exceed a building height of two stories.
  - b. The minimum lot size shall be three acres.
  - c. No building shall be closer than 40 feet to any property line.
  - d. All access to the site shall be in accordance with § 86-347.
  - e. There shall be provided on the site not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements and accessory uses, but shall not include the area covered by main or accessory buildings.
- (4) Congregate housing for the elderly when the following conditions are met:
- a. All housing for senior citizens shall be constructed on parcels of at least three acres and may provide for the following:
    1. Cottage type one-story dwellings or apartment type dwelling units.
    2. Common service containing, but not limited to, central dining rooms, recreational rooms, a central lounge, and workshops.
  - b. Minimum dwelling unit size shall be 350 square feet per unit, not including kitchen and sanitary facilities.
  - c. Retail and service uses may be permitted on the site if such uses are accessory to the elderly use. All such uses shall be within the principal residential building. No exterior signs of any type are permitted for these accessory uses.
  - d. All medical waste facilities shall be secured and meet the requirements of the health department of the state.
  - e. Total coverage of all buildings, including dwelling units and related service buildings, shall not exceed 25% of the total site, not including any dedicated public right-of-way.
  - f. Buildings of greater height than the maximum height allowed in Article XI of this chapter, the Schedule of Regulations, may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
- (5) Mobile home parks, when the following conditions are met:
- a. Locational requirements. Mobile home parks shall be permitted in RM districts where suitable access exists to major street thoroughfares, and public water and sanitary and storm sewer facilities are available or could be provided by the developer at no cost to the City.



- b. Use restrictions.
  - 1. In all RM districts, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified uses, on approval of the City Council, with respect to site layout and pedestrian and vehicular circulation.
  - 2. A building or structure erected or altered in a mobile home park shall not exceed one story in height or 15 feet.
- c. Space requirements.
  - 1. An open area shall be provided on each mobile home lot to ensure privacy, adequate natural light and ventilation to each home and to provide sufficient area for outdoor uses essential to the mobile home. All lots shall contain a minimum area of at least 3,000 square feet. All such mobile home site areas shall be computed exclusive of service drives, facilities and recreation space.
  - 2. There shall be unobstructed open space between each mobile home of not less than 15 feet, and not less than 15 feet of unobstructed open space between the ends of adjacent mobile homes. Hitches shall not extend beyond the boundary lines of the sites.
  - 3. No mobile home shall be located closer than 50 feet to the right-of-way line of a public thoroughfare or closer than 25 feet to the mobile home park property line.
  - 4. No mobile home occupying a site shall be less than 10 feet in width or less than 500 square feet in area.
  - 5. Each mobile home site shall be provided with one metal utility cabinet, which shall not be less than four feet in width, three feet in depth, and five feet in height, and which shall be located at least 50 feet from the right-of-way line of a public thoroughfare and 25 feet from the mobile home park property line.
- d. Parking.
  - 1. Two parking spaces shall be provided for each mobile home site, and one for each employee of the mobile home park.
  - 2. All mobile homes shall be parked on a reinforced concrete slab at least four inches in depth, the width and length of which shall be at least equal to the width and length of the mobile home.
- e. Roads and sidewalks.
  - 1. Each individual mobile home park site shall abut or face a driveway, roadway or street for a distance of at least 30 feet, which street shall have unobstructed access to a public street or highway. All roadways and off-street parking areas shall be to specifications as prescribed by the City Council, which in no event shall be less than required for City streets.

2. Each mobile home park shall provide a thirty-inch concrete walk from the entrance of each mobile home to all required service facilities.
3. Roadways and streets within all existing and new mobile home parks shall conform to the following schedule regarding vehicle traffic use, including motor vehicle parking:
  - i. No parking on road (separate lot or on-site parking provided).
  - ii. Parallel parking, one side only, two-way road, 20 feet wide.
  - iii. Parallel parking, two sides, one-way road, 20 feet wide.
  - iv. Parallel parking, two sides, one-way road, 26 feet wide.
  - v. Parallel parking, two sides, two-way road, 36 feet wide.
4. Where sidewalks are provided, the space shall be in addition to the schedule set out in this subsection.
- f. Plumbing, heating and electrical installations. Plumbing, heating and electrical installations in mobile home parks shall be maintained in accordance with the City plumbing, heating and electrical codes. All utilities shall be underground. Only a single master antenna system shall be utilized within mobile home parks as an exterior television receiver.
- g. Additional requirements.
  1. There shall be provided an area of not less than 100 square feet for recreation for each mobile home space in the mobile home park, with a minimum area of not less than 5,000 square feet, which shall be no longer than two times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children of the mobile home park.
  2. A greenbelt planting strip as provided in § 86-350(c)(2) shall be located along all perimeter lot lines. When property adjacent to the mobile home park is zoned for residential or agricultural purposes, a structural fence or wall at least four feet but not more than six feet in height shall be erected and used in combination with plant material to effectively screen the mobile home park from surrounding uses.
  3. The front yard and the side yard adjacent to a street shall be landscaped, and the entire mobile home park shall be maintained in a good, clean, presentable condition at all times.
  4. No business of any kind shall be conducted in any mobile home or building or on the premises of the mobile home park, except that of the management office.
  5. Street and yard lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps and ramps.

6. No spotlights or floodlights shall be used for lighting or advertising purposes. No other lighting for identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent properties. All other lighting shall be in accordance with Act No. 96 of the Public Acts of Michigan of 1987 (MCL 125.2301 et seq., MSA 19.855(101) et seq.), as amended.
7. All fuel oil and all gas tanks shall be located on each mobile homes site in a uniform manner. All tanks shall be of an approved type to comply with building code standards and shall be equipped with vent pipes and with fused valves.
8. There shall be no storage underneath any mobile home, and each mobile home site shall be maintained in a clean and presentable condition at all times, and each mobile home shall be skirted within 30 days of site occupancy.
9. Fences other than those surrounding the park shall be uniform in height and shall not exceed 30 inches in height and shall be constructed in such a manner as to provide firefighters access to all sides of each mobile home.
10. Fire hydrants of a size and a pressure to be used by the City fire department shall be placed within the mobile home park so that no mobile home shall be more than 300 feet from a fire hydrant.
11. A one-family dwelling may be permitted in the mobile home park provided that such dwelling is limited to the management's residence, and provided further that such dwelling complies with the requirements of the R-A districts of this chapter. A portion of such dwelling may be utilized for management's office, in accordance with other provisions of this chapter.

(6) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-154. Required conditions. [Amended 6-6-1994 by Ord. No. 94-06]**

Required conditions for uses in the RM district are as follows:

- (1) Length of buildings. The maximum horizontal length of any one building shall be 180 feet measured along any front, side, rear or other exterior elevation.
- (2) Minimum land area. The minimum land area required for each multiple-family dwelling unit in the district shall be in accordance with the following schedule:

<b>Dwelling Unit Type</b>	<b>Land Area Required (square feet)</b>
One- and two-bedroom unit	3,000
Three-bedroom unit	4,200
Four- or more bedroom unit	5,200

- (3) Open space. Within any yard setback or area between buildings, an area equivalent to 70% of any required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and, further, such areas shall be kept free of all vehicular uses.
- (4) Greenbelt. On sites which are four acres or larger in size, the open land area shall include a landscaped greenbelt of a minimum ten-foot width, located and continually maintained, along any property boundary adjoining a residential district or fronting on a public road right-of-way.
- (5) Minimum floor area. The minimum livable floor area per multiple-family unit shall be in accordance with the following schedule:

**Minimum Floor Area Required**

<b>Unit Type</b>	<b>(square feet)</b>
Efficiency	350
One bedroom	600
Two bedrooms	800
Three or more bedrooms	1,000

**§ 86-155. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the RM district are set out in Article XI of this chapter, the Schedule of Regulations, limiting the height and bulk of buildings, providing the minimum size of lots permitted by land use, providing the maximum density permitted, and providing minimum yard setback requirements.

**§ 86-156. through § 86-160. (Reserved)**

ARTICLE VIA  
**RM-2 Multiple Family Residential Districts-High Rise**

**§ 86-161. Intent. [Added 3-16-2015 by Ord. No. 15-03<sup>1</sup>]**

The RM-2 Multiple-Family Residential Districts (High Rise) are designed to provide sites for high density multiple dwelling structures adjacent to high traffic generators commonly found in the proximity of Central Business Districts and areas abutting major thoroughfares. The district is further designed to provide for the convenience needs of persons living in the apartments with central services. This district is further designed so as to provide a zone of transition between these major thoroughfares and high traffic generators and other residential districts through the requirements of lower coverage which, in turn, will result in more open space.

**§ 86-162. Principal uses permitted. [Added 3-16-2015 by Ord. No. 15-03]**

In an RM-2 district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

- (1) All principal uses permitted in an RM district meeting the requirements as set forth in the district with the exception of single-family dwellings and mobile home parks, which shall be expressly prohibited from this district.
- (2) Multiple-family dwellings in structures in excess of two stories;
- (3) Retail and service uses accessory to the principal use in accordance with the required conditions listed in § 86-163(b), (c);
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses.

**§ 86-163. Required conditions. [Added 3-16-2015 by Ord. No. 15-03]**

- (a) A site plan shall be submitted for all uses permitted under this article in accordance with § 86-391.
- (b) Any business uses on the site shall be developed as retail or service uses within the walls of the main structure. Such business uses shall not exceed 75% of the floor area at grade level and shall be prohibited on all floors above the first floor, or grade level.
- (c) The entire area of the site shall be treated to service the residents of the apartment and any accessory buildings, uses, or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include: swimming pools, recreation areas, pavilions, cabanas and other similar uses.
- (d) An open space area shall be provided with a minimum area of 200 square feet per dwelling unit creating open space suitable for recreation, landscaping or a similar use, and such area shall not be located in a front yard. Such requirement may be

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1. Editor's Note: Ord. No. 15-03, adopted 3-16-2015, set out provisions intended for use as §§ 86-151A — 86-155A. For purposes of classification, and at the editor's discretion, these provisions have been included as §§ 86-161 — 86-165.

reduced, increased, or altered by the Planning Commission if it feels that the full intent of this section is provided for.

- (e) The minimum floor area per unit shall be in accordance with the following schedule.

<b>Dwelling Unit Type</b>	<b>Land Area Required (square feet)</b>
Efficiency	350
One bedroom	450
Two bedroom	600
Three bedroom	800
Four bedroom	1,000

**§ 86-164. Area and bulk requirements. [Added 3-16-2015 by Ord. No. 15-03]**

See Article XI, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements for RM-2 districts.

In the RM-2 districts, the total number of rooms of 80 square feet or more (not including kitchen, dining or sanitary facilities) shall not be more than the area of the parcel in square feet divided by 700 for any buildings of 2 1/2 to four stories.

**§ 86-165. General provisions. [Added 3-16-2015 by Ord. No. 15-03]**

See Article XI, Schedule of Regulations, for requirements governing off-street parking, and other provisions for RM-2 districts.

All signage for the RM-2 district must adhere to the provisions and requirements listed under the RM district under Chapter 58 (Uniform Sign Code) of the Corunna Code Book.

Parking requirements must adhere to the requirements listed under § 86-337 with the Planning Commission having the right to utilize a combination of the requirements for multi-family dwellings and housing for the elderly in the case of a multiple-family unit having both young and senior citizen tenants and a mix of single and multi-bedroom units.

**§ 86-166. through § 86-180. (Reserved)**

ARTICLE VII  
**C-1 Central Business District**

**§ 86-181. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

The C-1 Central Business District is designed to cater to the needs of the local and regional consumer population. It is generally characterized by an integrated cluster of establishments serviced by a common parking area, and generating large volumes of pedestrian traffic and ancillary vehicular trips.

**§ 86-182. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06; 7-7-2006 by Ord. No. 06-03]**

In the central business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

- (1) Office-type business related to executive, administrative or professional occupations, including but not limited to offices of a lawyer, accountant, insurance or real estate agent, architect, engineer and similar occupations.
- (2) Clinics, except veterinary clinics having outdoor runs.
- (3) Medical, dental and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eyeglasses, etc.
- (4) Banks, credit unions, savings and loan associations, and similar uses, not offering drive-through facilities.
- (5) Business service establishments such as typing services, photocopying services; quick-printing establishments, office supply stores, and similar establishments.
- (6) Any retail business whose principal activity is the sale of merchandise in an enclosed building, such as but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- (7) Personal service establishments which perform services on the premises, such as but not limited to repair shops (watches, radios, televisions, shoes, etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries and dry cleaners.
- (8) Dry cleaning establishments or pickup stations dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (9) Standard or carryout restaurants.
- (10) Theaters, concert halls when conducted completely within enclosed buildings.
- (11) Post office buildings.
- (12) New and used car salesrooms, showrooms or offices which do not provide outdoor sales space or service and repair activities.
- (13) Health and athletic clubs.

- (14) Discount, department or variety stores.
- (15) Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter or upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
- (16) Local municipal administration buildings, museums and libraries.
- (17) Other uses similar to the uses listed in this section.
- (18) Accessory structures and uses customarily incident to the uses permitted in this section.

**§ 86-183. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06]**

The following special condition uses shall be permitted in the C-1 district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c.(2) of the City-Village Zoning Act (MCL 125.584c, MSA 5.2934(3)), as amended, and further subject to review and approval by the Planning Commission as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans:

Residential units are permitted as special condition uses when the following conditions are met:

- (1) The dwelling unit shall be provided on any floor other than a floor where grade level access is provided.
- (2) The minimum floor area per unit shall equal 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, 1,000 square feet for a three-bedroom unit, and 1,100 square feet for units containing four bedrooms.
- (3) Off-street parking shall be provided in the ratio of two parking spaces for each residential unit provided.

**§ 86-184. Required conditions. [Amended 6-6-1994 by Ord. No. 94-06]**

Outdoor storage of commodities shall be expressly prohibited in the C-1 district.

**§ 86-185. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the C-1 district are set out in Article XI of this chapter, the Schedule of Regulations, limiting the height and bulk of buildings, providing the minimum size of lots by permitted land use, and providing minimum yard setback requirements.

**§ 86-186. through § 86-210. (Reserved)**



ARTICLE VIII  
**C-2 Service/Business District**

**§ 86-211. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

The C-2 Service/Business District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Central Business District and which are oriented to serving the needs of "passerby" traffic and locations for planned shopping centers. Many of the business types permitted also generate greater volumes of traffic and activities which must be specially considered to minimize adverse effects on adjacent properties.

**§ 86-212. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06; 7-7-2006 by Ord. No. 06-03]**

In a C-2 Service/Business District, no building or land shall be used and no building shall be erected except for one or more of the following uses, unless otherwise provided in this chapter:

- (1) All uses in the C-1 Central Business District permitted and as regulated under § 86-182.
- (2) (Reserved)
- (3) Overnight lodging facilities, subject to the following.
  - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
  - b. Each unit shall contain not less than 250 square feet of floor area.
  - c. No guest shall establish permanent residence at a motel for more than 30 consecutive days within any calendar year.
- (4) Bowling alleys, billiard halls, video arcades, indoor archery ranges, indoor tennis courts, indoor skating rinks or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district.
- (5) Plant material nurseries and other open air business uses.
- (6) Automotive service facilities providing tires (but not recapping), batteries, mufflers, rustproofing and undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments and minor motor tuneups only, when developed in accordance with the following:
  - a. There shall be no outside display of any parts or products.
  - b. Any repair or replacement activity shall be conducted within a totally enclosed building.
  - c. All new, used or discarded parts shall be stored within a completely enclosed building approved by the building department.

- d. Any such activity shall be located not less than 25 feet from a property line.
  - e. There shall be no outside parking or storage of any partially dismantled or inoperative vehicles.
  - f. In operations such as but not limited to automobile reconditioning, there shall be no releasing of toxic gases, liquids or materials in any form into the atmosphere or the water or sewer system of the City, or on or into the earth, and, further, no adverse effects shall be created by any activity on adjacent property or development.
- (7) Bank, credit unions, savings and loan associations, and similar uses, including those offering drive-through facilities.
  - (8) Veterinary hospitals and clinics having boarding facilities.
  - (9) Other uses similar to the uses listed in this section.
  - (10) Accessory structures and uses customarily incident to the uses permitted in this section.

**§ 86-213. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06; 6-15-1998 by Ord. No. 98-02; 8-16-1999 by Ord. No. 99-06; 9-7-1999 by Ord. No. 99-07; 6-22-2001 by Ord. No. 2001-02; 9-16-2002 by Ord. No. 02-12]**

The following special condition uses shall be permitted in the C-2 district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c.(2) of the City-Village Zoning Act (MCL 125.584c, MSA 5.2934(3)), as amended, and further subject to review and approval by the Planning Commission as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans.

- (1) Vehicle dealers with outdoor sales space or repair facilities for the sale of new or secondhand automobiles, manufactured home sales, recreational vehicles, or rental trailers or automobiles, all subject to the following:
  - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - b. The driveway to an outdoor sales area shall be at least 60 feet from the intersection of any two streets.
  - c. Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:
    - 1. Any such activities shall be clearly incidental to the sale of the vehicles and shall occur within a completely enclosed building.
    - 2. Partially dismantled or damaged vehicles shall be stored within an enclosed building.
    - 3. New, used or discarded parts and supplies shall be stored within a

- completely enclosed building.
4. Any such activity shall be located not less than 50 feet from any property line.
  5. There shall be no external evidence, beyond the building, by way of dust, odor or noise, of such activities.
- d. All lighting shall be shielded from adjacent residential districts.
- (2) Businesses in the character of a open front store or a fast food or drive-in restaurant, subject to following conditions:
- a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
  - b. Access points shall be located at least 60 feet from the intersection of any two streets.
  - c. All lighting shall be shielded from adjacent residential districts.
  - d. A six-foot-high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R-A, R-O or RM districts. The height of the wall shall be measured from the surface of the ground. The wall shall further meet the requirements of Article XII of this chapter.
- (3) Gasoline service stations for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service as provided for elsewhere in this article, but not including vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling and such other activities whose external effects could adversely extend beyond the property line, subject to the following conditions:
- a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection, measured from the road right-of-way or from adjacent residential districts.
  - b. The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and have no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of 10,000 square feet, subject to all other provisions of this subsection.
  - c. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
  - d. Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard.
  - e. The parking of vehicles on the site shall be limited to those which may be serviced within a twenty-four-hour period.

- f. A ten-foot landscaped greenbelt shall be provided along all street frontages.
- (4) Adult entertainment businesses, which are subject to the following conditions:
- a. No adult entertainment business shall be located within 1,000 feet of any other adult entertainment business or within 600 feet of any of the following uses:
1. All class C establishments licensed by the state liquor control commission, except as to "adult cabarets" located within the City as so licensed.
  2. Pool or billiard halls.
  3. Coin-operated amusement centers.
  4. Teenage discos or dancehalls.
  5. Ice or roller skating rinks.
  6. Pawnshops.
  7. Indoor or drive-in movie theaters.
  8. Any public park.
  9. Any church.
  10. Any public or private school having a curriculum including kindergarten or any one or more of the grades 1 through 12.
- Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the uses listed in this subsection nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed in this subsection.
- b. No adult entertainment business shall be located within 500 feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment business to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment business nearest to the boundary lines of a zoned residential area.
- c. All adult entertainment business shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures and multi-uses within the same structure do not constitute a freestanding building.
- d. No adult entertainment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This subsection shall

apply to any display, decoration, sign, show window or other opening.

- e. No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic beverages while displaying or allowing to be visible specified anatomical areas, as defined in this chapter, or allow any other person to do so.
- f. No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activities, as defined in this chapter, or allow any other person to do so.
- g. No person owning, operating, managing or employed by or within a cabaret shall have, own or possess, within said cabaret, any type of radio receiver equipment containing police radio frequency bands or capable of receiving police radio communications, or allow any other person to do so.
- h. No person shall reside in or permit any person to reside in the premises of any adult entertainment business.
- i. No person shall operate an adult personal service business, unless there is conspicuously posted in each room where such business is carried on, a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
- j. No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.
- k. No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.
- l. No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
- m. No lessee or sublessee of any property shall convert that property for any other use to an adult entertainment business without the express written permission of the owner of the property for such use.
- n. The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate; an establishment duly licensed in the State of Michigan, clergymen, members of a state certified massage therapy association. Members of a state certified massage therapy association must

- have a certificate of completion of a massage program from a community college, college or university.
- o. Building design, facade, or any painted images, murals, pictorials or characters that depict specific anatomical areas or specific sexual activities on a building, inside or outside thereof, are prohibited.
  - p. Enforcement:
    - 1. Anyone violating this ordinance or any subsection, paragraph, clauses and parts hereof is guilty of a misdemeanor and shall be subject to a maximum penalty of 90 days in jail, or an equal amount of time of community service, or any combination thereof not exceeding 90 days, plus \$500 fine, plus actual costs of prosecution.
    - 2. Continuing violations. In addition to the penalty provided in Subsection (4)p.1 of this section, any condition caused or permitted to exist in violation of the provisions of this Code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
- (5) Accessory buildings and uses customarily incident to any of the uses permitted in this section.
- (6) Car washes. Machine or hand operated facilities used principally for cleaning, waxing, and polishing of motor vehicles.
- (7) Miniwarehouses (self-storage facilities).
- a. Building setbacks shall be as follows: Front yard not less than 25 feet; side yard and rear yard not less than 10 feet.
  - b. Building separation between self-storage buildings on the same site shall be 30 feet, as measured from the side to side or front to rear, or equal to the building height, whichever is greater.
  - c. The total lot coverage of all structures shall be limited to 50% of the total lot area.
  - d. When adjacent to a residential district, a sightproof barrier shall be provided around the perimeter of the development. The barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six feet in height and shall be constructed of brick, stone, masonry units or wood products which are determined by the building inspector to be durable and weather resistant.
  - e. A ten-foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with § 86-350.

- f. Parking shall be provided in a ratio of one space for each 2,000 square feet of gross building area. At a minimum, two parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two spaces for the residential manager, and one additional space for each additional employee, shall be provided adjacent to the rental office.
- g. Internal driveway aisles shall be a minimum of 24 feet in width.
- h. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with § 86-338.
- i. All ingress and egress from the site shall be directly onto a major thoroughfare as identified on the City future land use plan.
- j. Building height shall not exceed one story (15 feet), except that a caretaker's or residential manager's unit may be allowed a building height of two stories (25 feet).
- k. No single storage building shall exceed 5,000 square feet.
- l. All storage on the property shall be kept within an enclosed building.
- m. The use of the premises shall be limited to storage only, and the premises shall not be used for any auctions or sales, or storage and transfer businesses; for the servicing, repair or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except that limited sales to tenants of products and supplies incidental to the principle use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire protection code, or toxic materials, is expressively prohibited.

**§ 86-214. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the C-2 District are set out in Article XI of this chapter, the Schedule of Regulations, limiting the height and bulk of buildings, providing the minimum size of the lot by permitted land use, and providing minimum yard setback requirements.

**§ 86-215. through § 86-240. (Reserved)**





ARTICLE IX  
**C-3 General Business District**

**§ 86-241. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

The General Business District is established to provide an aesthetically attractive working environment exclusively for, and conducive to, the development and protection of large commercial office, and specialized retail uses. The provisions of this article have been developed to coordinate these developments with the intent to:

- (1) Establish and maintain high aesthetic standards;
- (2) Preserve the district's visual character by ensuring that improvements are properly related to their sites and to surrounding developments;
- (3) Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design; and
- (4) Encourage development that is compatible with and complementary to nearby residential and commercial areas.

**§ 86-242. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06]**

In the General Business District, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged except for one or more of the following uses:

- (1) Corporate headquarters, regional headquarters and general administrative offices used primarily for conducting the affairs of a business, profession, service, industry or government.
- (2) All uses in the C-2 Service/Business District permitted and regulated under § 86-212.
- (3) General hospitals, medical clinics and optical facilities that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eyeglasses, etc.
- (4) Business and technical schools.
- (5) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district.
- (6) Health and athletic clubs.
- (7) Common open space, including pedestrian plazas and courts.
- (8) Any other use which is determined by the Planning Commission to be of the same general character as, and compatible with, the uses permitted in this section.

**§ 86-243. Accessory uses. [Amended 6-6-1994 by Ord. No. 94-06]**

The following shall be allowed as accessory uses in the General Business District:

- (1) Uses and structures customarily accessory and incidental to a permitted use.
- (2) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- (3) Day care facilities.
- (4) Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, tennis courts and exercise studios, which are provided in association with a permitted use.
- (5) Parking and loading structures and areas provided in conjunction with a permitted use.

**§ 86-244. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the C-3 district are set out in Article XI of this chapter, the Schedule of Regulations, limiting the height and bulk of buildings, providing the minimum size of lots by permitted land use, and providing minimum yard setback requirements.

**§ 86-245. Special condition uses. [Added 8-16-1999 by Ord. No. 99-06; amended 9-7-1999 by Ord. No. 99-07; 6-22-2001 by Ord. No. 2001-02; 9-16-2002 by Ord. No. 02-12]**

The following special condition uses shall be permitted in the C-3 district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c(2) of the City-Village Zoning Act (MCL 125.584c, MSA 5.2934(3)), as amended, and further subject to review and approval by the Planning Commission as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans.

- (1) Vehicle dealers with outdoor sales space or repair facilities for the sale of new or secondhand automobiles, manufactured home sales, recreational vehicles, or rental trailers or automobiles, and other similar uses as determined by the Planning Commission, all subject to the following:
  - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
  - b. The driveway to an outdoor sales area shall be at least 60 feet from the intersection of any two streets.
  - c. Any servicing of vehicles, including major motor repair and refinishing shall be subject to the following requirements:
    1. Any such activities shall be clearly incidental to the sale of the vehicles and shall occur within a completely enclosed building.
    2. Partially dismantled or damaged vehicles shall be stored within an enclosed building.

3. New, used or discarded parts and supplies shall be stored within a completely enclosed building.
  4. Any such activity shall be located not less than 50 feet from any property line.
  5. There shall be no external evidence, beyond the building, by way of dust, odor or noise, of such activities.
- d. All lighting shall be shielded from adjacent residential districts.
- (2) Businesses in the character of an open front store or a fast food or drive-in restaurant, shall be subject to following conditions:
- a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
  - b. Access points shall be located at least 60 feet from the intersection of any two streets.
  - c. All lighting shall be shielded from adjacent residential districts.
  - d. A six-foot high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R-A, R-O or RM districts. The height of the wall shall be measured from the surface of the ground. The wall shall further meet the requirements of Article XII of this chapter.
- (3) Gasoline service stations for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service as provided for elsewhere in this article, but not including, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, and such other activities whose external effects could adversely extend beyond the property line, subject to the following conditions:
- a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection, measured from the road right-of-way, or from adjacent residential districts.
  - b. The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and have no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of 10,000 square feet, subject to all other provisions of this section.
  - c. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
  - d. Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard.
  - e. The parking of vehicles on the site shall be limited to those which may be

serviced within a twenty-four-hour period.

- f. A ten-foot landscaped greenbelt shall be provided along all street frontages.
- (4) Accessory buildings and uses customarily incident to any of the uses permitted in this section.
- (5) Car washes. Machine or hand operated facilities used principally for cleaning, waxing, and polishing of motor vehicles.
- (6) Miniwarehouses (self-storage facilities).
- a. Building setbacks shall be as follows: Front yard not less than 30 feet; side yard and rear yard not less than 10 feet.
  - b. Building separation between self-storage buildings on the same site shall be 30 feet, as measured from the side to side or front to rear, or equal to the building height, whichever is greater.
  - c. The total lot coverage of all structures shall be limited to 50% of the total lot area.
  - d. When adjacent to a residential district, a sightproof barrier shall be provided around the perimeter of the development. The barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six feet in height and shall be constructed of brick, stone, masonry units or wood products which are determined by the building inspector to be durable and weather resistant.
  - e. A ten-foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with § 86-350.
  - f. Parking shall be provided in a ratio of one space for each 2,000 square feet of gross building area. At a minimum, two parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two spaces for the residential manager, and one additional space for each additional employee, shall be provided adjacent to the rental office.
  - g. Internal driveway aisles shall be a minimum of 24 feet in width.
  - h. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with § 86-338.
  - i. All ingress and egress from the site shall be directly onto a major thoroughfare as identified on the City future land use plan.
  - j. Building height shall not exceed one story (15 feet), except that a caretaker's or residential manager's unit may be allowed a building height of two stories (25 feet).

- k. No single storage building shall exceed 5,000 square feet.
- l. All storage on the property shall be kept within an enclosed building.
- m. The use of the premises shall be limited to storage only, and the premises shall not be used for any auctions or sales, or storage and transfer businesses; for the servicing, repair or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except that limited sales to tenants of products and supplies incidental to the principle use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers, or explosive materials, as defined in the fire protection code, or toxic materials, is expressively prohibited.

**§ 86-246. through § 86-270. (Reserved)**



ARTICLE X  
**I Industrial District**

**§ 86-271. Intent. [Amended 6-6-1994 by Ord. No. 94-06]**

The I Industrial District is designed so as to primarily accommodate wholesale activities, warehouses and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The general goals of this use district include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for additional manufacturing and related uses.
- (2) To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
- (3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
- (4) To protect the most desirable use of land in accordance with a well-considered plan.
- (5) To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the municipality's tax revenue.

**§ 86-272. Principal uses permitted. [Amended 6-6-1994 by Ord. No. 94-06]**

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

- (1) Any use charged with the principal function of basic research, design and pilot or experimental product development, when conducted within a completely enclosed building.
- (2) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building:
  - a. Warehousing and wholesale establishments and trucking facilities.
  - b. The manufacture, compounding, processing, packaging or treatment of products such as but not limited to bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, and tool, die, gauge and machine shops.
  - c. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials, including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones,

sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.

- d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - e. Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products.
  - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
  - g. Laboratories: experimental, film or testing.
  - h. Manufacturing and repair of electric or neon signs, light sheetmetal products, including heating and ventilating equipment, cornices, eaves and the like.
  - i. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail.
  - j. All public utilities, including buildings, necessary structures, storage yards and other related uses.
- (3) Warehouse, storage and transfer and electric and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
  - (4) Storage facilities for building materials, sand, gravel, stone and lumber, and storage of contractors' equipment and supplies.
  - (5) Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other similar municipal buildings and uses, including outdoor storage.
  - (6) Kennels.
  - (7) Greenhouses.
  - (8) Trade or industrial schools.
  - (9) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as but not limited to a lumberyard, building materials outlet, upholsterer or cabinetmaker.
  - (10) Recycling centers.
  - (11) Auto engine and body repair, and undercoating shops when located in a completely enclosed building.
  - (12) Other uses similar to the uses listed in this section.
  - (13) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-273. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06; 6-15-1998**



**by Ord. No. 98-02; 9-16-2002 by Ord. No. 02-12]**

The following special condition uses shall be permitted in the I district subject to the conditions required in this section for each use, subject to any and all reasonable conditions which may be imposed in accordance with § 4c.(2) of the City-Village Zoning Act (MCL 125.584c), as amended, and further subject to review and approval by the Planning Commission as specified in § 86-393, pertaining to review and approval of conditional uses, and § 86-391, pertaining to review and approval of site plans:

- (1) Miniwarehouses (self-storage facilities), subject to the following conditions:
  - a. The minimum size of the site devoted to such use shall not be less than three acres.
  - b. Building setbacks shall be as follows: front yard not less than 20 feet; side and rear yard not less than 10 feet.
  - c. Building separation between self-storage buildings on the same site shall be 15 feet, as measured from side to side or front to rear, or equal to the building height, whichever is greater.
  - d. The total lot coverage of all structures shall be limited to 50% of the total lot area.
  - e. When adjacent to a residential district, a sightproof barrier shall be provided around the perimeter of the development. The barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six feet in height and shall be constructed of brick, stone, masonry units or wood products which are determined by the building inspector to be durable and weather resistant.
  - f. A ten-foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with § 86-350.
  - g. Parking shall be provided in the ratio of one space for each 2,000 square feet of gross building area. At a minimum, two parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two spaces for the resident manager, and one additional space for each additional employee, shall be provided adjacent to the rental office.
  - h. Internal driveway aisles shall be a minimum of 24 feet in width.
  - i. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with § 86-338.
  - j. All ingress and egress from the site shall be directly onto a major thoroughfare as identified on the City future land use plan.
  - k. Building height shall not exceed one story (15 feet), except that a caretaker's

or resident manager's unit may be allowed a building height of two stories (25 feet).

- l. No single storage building shall exceed 5,000 square feet.
  - m. All storage on the property shall be kept within an enclosed building.
  - n. The use of the premises shall be limited to storage only, and the premises shall not be used for any auction or sales, or storage and transfer business; for the servicing, repair or fabrication of any vehicle, boat, trailer, appliance or similar item; or for the operation of power tools, compressors, kilns or similar equipment; except that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials, is expressly prohibited.
- (2) Commercial television and radio towers, public utility microwaves, and public utility television transmitting towers, subject to the following conditions:
- a. They shall be located centrally on a continuous parcel of not less than 1.0 times the height of the tower, measured from the base of the tower to all points on each property line.
  - b. A barrier not exceeding eight feet in height shall be installed along the perimeter of the development. The barriers shall be located at the setback line and consist of either an ornamental masonry wall or fence constructed of materials which are determined by the building inspector to be durable and weather resistant.
  - c. A ten-foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with § 86-350(c)(2).
  - d. A minimum of two parking spaces must be provided on the site and interior to the perimeter barrier. The parking area shall be provided with a permanent durable and dustless surface and shall be so graded and drained so as to dispose of all surface water accumulated within the parking area.
  - e. All towers shall be developed on a site consisting of at least two acres in area.
  - f. The tower shall be located no closer than 100 feet to any abutting residential district or public street, as measured from the base of the tower.
  - g. All towers constructed shall not be altered in terms of physical improvements or method of operation, except, however, that modification may occur upon submittal and approval of an amended application for special condition use approval.
- (3) Adult entertainment businesses, which are subject to the following conditions:

- a. No adult entertainment business shall be located within 1,000 feet of any other adult entertainment business or within 500 feet of any of the following uses:
  1. All class C establishments licensed by the state liquor control commission, except as to "adult cabarets" located within the City as so licensed.
  2. Pool or billiard halls.
  3. Coin-operated amusement centers.
  4. Teenage discos or dancehalls.
  5. Ice or roller skating rinks.
  6. Pawnshops.
  7. Indoor or drive-in movie theaters.
  8. Any public park.
  9. Any church.
  10. Any public or private school having a curriculum including kindergarten or any one or more of the grades 1 through 12.

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the uses listed in this subsection nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed in this subsection.

- b. No adult entertainment business shall be located within 500 feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment business to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment business nearest to the boundary lines of a zoned residential area.
- c. All adult entertainment business shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures and multi-uses within the same structure do not constitute a freestanding building.
- d. No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas from any public way or from any property not regulated as an adult entertainment use. This subsection shall apply to any display, decoration, sign, show window or other opening.
- e. No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic beverages while

displaying or allowing to be visible specified anatomical areas, as defined in this chapter, or allow any other person to do so.

- f. No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activities, as defined in this chapter, or allow any other person to do so.
- g. No person owning, operating, managing or employed by or within a cabaret shall have, own or possess, within said cabaret, any type of radio receiver equipment containing police radio frequency bands or capable of receiving police radio communications, or allow any other person to do so.
- h. No person shall reside in or permit any person to reside in the premises of any adult entertainment business.
- i. No person shall operate an adult personal service business, unless there is conspicuously posted in each room, where such business is carried on, a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
- j. No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.
- k. No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.
- l. No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
- m. No lessee or sublessee of any property shall convert that property for any other use to an adult entertainment business without the express written permission of the owner of the property for such use.
- n. The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate; an establishment duly licensed in the State of Michigan, clergymen, members of a state certified massage therapy association. Members of a state certified massage therapy association must have a certificate of completion of a massage program from a community college, college or university.
- o. Building design, facade, or any painted images, murals, pictorials or characters

that depict specific anatomical areas or specific sexual activities on a building, inside or outside thereof, are prohibited.

p. Enforcement:

1. Anyone violating this ordinance or any subsection, paragraph, clauses and parts hereof is guilty of a misdemeanor and shall be subject to a maximum penalty of 90 days in jail, or an equal amount of time of community service, or any combination thereof not exceeding 90 days, plus \$500 fine, plus actual costs of prosecution.
  2. Continuing violations. In addition to the penalty provided in Subsection (3)p.1 of this section, any condition caused or permitted to exist in violation of the provisions of this Code, or any ordinance, shall be deemed a new and separate offense for each day that such condition continues to exist.
- (4) Accessory buildings and uses customarily incident to any of the uses permitted in this section.

**§ 86-274. Required conditions. [Amended 6-6-1994 by Ord. No. 94-06]**

Required conditions for uses in the I District are as follows:

- (1) Screening of open storage. Open storage facilities for materials or equipment used in manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R-C, R-O, R-A, RM, C-1, C-2 and C-3 districts, and on any front yard abutting a public thoroughfare except as otherwise provided in § 86-352. In I districts, the extent of such a wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four feet six inches in height, and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of Article XII of this chapter. The height shall be determined as in § 86-352(b).
- (2) Performance standards. All activities and uses within the district shall conform to the following performance standards:
  - a. Smoke. A person or industry shall not discharge into the atmosphere, from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:
    1. As dark or darker in shade as that designated as no. 1/2 on the Ringelmann chart, as published by the United States Bureau of Mines; or
    2. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in subsection a.1 of this subsection.
    3. At no time may smoke emissions be darker than Ringelmann no. 1.
  - b. Open fires. A person or industry shall not burn any combustible refuse in any open outdoor fire within the district.

- c. Noxious gases. No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant or animal life.
- d. Air contaminants. A person or industry shall not discharge, from any source whatsoever, such quantities of air contaminants or other material, including fly ash, dust, vapor or other air pollutants, which could cause injury or harm to health, animals, vegetation or other property or which can cause excessive soiling. Dust, dirt, smoke or fly ash shall not be in excess of 0.3 gram per cubic foot of flue gas at a stack temperature of 500° F. and are not to exceed 50% excess air.
- e. Glare and heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of 0.5 footcandle when measured at any adjoining residence or business district boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any 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.
- f. Noise. No activity shall emit noise in excess of the standards specified in § 86-356.
- g. Vibration. Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
- h. Radio transmission. For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
- i. Storage of flammable materials. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- j. Radioactive materials or electrical disturbance. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- k. Water pollution. Pollution of water shall be subject to such requirements and regulations as are established by the state department of health, the state water resources commission, the county health department and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases, except when they are less stringent than the following standards, in which case the following standards shall apply:
  - 1. No waste shall be discharged in the public sewer system which is

dangerous to the public health and safety.

2. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
3. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 parts per million of the following gases: hydrogen sulfite, sulfur dioxide and nitrous oxide.
4. Wastes shall not contain any insoluble substance in excess of 10,000 parts per million or exceeding a daily average of 500 parts per million or fail to pass a no. 8 standard sieve, or have a dimension greater than 1/2 inch.
5. Wastes shall not have chlorine demand greater than 15 parts per million.
6. Wastes shall not contain phenols in excess of 0.005 parts per million.
7. Wastes shall not contain any grease or oil or any oil substance in excess of 100 parts per million or exceed a daily average of 25 parts per million.

**§ 86-275. Area and bulk requirements. [Amended 6-6-1994 by Ord. No. 94-06]**

Area and bulk requirements for the I District are set out in Article XI of this chapter, the Schedule of Regulations, limiting the height and bulk of buildings, providing the minimum size of lots by permitted land use, and providing minimum yard setback requirements.

**§ 86-276. through § 86-300. (Reserved)**





ARTICLE XI  
Schedule of Regulations

**§ 86-301. Height, bulk, density and area requirements.<sup>2</sup> [Amended 6-6-1994 by Ord. No. 94-06; 11-19-2007 by Ord. No. 07-03; 9-15-2008 by Ord. No. 08-05; 8-1-2011 by Ord. No. 2011-01; 3-16-2015 by Ord. No. 15-03; 6-18-2018 by Ord. No. 18-01]**

The following regulations regarding lot sizes, yards, setbacks, building heights and densities, including the regulations contained in the footnotes to the table, apply within the zoning districts indicated. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established by this section for the district in which such building is located. No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area or occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

**§ 86-302. Averaging of lot size and width.**

The intent of this section is to permit the subdivider or developer to vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in this article for each One-Family Residential District. If this option is selected, the following conditions shall be met:

- (1) In meeting the average minimum lot size, the subdivision shall be so designed as not to create lots having an area or width greater than 10% below that area or width required in the Schedule of Regulations, and shall not create an attendant increase in the number of lots.
- (2) Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
- (3) All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.

**§ 86-303. through § 86-330. (Reserved)**

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2. Editor's Note: The Schedule of Regulations is included as an attachment to this chapter.



ARTICLE XII  
**Comprehensive Regulations**

**§ 86-331. Conflicting regulations. [Amended 6-6-1994 by Ord. No. 94-06]**

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

**§ 86-332. Building regulations. [Amended 6-6-1994 by Ord. No. 94-06; 11-19-2007 by Ord. No. 07-03]**

- (a) Scope. No building or structure, or part thereof, shall hereafter be erected, constructed, used, reconstructed, altered or maintained, and no lot or land, or part thereof, shall hereafter be used or maintained and no new use made of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.
- (b) Unlawful building. In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this chapter, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. Public expenditures toward abating such nuisance shall become a lien upon the land.
- (c) Temporary buildings. No temporary building shall be erected unless a valid building permit exists for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within 30 days of issuance of a certificate of occupancy. The approval of a temporary building may not exceed one year; however, the Zoning Board of Appeals may grant multiple extensions of up to three months each for good cause shown, when the approval is due to expire.
- (d) Building occupancy. No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a nonresidential district, except for the living quarters of a watchman, caretaker or resident manager.
- (e) Frontage on public street. No building shall be erected on a R-A or R-O zoned lot unless the lot fronts no less than 80% of its full width, upon a street or road that has been dedicated to the public.
- (f) Number of buildings on lot. In all districts, only one principal building shall be placed on a single lot of record, except more than one principal structure may be allowed within the RM, C-1, C-2, C-3, R-C, and I District, provided that adequate interior vehicular circulation to ensure public safety, and that appropriate access can be assured in a site plan submitted to and approved by the Planning Commission.

**§ 86-333. Building appearance, structure completion, and personal construction**

**authority. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Building appearance in residential zones. In residential zones, after 25% of the lots and frontage on the side of the street on any block where the proposed improvement is contemplated have been improved by the erection on the residences thereon, if 1/2 or more of the residences built in any such block are of a certain type and style, the remainder of the residences built in any such block and to be constructed, altered, relocated or repaired in such block shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood. Nothing in this subsection shall prevent the upgrading of any residential block by installing an exterior finish having fire or weather resistance which is greater than the minimum required in this chapter, or by constructing in such block a residence having a floor area greater than the average area of residences in such block; provided, however, that such type and style shall be such as not to impair or destroy property values in the block.
- (b) Building appearance in nonresidential zones. In any case where a building or accessory building in a nonresidential district is erected or placed within 200 feet of the front lot line of any parcel of land fronting upon any public street, the front walls of the building or accessory building within the distance of 200 feet shall be constructed of stone, face brick or other ornamental materials approved by the Planning Commission consistent with neighboring property, and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the limits specified in this subsection, nor shall any occupant of such premises be permitted to place open stock, scrap or junk piles within the 200 feet unless such materials shall be obscured from view from the street by the existence of a building, solid wall, earth berm or evergreen screen sufficient to properly obscure the materials from view from the street.
- (c) Building completion period. All structures shall be completed within one year of the date of issuance of the building permit for such structure, unless an extension for not more than one additional year is granted for good cause by the building inspector. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards required under this chapter or any other ordinance, regulation or statute.
- (d) Personal construction authority. Nothing in this chapter shall be construed as prohibiting an owner, tenant, occupant or land contract vendee from doing his own building, altering, plumbing, electrical installations, etc., provided the minimum requirements of the electrical and plumbing codes of the state and the applicable county health department regulations are complied with.

**§ 86-334. Nonconforming lots, nonconforming uses and nonconforming structures. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Intent.
  - (1) It is the intent of this chapter to permit existing legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their

survival.

- (2) It is recognized that there exist, within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before June 10, 1994, which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.
  - (3) Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
  - (4) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the date of passage of the ordinance from which this chapter is derived by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
  - (5) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter, and upon which actual building construction has been diligently carried on. For purposes of this subsection, actual construction is defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that, where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- (b) Nonconforming lots. In any single-family district, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record which is under separate and distinct ownership from adjacent lots at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter. This subsection shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.
- (c) Nonconforming uses of land. Where, at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased, or extended to

occupy a greater area of land than was occupied at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter.

- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter.
  - (3) If such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for this district in which such land is located.
- (d) Nonconforming structures. Where a lawful structure exists at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such structure may be enlarged or altered in a way which increases its nonconformity. For example, existing residences on lots of a width less than required in this chapter may add a rear porch provided that other requirements relative to yard space and land coverage are met.
  - (2) Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost, exclusive of the foundation, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
  - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for this district in which it is located after it is removed.
- (e) Nonconforming uses of structures and land. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
  - (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter, but no such use shall be extended to occupy any land outside such building.

- (3) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification; provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
  - (4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
  - (5) When a nonconforming use of structure, or structure and premises in combination, is discontinued or ceases to exist for one year during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses (one season out of each year) shall be excepted from this subsection.
  - (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (f) Repairs and maintenance.
- (1) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the assessed value of the building, provided that the cubic content of the building as it existed at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter shall not be increased.
  - (2) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- (g) Conditional uses. Any conditional use as provided for in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
- (h) Change of tenancy or ownership. There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.
- (i) Acquisition by City. The City Council may acquire, by purchase, condemnation or

otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in cities. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The City Council may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of Michigan of 1911 (MCL 213.21 et seq., MSA 8.11 et seq.), as amended, or other applicable statute.

**§ 86-335. Adaptive reuse projects. [Amended 6-6-1994 by Ord. No. 94-06; 10-7-2019 by Ord. No. 19-04]**

(a) Intent.

- (1) Typically, various land use activities are provided for in one or more zoning districts. The criteria for such allocations are based upon similarities in the nature of uses and their relationship to other such uses and adjoining development. Zoning districts are also established to coordinate with and provide for the effectuation of the City's long range development plan.
- (2) The City does, however, possess various existing specialized structures which have become functionally obsolete for their original purpose, or are nonconforming, and whose redevelopment or conversion in conformance with the City comprehensive development plan would be unnecessarily burdensome. It is, therefore, the intent of this section to set forth the basic qualifying criteria, project classification, development standards and submittal requirements necessary to provide for the adaptive reuse of eligible properties within the City to support the local economic and employment base without adversely affecting the public health, safety and welfare of the City as a whole.

(b) Qualifying criteria.

- (1) The City Council shall approve the adaptive reuse of buildings and uses. In qualifying a site for adaptive reuse, the City Council shall find the following conditions to exist:
  - a. The subject site is zoned in compliance with the City's comprehensive development plan;
  - b. The use can no longer be reasonably continued for its existing purpose by reason of market conditions or operational constraints (i.e., limited site size, floor area deficiencies, parking or loading area, etc.);
  - c. Site redevelopment in accordance with local development codes would be unnecessarily burdensome by reason of ordinance compliance (restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot) or cost; and
  - d. The subject site has frontage on, or direct access to, an improved major



or secondary thoroughfare.

- (2) The City Council may not grant adaptive reuse status to any property whose principal structures are found to be destroyed by any means to the extent of more than 50% of the replacement cost. Any subsequent use of such land shall conform to the regulations of the zoning district in which it is located.
- (c) Application; data required.
- (1) Application for an adaptive reuse project as provided under the provisions of this chapter shall be made to the City Clerk by filing an application form, submitting required data, exhibits and information, and depositing the required fee as established by resolution of the City Council, as amended from time to time. No portion of such fee shall be reimbursable to the applicant.
  - (2) An application shall contain the following:
    - a. The applicant's name, address and telephone number.
    - b. Address and tax description number of the subject parcel.
    - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
    - d. A certified survey drawing of the subject parcel.
    - e. Supporting statements, evidence, data, information and exhibits which address those qualifying criteria for assessing special condition use permit applications outlined in Subsection (b) of this section.
- (d) Public hearing. Upon receipt of an application for an adaptive reuse project, the Planning Commission shall hold a public hearing, one notice of which shall be published not less than five and not more than 15 days prior to the public hearing date in a newspaper of general circulation in the City and sent by first class mail to the owners of the property for which an adaptive reuse project is being considered, to the owners of record of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question. The notice shall:
- (1) Describe the nature of the adaptive reuse request.
  - (2) Adequately describe the property in question.
  - (3) State the date, time and place of the public hearing.
  - (4) Indicate when and where written comments concerning the request will be received.
- (e) Approval; project classification.
- (1) Upon holding a public hearing, the Planning Commission shall determine whether the qualifying criteria have been met as set forth in Subsection (b) of this section. The Planning Commission shall, within 30 days of making such determination, forward to the City Council its finding and recommendation.

- (2) The City Council, upon receipt of the finding, may table action for purposes of further study or gaining additional information, deny the application for adaptive reuse upon finding that the criteria have not been met, or approve the application for adaptive reuse upon finding that the qualifying criteria have been met.
- (f) Development standards.
- (1) In areas meeting the criteria set out in this section, development standards may be modified by the Planning Commission upon finding adequate evidence that the proposed use:
- Will be compatibly designed, constructed and maintained with the existing and intended character of the vicinity;
  - Will not be hazardous or disturbing to existing or future neighboring uses;
  - Will be served adequately by essential public services and facilities, or the agencies responsible for the establishment of the proposed use will be able to adequately provide for such services; and
  - Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odor.
- (2) The Planning Commission may require such additional safeguards as deemed necessary for the protection of the general welfare and for ensuring individual property rights and for ensuring that the intent and objectives of this chapter will be observed.
- (g) Site plan approval.
- (1) Site plan approval shall be required in accordance with § 86-391 and all applicable ordinances.
- (2) The Planning Commission may, at its discretion, concurrently review the site plan at the time of its review of qualifying criteria.

**§ 86-336. Accessory buildings. [Amended 6-6-1994 by Ord. No. 94-06; 9-15-2008 by Ord. No. 08-05; 7-20-2015 by Ord. No. 2015-04]**

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ACCESSORY BUILDING —**

- (1) A building that:
- Has a roof that is supported by columns and walls;
  - Is intended for the shelter or enclosure of persons, animals, goods or chattel; and

- c. Is further intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use to which it is exclusively related.
- (2) Examples of accessory buildings include garages, carports, storage sheds, gazebos, and greenhouses. Portable structures made of fabric/vinyl with metal supports may be included within this definition provided they meet all the requirements of this section.
- (b) Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:
  - (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
  - (2) Location of accessory buildings. Accessory buildings shall not be erected in any front yard [except as provided under Subsection (b)(6) of this section] and may be erected within a side yard or rear yard upon meeting all the required provisions of this chapter.
  - (3) Accessory building regulations. R-A (Single-Family) and R-O (Residential Office) zoned property.
    - a. Rear yard accessory buildings. An accessory building or portion thereof may occupy a portion of the required rear yard setback; however, the total area occupied in such required rear yard setback shall not exceed 25% of the required rear yard setback. At no time may the combined square footage of all accessory buildings within the rear yard exceed 25% of the total rear yard. A maximum of three accessory buildings are allowed in the rear yard. Accessory buildings located within a rear yard shall not be located closer than three feet to any side or rear lot line. No rear yard accessory building shall exceed 23 feet in height as measured from grade level to the middle of the roof trusses. No one accessory building in the rear yard shall exceed 2,500 square feet on the main floor.
  - (4) Detached accessory buildings. No detached accessory building shall be located closer than 10 feet to any other building.
  - (5) Detached accessory buildings in nonresidential and RM (multifamily) districts. Detached accessory buildings in all nonresidential and multifamily districts may be constructed to equal the permitted maximum building height in such districts, subject to the Planning Commission review and approval.
  - (6) Corner lot accessory buildings. When property is located on a corner lot in a residentially zoned district, which by definition would contain two front lots, an accessory building may occupy the front yard that does not contain the front of the house; however, such accessory building must maintain a minimal setback of 25 feet from the edge of the road right-of-way.
  - (7) All portable fabric/vinyl-type covered structures must be maintained in good condition at all times. There shall be no rips or tears in the covering nor

support members that have become ineffective, bent, twisted, or rusted or non-supportive. The covering must cover the top and all sides and be manufactured as part of the original structure or a replacement to the original structure. No makeshift coverings are allowed unless they meet appearance standards similar to the original manufacture of the structure and have approval from the building official or his or her designee. Said structure(s) must be firmly secured to the ground as to withstand wind speeds of at least 50 miles per hour and must adhere to all the other provisions listed within this section.

Portable structures not meeting the above requirements are not allowed unless covered under § 86-360.

**§ 86-337. Off-street parking requirements generally. [Amended 6-6-1994 by Ord. No. 94-06; 9-8-2009 by Ord. No. 09-03; Ord. No. 21-03, 5-17-2021]**

There shall be provided in all districts motor vehicle off-street parking space with adequate access to all spaces and subject to any and all provisions of this chapter and any other requirements within the City Code book.

- (1) Definitions. All front, rear, or side yards described within this chapter are defined under "Yards", § 86-2.
  - (2) Location. Off-street parking spaces may be located within a rear yard or within a required or nonrequired side yard, subject to any other provisions with this chapter. Off-street parking shall be permitted within a front yard under the provisions provided for under Subsection (2A) and any other provisions of this chapter.
- (2A) Off-street parking standards for R-A (Single-Family), and R-O (Residential Office) Districts.
- a. Vehicle parking in the front, rear, or side yard shall only be on a hard surface driveway or on improved and designated parking areas so described under Subsection (2A)b, below, except as otherwise provided under the Subsections (2A)c and h listed below.
  - b. Such a hard surface or improved area shall include bituminous, concrete, brick, gravel or crushed rock or another hard surface approved by City code officials, City Manager or his/her designated officer.
  - c. The City prohibits motor vehicle parking or storage of motor vehicles in the front yard on grass, unimproved areas, or areas without a hard surface unless directly in line and within the confines of a curb cut, and under the understanding that such area must not sustain any noticeable damage to the existing surface such as trenches and ruts as a result of such parking, otherwise, hard surface requirements under Subsection (2A)b must be adhered to.
  - d. No owner or operator shall park a motor vehicle that would block a sidewalk.
  - e. All motor vehicles parked within a front yard shall not be abandoned, shall have a current license and registration, and shall be in operable condition.

- f. The total area in the front yard improved for parking and driveway purposes shall not exceed 40% of the total front yard.
  - g. The Planning Commission may approve an increase in front yard driveway coverage within the above defined zoning districts where such approval would meet the standards required by code for unique circumstance and where the above ordinance standards do not fit, or where such standards would create an undue hardship for the property owner. In such circumstances, the Planning Commission may require screening next to around the parking area or driveway. A privacy fence or additional landscaping may be used to meet the screening requirements subject to any other fencing or landscaping requirements with the City of Corunna Code Book.
  - h. A waiver from Subsection (2A)a above may be granted for special events or occasions that are intended for short-term use only such as birthday parties, family reunions, etc. upon approval by either a building official, City police officer, City Manager or his/her designee. Such waiver shall be subject to any application or permit process in place along with any stipulations placed upon such waiver by the above named officials.
- (3) Off-street parking shall be on the same lot as the building it is intended to serve, except as may be otherwise provided for this chapter.
  - (4) Residential off-street parking spaces. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveways or garage, or combination thereof, and shall be located on the premises they are intended to serve, and also subject to the provisions of § 86-336 pertaining to accessory buildings and structures, for garages.
  - (5) Minimum requirements. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
  - (6) Reduction of existing off-street parking. Off-street parking existing on June 10, 1994, in connection with the operation of an existing building or use shall not be reduced to an amount less than required in this section for a similar new building or new use.
  - (7) Collective off-street parking. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
  - (8) Granting of exceptions. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Planning Commission may grant an exception.
  - (9) Storage, repair of vehicles, etc. The storage of merchandise, motor vehicles for sale or trucks, or the repair of vehicles is prohibited, except as otherwise provided within this chapter or other sections of the Code book, such as Chapter 34, Article V, Garage Sales, whereby such vehicles shall not be subject to licensing requirements.

- (10) Miscellaneous. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers similar in type.
- (11) Fractional spaces. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require one parking space.
- (12) Computing number of required spaces. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern and be defined as that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- (13) Minimum number of spaces. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<b>Use</b>	<b>Minimum Number of Parking Spaces per Unit of Measure</b>
a. Residential uses:	
1. Single- or two-family units	2 per dwelling unit.
2. Multiple-family dwellings	2 per dwelling unit, plus 0.25 per unit for visitor parking.
3. Housing for the elderly	1 per efficiency dwelling unit (no separate bedroom), 1.25 per each one-bedroom unit, and 1.5 per each two- or more bedroom unit.
4. Mobile home parks	2 for each mobile home site and 1 for each employee of the mobile home park.
b. Institutional uses:	
1. Churches or temples	1 for each 3 seats or 6 feet of pews in the main unit of worship.
2. Hospitals	1 for each 1 bed.
3. Convalescent or nursing homes	1 for each 4 beds.
4. Elementary and junior high schools	1 for each teacher, employee or administrator, in addition to the requirements for the auditorium.
5. Senior high schools	1 for each 1 teacher, employee or administrator and 1 for each 10 students, in addition to the requirements for the auditorium.

Use	Minimum Number of Parking Spaces per Unit of Measure
6. Private clubs or lodge halls	1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
7. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	1 for each 2 member families or individuals and 1 for each employee, in addition to the requirements for each accessory use such as a restaurant or bar.
8. Golf courses open to general public, except miniature or par-3 courses	6 for each 1 golf hole and 1 for each employee, in addition to the requirements for each accessory use, such as a restaurant or bar.
9. Fraternities and sororities	1 for each 5 permitted active members or 1 for each 2 beds, whichever is greater.
10. Stadiums, sports arenas and similar places of outdoor assembly	1 for each 3 seats or 6 feet of benches.
11. Theaters and auditoriums	1 for each 3 seats, plus 1 for each 2 employees.
12. Nursery schools, day nurseries and child care centers	1 for each employee and 1 for each 7 students in attendance at any particular time.
13. Libraries	1 for each 2.5 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, and 1 for each employee in the largest working shift.
c. Business and commercial uses:	

<b>Use</b>	<b>Minimum Number of Parking Spaces per Unit of Measure</b>
1. Planned commercial or shopping centers	4 per 1,000 square feet of gross floor area for planned commercial or shopping centers having between 10,000 and 50,000 square feet of gross floor area. Planned commercial or shopping centers containing more than 50,000 square feet of gross floor area shall provide 5 spaces per 1,000 square feet of gross floor area. When a restaurant, lounge or other establishment whose primary business offers prepared food for sale or consumption on the premises, or carryout, is part of a planned commercial or shopping center, the parking for such use shall be computed separately, based on the need for a freestanding use of this nature, and the resulting increase shall be added to the other uses in the center.
2. Auto washes (automatic)	1 for each 1 employee. In addition, reservoir parking spaces equal in number to 5 times the maximum capacity of the auto wash shall be provided. For purposes of this subsection, maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
3. Auto washes (self-service or coin-operated)	5 reservoir parking spaces for each washing stall.
4. Beauty parlors and barbershops	3 for each of the first 2 beauty or barber chairs, and 1 1/2 for each additional chair.
5. Bowling alleys	5 for each 1 bowling lane, in addition to the requirements for each accessory use, such as a restaurant or bar.
6. Dancehalls, roller skating rinks, exhibition halls and assembly halls without fixed seats	1 for each 2 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
7. Standard restaurants	1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus 1 for each 2 employees.



Use	Minimum Number of Parking Spaces per Unit of Measure
8. Department store	1 for each 800 square feet of usable floor area. For that floor area used in processing, 1 additional space may be required by the Planning Commission for each 2 persons employed therein.
9. Gasoline service stations	2 for each lubrication stall, rack or pit, 1 for each gasoline pump, and 1 for each 150 square feet of usable floorspace devoted to retail sales.
10. Laundromats and coin-operated dry cleaners	1 for each 2 washing and dry cleaning machines.
11. Miniature or par-3 golf courses	3 for each 1 hole, plus 1 for each 1 employee.
12. Mortuary establishments	1 for each 50 square feet of usable floorspace.
13. Motels, hotels and other commercial lodging establishments	1 for each 1 occupancy unit, plus 1 for each employee.
14. Motor vehicle sales and service establishments	1 for each 200 square feet of usable floorspace of sales room, and 1 for each 1 auto service stall in the service room.
15. Retail stores (except as otherwise specified in this section)	1 for each 150 square feet of usable floorspace.
16. Establishments offering carryout service, being establishments primarily serving customers over a counter or through a window, i.e., food carryout, dry cleaner pickup, meat markets, bakeries, shoe repair, etc.	1 for each employee in the largest working shift, and 1 for each 30 square feet of usable floor area devoted to customer assembly or waiting area. Parking needs for areas devoted to the consumption of food on the premises shall be computed separately for such seating areas.
17. Pool or billiard parlors, card rooms, arcades or other similar establishments	1 for each 3 persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
18. Drive-in or drive-through restaurants	1 for each employee in the largest working shift, 1 for each 2 seats provided, and 1 for each 30 square feet of usable floor area devoted to customer waiting area.

<b>Use</b>	<b>Minimum Number of Parking Spaces per Unit of Measure</b>
19. Miniwarehouse facilities	1 for each 2,000 square feet of gross building area. At a minimum, 2 parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, 2 spaces for the resident manager, and 1 additional space for each additional employee, shall be provided adjacent to the rental office.
20. Marihuana facilities:	
Medical marihuana grow facility or marihuana grower	1 space per employee in the largest working shift, plus 2 additional spaces.
Marihuana processor/processing facility/establishment	5 plus 1 space for every 1 1/2 employees in the largest working shift.
Medical marihuana provisioning center or marihuana retailer	1 space per 275 square feet of gross floor area, including outdoor sales space.
Marihuana safety compliance facility/establishment	5 plus 1 space for every 1 1/2 employees in the largest working shift.
Marihuana secure transporter facility/establishment	5 plus 1 space for every 1 employee in the largest working shift, or 5 spaces plus 1 for each 1,700 square feet of UFA, whichever is the greater.
d. Offices:	
1. Banks	1 for each 100 square feet of usable floorspace.
2. Business offices or professional offices (except as indicated in Subsection d.3 following)	1 for each 200 square feet of usable floorspace.
3. Professional offices of doctors, dentists or similar professionals	1 for each 50 square feet of usable floor area in waiting rooms, and 1 for each examining room, dental chair or similar use area.
e. Industrial uses:	
1. Industrial or research establishments, and related accessory offices	3 plus 1 for every 1 employee in the largest working shift, or 3 plus 1 for every 550 square feet of usable floor area, whichever is greater.

<b>Use</b>	<b>Minimum Number of Parking Spaces per Unit of Measure</b>
2. Warehouses and wholesale establishments and related accessory offices	3 plus 1 for every 1 employee in the largest working shift, or 3 plus 1 for every 1,700 square feet of usable floorspace, whichever is greater. Space on-site shall also be provided for all construction workers during periods of plant construction.

(14) Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above-grade signs as reserved for physically handicapped persons.

<b>Total Spaces in Parking Lot</b>	<b>Required Number of Accessible Spaces</b>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
Over 400	12 plus 2 for every 250 or fraction thereof over 400

Parking spaces for the physically handicapped shall be a minimum of 12 feet wide and must meet all other applicable requirements as to size as set forth in the building code.

**§ 86-338. Design, construction and maintenance of parking lots. [Amended 6-6-1994 by Ord. No. 94-06]**

Whenever the off-street parking requirements in § 86-337 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- (1) No parking lot shall be constructed unless and until a permit therefor is issued by the building inspector. Applications for a permit shall be submitted to the building department in such form as may be determined by the building inspector, and shall be accompanied with two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the municipal engineer. Off-street

parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

- (2) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements.<sup>3</sup>
- (3) All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern shall permit two-way movement.
- (4) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (5) Adequate ingress to and egress from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress for a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- (6) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
- (7) A wall shall be provided on all sides of the off-street parking area abutting or adjacent to a residential district. The obscuring wall shall not be less than four feet six inches in height measured from the surface of the parking area. All land between the required obscuring wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material or ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance. The Planning Commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this subsection.
- (8) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- (9) In all cases where a wall extends to an alley which is a means of ingress and egress to or from an off-street parking area, it shall be permissible to end the wall not more than 10 feet from such alley line in order to permit a wider means of access to the parking area.
- (10) Parking aisles shall not exceed 300 feet without a break in circulation.
- (11) Except for those serving single- and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrian ways.

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3. Editor's Note: See Off-Street Parking Layout Requirements, included as an attachment to this chapter.

- (12) No parking lot shall have more than one attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which the building is located.

**§ 86-339. Parking lot landscaping. [Amended 6-6-1994 by Ord. No. 94-06]**

Off-street parking areas shall be landscaped as follows:

- (1) In off-street parking areas containing 20 or more parking spaces, an area equal to at least 5% of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than concentrating all effort in one location.
- (2) Parking lot landscaping shall be not less than five feet in any single dimension and not less than 150 square feet in any single island area. Not more than two landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements.
- (3) The landscape plan shall designate the sizes, quantities and types of plant material to be used in parking lot landscaping.
- (4) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- (5) A minimum of one deciduous tree shall be planted in each landscaped area.

**§ 86-340. Off-site parking facilities. [Amended 6-6-1994 by Ord. No. 94-06]**

Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the following requirements:

- (1) Residential uses. Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served, but in no case at a distance in excess of 300 feet from such zoning lot.
- (2) Nonresidential uses. Parking facilities accessory to nonresidential uses may be located on other than the same lot as the use served (off-site). All required parking spaces shall be within 500 feet of such zoning lot. No parking spaces accessory to a use in a business or industrial district shall be located in a residential district, unless authorized by the Planning Commission.
- (3) Agreement required. A written agreement shall be drawn to the satisfaction of the City Attorney and executed by all parties concerned ensuring the continued availability of the off-site parking facilities for the use they are intended to serve.

**§ 86-341. Special parking districts; payment in lieu of provision of required parking and loading space. [Amended 6-6-1994 by Ord. No. 94-06]**

The provisions and requirements as set forth in §§ 86-337 and 86-340 shall apply to all areas within the City except as modified by this section. The City recognizes that special provisions should be considered for the downtown area including the reduction of required parking spaces due to the availability of public parking. To this end:

- (1) Portions of the City shall be contained within areas described as special parking districts as established by the City Council with recommendation from the Planning Commission.
- (2) The boundaries of areas classified as special parking districts are hereby established as shown on the zoning map. Where uncertainty exists with respect to the boundaries of the special parking districts as shown on the zoning districts map, the rules as set forth in § 86-33 shall apply.
- (3) The number of off-street parking spaces and the size of loading and unloading areas required for any new use or expanded or intensified use of property located within or partially within a special parking district shall be determined as set forth in §§ 86-340 and 86-342 and as provided for in this section.

a. Off-street parking. The determination of parking needs within a special parking district shall be based upon the following standards. For those uses not specified an adjustment may be made by the City Council, following Planning Commission recommendation, when it is found that a reduction from the standards would not adversely affect the retail, office and ancillary service facilities forming the commercial nucleus of these older core business areas. In this latter regard, primary consideration shall be given to uses which are generally the object of special purpose trips and thereby have little or no interrelation with those business activities in the core business areas. The following standards reflect the gross floor area actively used in day-to-day operations and shall exclude only vacant space and storage areas.

- |   |  |
|---|--|
| 1. Retail stores, except as otherwise specified   | 1 for each 350 square feet of gross floor area   |
| 2. Furniture and appliance stores   | 1 for each 1,800 square feet of gross floor area |
| 3. Business and professional offices, except as otherwise specified                                 | 1 for each 500 square feet of gross floor area   |
| 4. Medical and dental offices   | 1 for each 175 square feet of gross floor area   |
| 5. Banks (excluding drive-in stations)  | 1 for each 250 square feet of gross floor area   |
| 6. Establishments offering food, beverages or refreshments for sale and consumption on the premises | 1 for each 100 square feet of gross floor area   |

7. Apartments 1 for each dwelling unit, plus 1/4 for each bedroom

- b. Off-street loading. The Planning Commission shall have the right to modify or waive the requirement for off-street loading areas as specified in § 86-342. Any such modification or waiver shall be based upon a review of a site plan and the surrounding area and a determination that there is satisfactory loading space serving the building or that the provision of such loading space is physically or functionally impractical.
- (4) The owner of the new or expanded use may make application to the City Clerk for the option of paying a dollar amount established by resolution of the City Council per required parking space and loading and unloading space in lieu of providing the required spaces as per the provisions and requirements set forth in §§ 86-337 and 86-342. These monies would be paid into the special parking district fund established by the City Council specifically for the purpose of constructing and improving off-street parking areas to serve uses located within the special parking districts. The timing of parking spaces provided and their location shall be at the sole discretion of the City Council.
- (5) The amount paid into the parking fund described in Subsection (4) of this section shall not apply against any present or future special assessments levied by the City for parking improvements.
- (6) This exception may only be granted by the City Council. Granting of the exception shall be based upon evidence presented by the property owner showing that the reasonable ability to provide any or all of the required parking spaces or loading and unloading areas, as required in §§ 86-337 and 86-342, does not exist.
- (7) A property owner granted the exception of contributing to the parking fund will not receive an occupancy permit until the monies have been paid into the fund in full.
- (8) The provisions of this section also apply to any change in use of property located within a special parking district that would require parking spaces in excess of those required for the previous use.

**§ 86-342. Off-street loading and unloading space. [Amended 6-6-1994 by Ord. No. 94-06]**

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

	<b>Total Floor Area of Building (square feet)</b>	<b>Off-Street Loading Space Requirements</b>
Office use	0 to 10,000	1 usable loading space, 10 feet by 25 feet
	10,001 to 50,000	1 usable loading space, 10 feet by 50 feet
	Over 50,000	2 usable loading spaces, each 10 feet by 50 feet
Commercial and industrial uses	0 to 1,400	1 usable loading space, 10 feet by 25 feet
	1,401 to 20,000	1 usable loading space, 10 feet by 50 feet
	20,001 to 50,000	2 usable loading spaces, each 10 feet by 50 feet
	Over 50,000	3 usable loading spaces, plus 1 space for each 50,000 square feet in excess of 50,000 square feet, each 10 feet by 50 feet

- (b) All loading spaces shall be in addition to the off-street parking area access drive and maneuvering lane requirements.
- (c) Off-street loading space shall have a clearance of 14 feet in height.
- (d) Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that, where any portion of a loading space is open to public view, the space shall be screened in accordance with § 86-352, pertaining to screening walls.
- (e) All loading and unloading in the industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in the exterior side yard when the setback is equal to at least 50 feet.

**§ 86-343. Open storage of inoperable or unsightly motor vehicles, equipment or building materials. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Intent. The regulations set forth in this section are intended to prevent the storage or 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.
- (b) Restrictions.
  - (1) 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. However, this subsection shall not apply to any motor vehicle ordinarily used but temporarily out of running condition for not more than 30 continuous days within a ninety-day period. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the building inspector may grant the owner a period of up to one month to procure a license.

- (2) Machinery and building materials. Unusable, rusty or inoperable machinery, equipment, or parts of machines or equipment, not intended for use upon the premises, or old or used building materials, shall not be kept or stored outside of a building. However, the temporary storage of building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted. In no case shall usable or unusable machinery, building materials or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.

**§ 86-344. Parking or storage of recreational vehicles, tractors and boats. [Amended 6-6-1994 by Ord. No. 94-06; 9-8-2009 by Ord. No. 09-03]**

- (a) The open parking or storage of tractors, boats or similar vehicles not owned by the property owners or tenants of the City on lands not specifically designated for such parking or storage shall be permitted for a period of up to 72 hours. However, a travel trailer may be kept in the rear or side yard of a single-family lot for a period of up to four weeks provided a permit has first been secured from the building inspector.
- (b) Residents of the City may keep their own trailers, boats, campers, motor homes and similar vehicles on their own property for an indefinite period of time, provided such vehicles are in operable condition and are not kept within five feet of the closest edge of any neighboring road right-of-way. Such vehicles shall be subject to all other applicable provisions concerning accessory buildings set forth in § 86-336.
- (c) A travel trailer, motor home or camper parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied for other than recreational use for a period not to exceed four weeks annually.

**§ 86-345. Home occupations. [Amended 6-6-1994 by Ord. No. 94-06; 8-1-2011 by Ord. No. 2011-01]**

Home occupations shall comply with the following:

- (1) No article or service shall be sold or offered for sale on the premises, except such as is produced on the premises by such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the dwelling unit (not counting areas of unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches) shall be used for purposes of the home occupation.

- (3) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation.
- (4) The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
- (5) No more than one home occupation per dwelling unit shall be permitted over and above the provisions pertaining to medical marijuana under Subsections 11 and 12 of this section.
- (6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- (7) Exterior alterations. Home occupations shall not require exterior alterations or involve construction features not customary in dwellings or require the use of mechanical or electrical equipment which shall create a nuisance to the adjacent neighborhood.
- (8) Interior alterations. Any permanent structural alterations to the interior of the dwelling unit for purposes of conducting the home occupation which would render it unsuitable for residential use shall be prohibited.
- (9) Residency. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his/her legal and primary place of residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.
- (10) Hazards or nuisances. No home occupation shall be permitted which would increase fire and safety hazards, noise, dirt, odor, dust, gas, glare, fumes, vibration or other nuisance elements.
- (11) A medical marijuana primary caregiver, in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law MCL 333.26423(d) and the requirements of this chapter, shall be allowed as a home occupation subject to all the requirements of § 86-345, except Subsection (9) of this section, Residency. Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with that Act and the general rules. Also, since federal law is not affected by that Act or the general rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

- a. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the general rules of the Michigan Department of Community Health, as they may be amended from time to time.
- b. A registered primary caregiver must be located outside of a one-thousand-foot radius from sites where children are regularly present, specifically: any school such as a public or private preschool, elementary school, middle school, high school, community college, and all other schools that have different name references but serve students to insure community compliance with federal "drug-free school zone" requirements. This also includes a child care or day care facility, a church, synagogue, mosque, or other religious temple, a community center, recreational park or area so defined by the governing City, county or township.
- c. Not more than one registered primary caregiver shall be permitted to service qualifying patients on a parcel or site and is prohibited within 1,000 feet from another parcel or site at which any other registered primary caregiver or where any other person cultivates marijuana, or assists in the use of marijuana, not including a patient's principal residence which is not used to cultivate marijuana or assist in the use of medical marijuana for persons other than the patient at such residence. Measurements for purposes of this section shall be made from property boundary to property boundary with contiguous parcels under the same ownership being considered as one parcel or site.
- d. Customers, clients, or patients. No more than two customers, clients, or patients of the primary caregiver shall be on the premises at any one time.
- e. Not more than five qualifying patients shall be assisted with the medical use of marijuana within any given calendar week.
- f. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices as reviewed and approved by the City building official and/or the City police department with access to such facility permitted only to the registered primary caregiver or qualifying patient. At no time shall medical marijuana be allowed in any detached accessory buildings or structures located upon the property.
- g. Licensure requirements. No cultivation, distribution, and other assistance to patients shall be lawful in this community at a location unless and until such location for such cultivation, distribution, and assistance shall have obtained a license for such location from the City. Licensure shall be subject to and in accordance with all provisions and fees as set forth in a license application supplied by the City. If the occupant is not the owner of the premises then consent must be obtained from the property owner to ensure the owner's knowledge of the use and/or cultivation of medical marijuana on said property and submitted along with the application.
- h. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or

harvesting of marijuana are located.

- i. If a room with windows is utilized as a growing location, any lighting method that exceeds usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
  - j. The portion of the residential structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Corunna/Caledonia Fire Department to ensure compliance with the Michigan Fire Protection Code.
  - k. The premises shall be open for inspection upon request by the building official, the fire department and law enforcement officials for compliance with all applicable laws and rules, without a warrant and without delay, during the stated hours of operation/use and at such other times as anyone is present on the premises.
- (12) A medical marijuana "qualifying patient", in compliance with the general rules of the Michigan Department of Community Health, the Michigan Medical Marijuana Act, P.A. 2008, Initiated Law MCL 333.26423(d) and the requirements of this chapter, shall be allowed as a home occupation subject to all the requirements of § 86-345(1) through (10) and the requirements under this Subsection (12). Nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with that Act and the general rules. Also, since federal law is not affected by that Act or the general rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. The Michigan Medical Marijuana Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act. The following requirements for a "qualifying patient" shall apply:
- a. The medical use of marijuana shall comply at all times and in all circumstances with the Michigan Medical Marijuana Act and the general rules of the Michigan Department of Community Health, as they may be amended from time to time.
  - b. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices with access to such facility permitted only to the "qualifying patient" and visits by City officials deemed necessary by provisions of this chapter. At no time shall medical marijuana be allowed in any detached accessory buildings or structures located upon the property.
  - c. All necessary building, electrical, plumbing and mechanical permits shall

be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located.

- d. If a room with windows is utilized as a growing location, any lighting method that exceeds usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- e. The portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Corunna/Caledonia Fire Department to ensure compliance with the Michigan Fire Protection Code.

**§ 86-346. Bed-and-breakfast operations. [Amended 6-6-1994 by Ord. No. 94-06]**

Any dwelling unit used for a bed-and-breakfast operation shall comply with the following requirements:

- (1) Not more than 25% of the total floor area shall be used for bed-and-breakfast sleeping rooms.
- (2) There shall be no separate cooking facilities used for the bed-and-breakfast stay.
- (3) Occupancy by guests shall be restricted to from one to seven days.
- (4) One additional parking space shall be provided for each guestroom, on-site. The parking shall not be permitted within a required front yard.

**§ 86-347. Access to major thoroughfare. [Amended 6-6-1994 by Ord. No. 94-06; 9-16-2002 by Ord. No. 02-12; 7-7-2006 by Ord. No. 06-03]**

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare, freeway or service drive; provided, however, that access driveways may be permitted to other than a major thoroughfare, or freeway service drive if the Planning Commission determines that allowing such access is equal to or better than those benefits realized by emptying onto a major thoroughfare.

**§ 86-348. Entranceway structures for residential subdivisions or multifamily housing. [Amended 6-6-1994 by Ord. No. 94-06]**

In all residential districts, so-called entranceway structures, including but not limited to walls, columns and gates, marking entrances to single-family subdivisions or multiple housing projects, may be permitted and may be located in a required yard, except as provided in § 86-301, provided that such entranceway structures shall comply with all codes of the municipality, and shall be approved by the building inspector and a permit issued.

**§ 86-349. Vision clearance at street intersections. [Amended 6-6-1994 by Ord. No. 94-06]**

Except as may otherwise be provided in this chapter, no fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.

**§ 86-350. Landscaping generally. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Intent. Landscaping, greenbelts and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the City. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts and screening.
- (b) Scope.
  - (1) The requirements set forth in this section shall apply to all uses, lots, sites and parcels which are developed or expanded, following June 10, 1994, requiring site plan approval. No site plan shall be approved unless the site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in § 86-391(g).
  - (2) In cases where the use of an existing building changes or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth in this section shall be met.
  - (3) The requirements of this section are minimum requirements, and nothing in this section shall preclude a developer and the City from agreeing to more extensive landscaping.
- (c) Design standards. Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:
  - (1) General landscaping. All portions of the lot or parcel area not covered by buildings, paving or other impervious surfaces shall be landscaped with vegetative ground cover and other ornamental materials as follows, except where specific landscape elements, such as a greenbelt, berm or screening, are required:
    - a. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with

Planning Commission approval.

- b. A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 1,000 square feet or portion thereof of landscaped open space area.
  - c. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - d. On sites which are two acres or larger in size, the landscaped area shall include a greenbelt of a minimum ten-foot width, located and continually maintained along a public right-of-way.
  - e. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined in this section for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of this chapter, and, more specifically, with the intent of Subsection (a) of this section.
  - f. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks or other site features.
- (2) Greenbelt buffer. Where required, greenbelts and greenbelt buffers shall conform to the following standards:
- a. A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
  - b. Grass, ground cover or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
  - c. A minimum of one deciduous tree or evergreen tree shall be planted for each 30 lineal feet, or portion thereof, of required greenbelt length. Required trees shall be at least five feet tall and may be planted at uniform intervals, at random, or in groupings.
  - d. For each 50 linear feet, or portion thereof, of required greenbelt length, at least one ornamental spring flowering tree at least five feet in height shall be installed and maintained.
  - e. Two eighteen-inch-high or eighteen-inch-wide shrubs shall be required for each 15 linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random, or in groupings.
  - f. For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area, inclusive of all driveways.
- (3) Berms. Where required, earth berms or landscaped berms shall conform to the following standards:

- a. The berm shall be at least three feet above the grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal. For the purposes of this subsection, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
  - b. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
  - c. A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet, or portion thereof, of required berm.
  - d. Eight shrubs per tree may be planted as a substitute for trees (see Subsection (3)c of this subsection).
  - e. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - f. For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- (4) Evergreen screening. Where required, evergreen screening shall consist of closely spaced plantings which form a visual barrier that is at least eight feet above ground level within five years of planting.
  - (5) Landscaping of rights-of-way and other adjacent public open space areas. Public rights-of-way and other public open space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.
  - (6) Vision clearance at intersections.
    - a. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described in Subsection b of this subsection shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than two feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of two feet above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three feet to the edge of a driveway.
    - b. The triangular areas referred to in Subsection (c)(6)a of this subsection are:
      1. The area formed at the corner intersection of a public right-of-way and a driveway, two sides of the triangular area being 10 feet in



length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.

2. The area formed at a corner intersection of two public right-of-way lines, the two sides of the triangular area being 25 feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two sides.

- (7) Maintenance. All required landscape areas shall be planted and maintained with living plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this chapter.

**§ 86-351. Landscape plant materials. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Generally. Whenever in this chapter planting is required, it shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this chapter.

- (b) Spacing.

- (1) Plant materials shall not be placed closer than four feet to the fence line or property line, except that shrubs may be planted no closer than two feet to the fence or property line.
- (2) Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
- (3) Evergreen trees shall be planted not more than 30 feet on centers, except as provided in § 86-350(c)(4).
- (4) Narrow evergreens shall be planted not more than three feet on centers.
- (5) Deciduous trees shall be planted not more than 30 feet on centers.
- (6) Tree-like shrubs shall be planted not more than 10 feet on centers.
- (7) Large deciduous shrubs shall be planted not more than four feet on centers.

- (c) Suggested plant materials. Suggested plant materials are as follows:

<b>Suggested Plant Materials</b>	<b>Minimum Size</b>
(1) Evergreen trees:	6 feet in height
a. Hemlock	
b. Fir	
c. Pine	
d. Spruce	
e. Douglas Fir	
(2) Narrow evergreens:	4 feet in height

<b>Suggested Plant Materials</b>	<b>Minimum Size</b>
<ul style="list-style-type: none"> <li>a. Column Honoki Cypress</li> <li>b. Blue Columnar Chinese Juniper</li> <li>c. Pyramidal Red Cedar</li> <li>d. Irish Yew</li> <li>e. Douglas Arborvitae</li> <li>f. Columnar Giant Arborvitae</li> </ul>	
(3) Tree-like shrubs:	6 feet in height
<ul style="list-style-type: none"> <li>a. Flowering Crab</li> <li>b. Russian Olive</li> <li>c. Mountain Ash</li> <li>d. Dogwood</li> <li>e. Redbud</li> <li>f. Rose of Sharon</li> <li>g. Hornbeam</li> <li>h. Hawthorn</li> <li>i. Magnolia.</li> </ul>	
(4) Large deciduous shrubs:	4 feet in height
<ul style="list-style-type: none"> <li>a. Honeysuckle</li> <li>b. Viburnum</li> <li>c. Mock-Orange</li> <li>d. Forsythia</li> <li>e. Lilac</li> <li>f. Cotoneaster</li> <li>g. Hazelnut</li> <li>h. Euonymus</li> <li>i. Privet</li> <li>j. Buckthorn</li> <li>k. Sumac</li> </ul>	
(5) Deciduous trees:	2- to 3-inch caliper
<ul style="list-style-type: none"> <li>a. Oaks</li> <li>b. Hard Maple</li> <li>c. Hackberry</li> <li>d. Birch</li> <li>e. Planetree (Sycamore)</li> <li>f. Ginkgo (male)</li> <li>g. Beech</li> </ul>	

**Suggested Plant Materials****Minimum Size**

- h. Sweet-Gum
- i. Honeylocust
- j. Hop Hornbeam
- k. Linden

(d) Trees not permitted. The following trees are not permitted:

- (1) Box Elder.
- (2) Soft Maples (Red, Silver).
- (3) Slippery Elms.
- (4) Poplars.
- (5) Willows.
- (6) Horse Chestnut (nut bearing).
- (7) Tree of Heaven.
- (8) Catalpa.
- (9) Ginkgo (female).

(e) Existing plant materials.

- (1) In instances where healthy plant material exists on a site prior to its development, the building inspector may adjust the application of the standards set out in this section to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this section.
- (2) All existing plant materials must first be inspected by the building inspector to determine the health and desirability of such materials. If plant materials are to be saved, prior approval must be obtained from the building inspector before any de-limbing, root pruning or other work is done.
- (3) If such existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as but not limited to fencing placed at the dripline around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved.
- (4) If healthy trees labeled "To Be Saved" on the approved site plan are destroyed or damaged, as determined by the building inspector, the owner, developer or contractor shall replace the trees with trees of a comparable type.

**§ 86-352. Screening walls. [Amended 6-6-1994 by Ord. No. 94-06]**

(a) For the use districts and uses listed in this subsection, there shall be provided and maintained, on those sides abutting or adjacent to a single- or two-family residential

district, an obscuring wall. The height of the wall shall be measured from the surface of the parking area or land on the nonresidential side of the wall.

<b>Use</b>	<b>Minimum Height Requirements</b>
(1) Off-street parking area	4'6" high wall (see also § 86-340)
(2) RM (with 17 or more units), C-1, C-2, C-3 and R-O Districts	4'6" high wall
(3) I Districts	4'6" high wall
(4) Open storage areas and loading and unloading zones	4'6" to 8'0" high wall or fence (see also §§ 86-342 and 86-343)
(5) Trash receptacles	6'0" high wall (see also § 86-354)
(6) Utility buildings, stations and substations	6'0" high wall or fence

- (b) In the case of the variable wall height requirement in Subsection (a)(4) of this section, the extent of the obscuring wall shall be determined by the Planning Commission on the basis of land usage, provided that no wall or fence shall be less than the required minimum or greater than the required maximum height in Subsection (a)(4).
- (c) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with yard setback lines. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in its place. The Planning Commission may also waive the wall requirement in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
- (d) Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the Planning Commission. All walls required by this section shall be constructed of materials approved by the building inspector to be durable, weather resistant, and easily maintained.
- (e) The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be applicable when such areas are located more than 200 feet distant from abutting residential districts.

**§ 86-353. Fences. [Amended 6-6-1994 by Ord. No. 94-06; 11-24-2002 by Ord. No. 02-13]**

- (a) Scope; permit. The installation, erection or maintenance of a fence is hereby prohibited except in strict compliance with this chapter. A permit, to be issued by the building inspector, shall be obtained prior to installation or erection of any fence within the corporate limits of the City. Application shall be made upon a form provided by the building department and shall require such information as may be required by the City Clerk. All applications for a fence permit shall be accompanied by a filing fee as may be established by City Council resolution.

- (b) Calculation of height. The height of a rear yard fence or of a side yard fence shall be computed as the distance from the base of the fence at normal grade to the top of the highest component of the fence. The height of a front yard fence shall be computed as the distance from the curb or the centerline of the street to the top of the highest component of the fence. The City of Corunna Building Inspector may allow a deviation from these measurement requirements, if failure to allow a deviation would result in practical difficulty or unnecessary hardship due to exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.
- (c) Height and type requirements.
- (1) Single-family or two-family residential fences. All rear or side yard fences in areas physically occupied for single-family or two-family residential purposes shall not be more than six feet in height. All front yard fences in areas physically occupied for single-family or two-family residential purposes shall not be more than 42 inches in height, provided that for corner lots, no fence shall be more than 30 inches in height within 25 feet of the intersection of the two right-of-way lines, so as not to interfere with motorist vision across the corner. Front yard fences shall be of an ornamental type only. Rear yard and side yard fences may be of an ornamental, privacy or standard type.
  - (2) Business, office or commercial fences. All fences in areas zoned or used for business, office or commercial purposes shall not be more than six feet in height and shall comply with Planning Commission site plan review requirements. Fences shall be of an ornamental, privacy or standard type.
  - (3) Industrial fences. All fences in areas zoned or used for industrial purposes shall not exceed eight feet in height and shall comply with Planning Commission site plan review requirements. Fences shall be of an ornamental, privacy or standard type.
  - (4) Multiple-family fences. Areas zoned or used for multiple-family residential purposes, with three or more total number of units, which abut single-family occupied, single-family zoned, or two-family occupied property, shall have erected upon the adjoining property line a fence to be six feet in height and shall comply with Planning Commission site plan review requirements. Fences shall be of an ornamental, privacy or standard type.
  - (5) Fences for parks, schools, public buildings, etc. The height and type of fences enclosing municipal parks, public and parochial school grounds, public building and church grounds or land used for playgrounds, parks, picnic groves, golf courses, golf driving ranges or similar facilities for outdoor exercise and recreation shall require the approval of the City Council after receiving the recommendation of the building department. Fences shall be of an ornamental, privacy or standard type.
  - (6) Safety fences. For the protection of the general public, any swimming pool, reflector pool, fish pond, lily pond or artificially constructed body of water which contains 18 inches or more of water in depth at any point shall be enclosed by a fence not less than four feet in height and shall be subject to maximum height requirements for the zoning and/or use district where in

constructed. All gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily accessible for children to open. Gates shall be capable of being securely locked. If the entire premises are enclosed with a fence of not less than four feet in height, this subsection, with the exception of gating requirements, may be waived by the building department. Front yard fences shall be of an ornamental type only. Rear yard and side yard fences may be of an ornamental, privacy or standard type. Business, office, commercial, industrial and multiple family fences shall comply with Planning Commission site plan review requirements.

(d) Fence specifications and types. Fences shall be constructed of wood, metal or masonry, vinyl and other acceptable materials. Only appropriate material shall be used, which has been manufactured or treated in a manner to prevent rust and corrosion, and rot and decay.

(1) All fence posts shall be constructed as to maintain proper stability, safety and strength. All posts shall be sunk in the soil to a depth of at least three feet.

(2) No person shall erect or cause to be erected a fence which is:

- a. Made with or upon which is fixed barbed wire;
- b. Has any protective spike, nail or sharp pointed object; or
- c. Charged with electric current;

Provided, however, that a fence in an industrial area may be erected with barbed wire on arms or brackets extending inward over such property upon application and approval by the Planning Commission under site plan review requirements.

(3) Fences shall be constructed in accordance with the following type requirements:

- a. Ornamental type. Ornamental fences shall be of approved materials, and of a style listed below:
  - i. Wooden or vinyl post and rail.
  - ii. Wooden or vinyl split rail.
  - iii. Wooden or vinyl picket.
  - iv. Ornamental wrought iron or aluminum.
  - v. Other styles of ornamental fences not listed above must be approved by the City building inspector prior to any placement.

Visibility. Ornamental type fences shall be of such material and construction so as not to impair visibility in any direction. The building inspector and/or the Chief of Police shall have the authority to determine compliance with this section and may request removal or changes in any fence erected under the above requirements to meet public safety.

- b. Privacy type. A completely obscuring fence or sight proof barrier constructed of brick, stone, masonry units or wood products that are determined by the building inspector to be durable and weather resistant.
  - c. Standard type. A chain link and/or cyclone style fence or other style as approved by the City building inspector prior to any placement.
- (e) Location and special requirements.
- (1) All fences must be located entirely on the private property of the person constructing the fence; provided that, if the adjoining property owner consents in writing to the construction of a fence on this property line, it may be so constructed. Such written consent shall be filed with the application for a permit.
  - (2) Gates. Gates in fences shall not open over public property or over private property owned by other persons.
  - (3) Visibility at intersections of driveways or alleys with streets. No fence, wall or screen, whether structural or botanical, may obstruct vision within 25 feet in any direction of the intersection of the edge of a driveway or alley with street right-of-way line.
  - (4) Sidewalks and rights-of-way: No fence shall be located nearer than 24 inches to the inside line of any sidewalk or street/alley rights-of-way.
- (f) Maintenance of nuisance. Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The building department shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe, or require the unsafe fence or any portion thereof to be removed, and shall provide a time limit for such repairs, modification or removal.
- (g) Existing fences.
- (1) Fences presently in existence shall not be enlarged, rebuilt or reconstructed without first having obtained a permit therefore from the building department. Such fences, when repaired or replaced, shall conform with all provisions of this chapter.
  - (2) Any newly rezoned property or changes in use shall comply with all fence requirements.
  - (3) Existing fences may be ordered removed or altered if deemed by the Chief of Police or building inspector to impede visibility.

**§ 86-354. Trash storage areas. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) In all C-1, C-2, C-3 and I districts, there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The

requirement for such a trash storage area may be waived by the Planning Commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.

- (b) In no instance shall any such refuse be visible above the required screening.
- (c) A screen wall, in accordance with § 86-352, of six feet in height, shall enclose three sides of the storage area. Bollards or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
- (d) Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
- (e) All trash storage areas and enclosures shall be located a minimum of 10 feet from any building or structure.

**§ 86-355. Exterior lighting. [Amended 6-6-1994 by Ord. No. 94-06; 9-16-2002 by Ord. No. 02-12]**

- (a) All outdoor lighting in all use districts other than residential districts shall be shielded so the surface of the source of the light shall not be visible from all adjacent residential districts, adjacent residences and public rights-of-way.
- (b) Illumination guidelines shall be in accordance with the following standards:
  - (1) Street illumination.
    - a. Street illumination standards are as follows:

Street Hierarchy	Nonresidential		Residential	
	Lux	Footcandles	Lux	Footcandles
Major	12	1.2	6	0.6
Collector	8	0.8	4	0.4
Local	6	0.6	3	0.3

- b. For purposes of this subsection:
  - 1. Major street means the part of the roadway system that serves as the principal network for through traffic flow. The routes connect areas of principal traffic generation and important rural highways entering the City.
  - 2. (Reserved)
  - 3. Local street means roadways used primarily for direct access to residential, commercial, industrial or other abutting property. They do not include roadways carrying through traffic. Long local



roadways will generally be divided into short sections by collector roadway systems.

(2) Parking illumination.

a. Parking illumination standards are as follows:

Level of Activity	Vehicular Use Area Only		General Parking and Pedestrian Safety	
	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2
Medium activity	11	1.0	6	0.6
High activity	22	2.0	10	0.9

b. For purposes of this subsection:

1. Examples of high activity include major-league athletic events, major cultural or civic events, regional shopping centers and fast food facilities.
2. Examples of medium activity include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events, and residential complex parking.
3. Examples of low activity include neighborhood shopping, industrial employee parking, educational facility parking and church parking.

(c) Illumination shall not be of a flashing, moving or intermittent type other than used in connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature or stock averages.

(d) All illumination shall be constant in intensity and color at all times when in use.

**§ 86-356. Noise. [Amended 6-6-1994 by Ord. No. 94-06]**

(a) No operation or activity shall be carried out in any district which causes or creates measurable noise levels exceeding the maximum sound pressure levels prescribed in this subsection, as measured on or beyond the boundary lines of the parcel on which the use is situated.

**Maximum Permitted Sound Pressure Levels in Decibels**

**PR-1**

**Octave Band**

**(cycles per second)**

(hz)	Day	Night
0 to 74	76	70
75 to 149	70	62

**Maximum Permitted Sound Pressure Levels in Decibels  
PR-1**

<b>Octave Band (cycles per second)</b>	<b>Day</b>	<b>Night</b>
<b>(hz)</b>		
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	38	33
4,800 and above	36	31

**Maximum Permitted Sound Pressure Levels in Decibels  
(Post-1960 Preferred Frequencies)  
PR-1**

<b>Center Frequency (cycles per second)</b>	<b>Day</b>	<b>Night</b>
<b>(hz)</b>		
31.5	77	72
63	73	68
125	67	62
250	62	57
500	55	50
1,000	51	46
2,000	44	39
4,000	37	32
8,000	33	28

- (b) Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer, and the measurements so obtained may be permitted to exceed the maximum levels provided in the tables shown by no more than 10 decibels. For purposes of this chapter, impact noises shall be considered to be noises generated by sources that do not operate more than one minute in any one-hour period.
- (c) Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noise.

- (d) Sounds of an intermittent nature, or characterized by high frequencies, which the building inspector deems to be objectionable to adjacent land uses, shall be controlled so as not to generate a nuisance to adjacent land uses, even if the decibel measurement does not exceed that specified in the tables in this section.
- (e) Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

**§ 86-357. Satellite dish antennas. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) A ground-mounted satellite antenna shall be located only in the rear yard and shall be subject to the accessory structures setback requirements of the zoning district in which it is located, as measured at the property line to the nearest edge of the dish.
- (b) Not more than one satellite antenna shall be allowed on any single residential lot of record.
- (c) Any satellite dish antenna shall be installed and maintained with a screen that shall not interfere with the reception but will obscure the view from adjacent lots or streets.
- (d) No satellite dish antenna shall exceed 12 feet in diameter.
- (e) A roof mount location may be considered as an alternative to a ground mount for nonresidential structures. The maximum height of a roof-mounted satellite antenna shall be not greater than 15 feet, including its base, nor shall the building and antenna exceed the maximum height permitted for a structure in its respective zoning district.
- (f) The satellite antenna and structural support shall be of noncombustible and corrosion-resistant material.
- (g) All satellite antennas shall be grounded as required by the applicable building codes to alleviate electrical potential differences between exposed "dead" metal parts of the antenna and the AC electrical system of the premises.
- (h) Each satellite antenna shall be designed to withstand a wind force of 75 miles per hour without the use of any supporting guy wires.
- (i) Wiring between a satellite dish and the receiver shall be placed at least 18 inches beneath the surface of the ground with a cable approved for direct burial.
- (j) Any driving motor shall be limited to one-hundred-volt maximum power design and be encased in protective guards. Any motor with operating voltage of more than fifty-volt AC nominal shall comply with article 430 of the National Electrical Code, as amended.
- (k) A satellite antenna shall be permanently mounted. A satellite antenna may only be on wheels or temporarily installed when used to demonstrate or test the feasibility of use, for no more than two weeks.
- (l) No satellite dish antenna permanently mounted shall be used for or contain a commercial or residential advertisement, except signs indicating the manufacturer,

sales or servicing agent, the total of which shall not exceed 20 square inches.

**§ 86-358. Private swimming pools. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Permit. For permanent aboveground or belowground swimming pools, and for portable pools with a diameter exceeding 12 feet or an area exceeding 100 square feet, a building permit must be obtained for the pool's alteration, erection and construction. Before a permit is issued, an application shall be approved by the enforcing official (the building inspector or his authorized representative). An application is not required for a wading pool. An application for a permit should provide the following information: name of the owner, and a plot plan specifying dimensions and site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities and easements. The application for a belowground pool must include plans and specifications, to scale, of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout.
- (b) Setbacks. Rear and side lot line setbacks shall not be less than 10 feet between the pool outside wall and the side or rear property line, and not less than 10 feet between pool wall and any building on the lot.
- (c) Separation from electrical wires and other wires. With regard to overhead electrical or telephone wires, a distance of not less than 10 feet horizontally from the water's edge shall be enforced. Under no circumstances shall wire of any kind cross over the water surface.
- (d) Separation from water wells. A swimming pool shall not be located less than 25 feet horizontally from any semipublic water well, unless a shorter distance is approved by the county health department.
- (e) Separation from sewage disposal facilities. A distance of at least three feet horizontally must be maintained from a permanent pool to any sewer. There shall be 10 feet horizontally to a septic tank and tile field or other treatment facility, provided the water level in the pool is one foot or more above the ground surface elevation of such treatment facility.
- (f) Separation from pipes and conduits. A distance of three feet shall be provided from any portion of the pool to any underground water, electrical, telephone, gas or other pipes and conduits, except for parts of the swimming pool system.
- (g) Fence. No yard containing a swimming pool or wading pool shall be constructed or maintained unless such swimming pool is entirely enclosed by a building, wall or fence. The minimum height of all parts of the fence or wall, including gates, shall be four feet, and the fence or wall shall be not more than six feet in height, measured from grade. The fence shall be designed and constructed so as to make the pool inaccessible to children by climbing or entering through the fence openings. The fence must be no closer than 10 feet to the water's edge. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamperproof lock when the pool is not in use.
- (h) Location. A private swimming pool shall be located only in the rear yard.

**§ 86-359. Outdoor storage within the C-1, C-2 and C-3 Districts. [Added 2-19-2013 by Ord. No. 13-02]**

- (a) Permanent outdoor storage. The outdoor storage of surplus merchandise intended for outdoor usage. Within this definition, permanent has the meaning of merchandise that is being stored on said site beyond regular business hours and/or overnight. At no time shall any permanent outdoor storage be located within any public right of way. This definition also includes any products that are deemed by the Planning Commission and/or City building official or their designee to be excess inventory to products located within the permanent outdoor display area as defined below. This definition also includes any products in shipping containers, shipping boxes, or in crates as long as such containers, shipping boxes, or crates are appropriately packaged or weatherproofed as to cause no unnecessary waste or debris within the permanent outdoor storage area. At no time shall permanent outdoor storage be permitted in or on trailers. All permanent outdoor storage is subject to a site plan review by the Planning Commission in accordance with Subsection (e) of this section.
- (b) Permanent outdoor display. The outdoor display of merchandise actively available for rent or sale intended for outdoor usage. Within this definition, permanent has the meaning of product(s) that is being stored on said site beyond regular business hours and/or overnight. At no time shall any permanent outdoor display be located within any public right of way except as defined under Subsection (d) of this section pertaining to temporary outdoor displays. This definition does not include storage of merchandise in shipping boxes, crates, or other shipping containers as defined in Subsection (a) above. At no time shall permanent outdoor storage be permitted in or on trailers. All permanent outdoor display is subject to a site plan review and approval by the Planning Commission in accordance with Subsection (e) of this section.
- (c) Temporary outdoor display. The outdoor display of merchandise actively available for rent or sale within the principle business facility and such merchandise is being displayed outdoors only during regular business hours. Such merchandise must be taken indoors daily at the end of business hours. At no time shall any temporary outdoor display be located within any public right of way except as defined under Subsection (d) of this section pertaining to temporary outdoor displays allowed within the C-1 district on lots with zero front yard setbacks. This definition does not include products in shipping boxes, crates, or other shipping containers. All temporary outdoor display 200 square feet and over in total combined area is subject to a site plan review and approval by the Planning Commission in accordance with Subsection (e) of this section. Temporary outdoor displays less than 200 square feet in total combined area are subject to permit approval by the building official in accordance with Subsection (e) of this section.
- (d) Temporary outdoor sidewalk displays within the C-1 district. Businesses located within the C-1 district that have zero front yard setbacks are permitted to use the City sidewalk directly in front of their establishment for display and sale purposes upon obtaining approval and on any forms required by the City building official or their designee. Such displays are limited to a maximum of four times a year with seven contiguous days each occurrence and may not exceed 20 square feet of total display area unless approved by the Planning Commission. A minimum of two

weeks must occur between each of the four occurrences. Any displays allowed in conjunction with events sponsored by the City or Downtown Development Authority is exempt.

- (e) Standards for Planning Commission or City building inspector approval. In the process of approval or denial of outdoor storage or display by the Planning Commission and/or the City building official, a drawing shall be submitted showing the date, owner and applicant name(s), property address, and applicant phone number, dimensions of all lot and property lines showing the location and type of outdoor storage or display in relationship to the existing buildings, any and all parking requirements of the subject business, and any other requirements that may be deemed necessary by the Planning Commission or the City building official.

Upon submission for approval, the Planning Commission or building official shall consider the following and take action either in the form of an approval, approval with conditions, or disapproval:

- (1) Safety and convenience of both vehicular and pedestrian traffic within the site in relationship to the outdoor storage and/or display.
  - (2) Ensure that outdoor storage/display does not impede required parking, pedestrian walkways and required disabled access.
  - (3) Ensure that satisfactory and harmonious relationships exist between the outdoor storage/display and the existing and prospective development of contiguous land and adjacent neighborhoods.
  - (4) The Planning Commission or City building official, upon review, may require landscaping, fences, and walls in pursuance of these objectives, and such landscaping, fences, and walls shall be maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
  - (5) Ensure that accessibility is afforded to emergency vehicles.
  - (6) The Planning Commission or City building official, upon review, may set any additional requirements they feel necessary to carry out the full intent of this section.
  - (7) The City building official may approve changes to outdoor storage/displays that were previously approved by the Planning Commission or City building official as long as the meaning and intent of this section is adhered to and the proposed changes do not increase the existing approved storage/display size.
- (f) Outdoor storage and/or display creating a nuisance. At no time shall any outdoor storage or display be permitted to accumulate on any property to an excessive amount that is deemed unreasonable by the City building official or City Manager. In the event this occurs, the City Manager and/or City building official may revoke any and all outdoor storage and/or display privileges. If the property owner or lessee is in disagreement of the claim, they may appeal their case to the Corunna City Council if done so within 15 days from the original notification of the alleged offense.

- (g) Special event outdoor sales and display. The City Council, Downtown Development Authority (within the boundaries of the DDA), and the Parks and Recreation Commission (on land zoned as recreational/conservation) may, by resolution, designate certain dates and locations as special events with temporary outdoor sales and display areas. Said resolution shall include any conditions and standards to be in force for outdoor sales and displays.
- (h) Outdoor vending machine(s). An outdoor vending machine is defined as any self-contained or connected appliance, machine, and/or storage container located outside a structure that dispenses or provides storage of a product or service. Outdoor vending includes, but is not limited to, movie vending, ice machines, soda machines, and propane displays.

The following standards apply to outdoor vending machines:

- (1) Outdoor vending machines shall be permitted as an accessory use in the C-1, C-2, and C-3, districts.
- (2) Outdoor vending machines shall be placed against the facade of the principal structure.
- (3) Outdoor vending machines shall be placed on an impervious surface such as concrete or asphalt.
- (4) The linear width of all outdoor vending machines for a single occupant building or tenant shall not exceed 10% of the total facade width of a single occupant building or tenant space for a multi-tenant building with a maximum of 30 linear feet allowed.
- (5) No tobacco product vending machine is allowed on the outside of the premises.
- (6) No vending machine shall display, expose, produce, or emit any printed matter, advertising, writing other matter that is obscene, indecent, pornographic, or contrary to good morals.
- (7) No vending machine shall be placed in a location so as to impede pedestrian access, block parking areas, or create an unsafe condition.
- (8) All vending machines must be maintained and in operable condition.
- (9) No inoperable or non-utilized vending machine shall be allowed to remain outdoors on the premises longer than 60 days.

**§ 86-360. Temporary structures allowed. [Added 7-20-2015 by Ord. No. 2015-04]**

- (a) Temporary outdoor sales located on private property, such as tent sales, fireworks, Christmas tree lots, etc., shall be permitted in commercially zoned districts subject to administrative site plan review and approval by planning department staff with a maximum allowance of 14 consecutive days per occurrence and no more than three occurrences per calendar year. The planning department and or City Manager may extend the 14 days in the instance of seasonal sales, but at no time shall the maximum time allowed per occurrence exceed 45 days. Such temporary retail sales

shall also be subject to any fee or license requirements under § 86-1 of the City of Corunna Code book.

- (b) Temporary outdoor sales allowed under the rules and regulations of Chapter 34, Article V, Garage Sales, utilizing a tent or canopy are exempt from zoning and licensing requirements.
- (c) Seasonable/portable gazebos that are generally clad with some form of fabric or vinyl are exempt from zoning and licensing requirements; however, they must be kept in good conditions at all times and the coverings shall be part of the original structure or a replacement to the original structure. No makeshift coverings are allowed unless they meet appearance standards similar to the original manufacture of the structure and have approval from the building official or his or her designee. At no time shall these structures be totally enclosed in an attempt to utilize the structure for storage for anything other than their intended use such as lawn furniture, garden decor. In the event the building official believes this has occurred, he may deem the structure as permanent and said structure must adhere to all building, zoning, and licensing requirements.

**§ 86-361. through § 86-390. (Reserved)**



ARTICLE XIII  
**Review and Approval Procedures**

**§ 86-391. Site plans. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Applicability. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in a zoning district, subject to the conditions listed in this subsection, a site plan shall be submitted and approved, approved with conditions, or disapproved by the City Planning Commission in accordance with the requirements of this article.
- (1) Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for single-family detached and two-family dwellings and their accessory uses) and all conditional approval uses in all zoning districts.
  - (2) When the proposed new construction or remodeling constitutes an addition to an existing building or use, site plan review procedures may be modified, at the discretion of the building inspector, to provide for an administrative review by the building inspector in lieu of a more formal review by the City Planning Commission. The building inspector may conduct an administrative review provided both of the following are true:
    - a. No variances to this chapter are required.
    - b. The proposed new construction would not increase the total square footage of the building by more than 25% or 1,000 square feet, whichever is less.
  - (3) For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the building inspector, to provide for an administrative review by the building inspector in lieu of a more formal review by the City Planning Commission. The building inspector may conduct an administrative review provided all of the following are true:
    - a. Such use is conducted within a completely enclosed building.
    - b. Reoccupancy does not create additional parking demand beyond 25% of that which exists.
    - c. Reoccupancy does not substantially alter the character of the site.
  - (4) Every site plan submitted for review shall be in accordance with the requirements of this chapter. Administrative review procedures are not intended to modify any ordinance, regulation or development standard.
- (b) Submission; copies. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this chapter. Twenty complete copies of all site plans shall be filed with the City Clerk, who shall place the request on the next Planning Commission agenda.
- (c) Information required.

- (1) The following information shall be included on the site plan:
- a. A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if three acres or more.
  - b. Date, north point and scale.
  - c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within 100 feet.
  - d. Legal description of the parcel.
  - e. Existing and proposed topography with contours at two-foot intervals, based on USGS datum, extending a minimum of 100 feet beyond the site boundaries.
  - f. An inventory of existing vegetation on the site and an indication of any alterations.
  - g. The location and nature of any streams, drains, swamps, marshes or unstable soils.
  - h. An indication of basic drainage patterns, existing and proposed, including any structures, retention basins and fencing which are proposed. The applicant shall contact the municipality and municipal engineer to determine the adequacy of utility and stormwater proposals, slope and sod erosion requirements to determine if any such requirements will adversely affect the site plan.
  - i. A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc., for computation of parking needs.
  - j. A detailed planting plan and schedule of plant materials and sizes.
  - k. Cross section drawings of any walls, berms, etc.
  - l. The location and width of all existing and proposed sidewalks on or bordering the subject site. Where the subject site borders a public right-of-way, a concrete sidewalk five feet in width shall be provided within the public right-of-way one foot from the subject site's property line. If a sidewalk in good condition exists within the public right-of-way, this requirement may be waived by the building inspector.
  - m. The location of all existing and proposed structures of the subject property and all existing structures within 100 feet of the subject property. The setbacks to all existing and proposed structures to be retained or constructed on the site shall be indicated; this includes buildings, signs, trash storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
  - n. The location of all existing and proposed drives and parking areas.
  - o. The location and right-of-way widths of all abutting streets and alleys.

- p. The names, addresses and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
  - q. The names, addresses and telephone numbers of the developers.
- (2) In addition to the information required by Subsection (1) of this subsection, the applicant shall submit a supplementary explanation as to the specific types of activities proposed. Such information shall include but not be limited to the following:
- a. Estimated number of employees, resident shoppers, etc.
  - b. Hours of operation.
  - c. Any changes anticipated in terms of dust, odor, smoke, fumes, noise, lights, etc.
  - d. Modifications to vegetative cover, drainage patterns, earthwork and problem areas.
  - e. Any ancillary improvements that the applicant proposes to remedy or prevent problems created by the development.
  - f. Estimated costs of proposed landscaping berms, walls, acceleration/ deceleration lanes or bypass lanes or any other required site improvement not covered in the building permit cost estimates.
- (d) Contents of site plan file. The site plan, and all supplementary data, together with minutes of any meeting and hearings related to the proposed site plan, shall become part of the official site plan file.
- (e) Standards for approval. In the process of reviewing the site plan, the Planning Commission shall consider:
- (1) Specific development requirements set forth in this chapter.
  - (2) The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
  - (3) The traffic circulation features within the site and location of automobile parking areas, and may make such requirements with respect to any matters as will ensure:
    - a. Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
    - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
    - c. Accessibility afforded to emergency vehicles.
  - (4) The arrangement of use areas on the site in relation to functional, efficient and

compatible arrangements within the site and also in relation to adjacent uses.

- (5) The Planning Commission may further require landscaping, fences and walls in pursuance of these objectives, and such landscaping, fences and walls shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
  - (6) In those instances wherein the Planning Commission finds that an excessive number of ingress or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money be placed in escrow with the municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the Clerk.
  - (7) The cost estimates, as required in this section, shall be reviewed by the appropriate municipal official (i.e., building inspector, engineer or planner) for their compliance with current cost estimates. These reviews and recommendations shall be forwarded to the Planning Commission for inclusion in any approved site plan.
  - (8) The Planning Commission may waive site plan information for topography, vegetation, problem soils, landscaping, employment data, environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development.
  - (9) The Planning Commission, or building inspector as part of administrative review procedures, shall seek input from local public safety officials as part of the site plan review process, prior to approving, disapproving, or approving with conditions the site plan.
- (f) Action by Planning Commission. The Planning Commission, upon reviewing a site plan, shall take one of the following actions:
- (1) Approval. If the site plan meets all the requirements of this chapter and related development requirements and standards, the Planning Commission shall record such approval and the chairman shall sign three copies of the site plan, filing one in the official site plan file, forwarding one to the building inspector, and returning one to the applicant.
  - (2) Disapproval. If the site plan does not meet the requirements of this chapter and related development requirements and standards, the Planning Commission shall record the reasons for denial. The applicant may subsequently refile a corrected site plan under the same procedures followed for the initial submission.
  - (3) Conditional approval. If minor corrections to the site are necessary, which can be clearly noted, then the Planning Commission shall so note such conditions and the chairman shall sign three site plans as conditionally approved and

stating the necessary conditions. One copy shall be retained in the official site plan file, one forwarded to the building inspector, and one returned to the applicant.

- (4) Tabling. If the site plan is found to be in violation of the requirements or incomplete with respect to necessary information, the Planning Commission may table action on the site plan until ordinance compliance is shown or required additional information is provided.
- (g) Performance guarantees. To ensure compliance with this chapter and any condition imposed thereunder, the Planning Commission may require that cash, a certified check, an irrevocable bank letter of credit, or a surety bond acceptable to the City, covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the City to ensure faithful completion of the improvements, which shall also be subject to the following:
  - (1) The performance guarantee shall be deposited prior to the issuance of a temporary certificate of occupancy. The City shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Any partial release of funds shall be less than 10% which shall be retained by the municipality until all work has been completed and subsequently inspected and approved by the building inspector. This does not relieve the applicant from satisfying all applicable maintenance warranties and guarantees necessary to ensure the proper functioning of the public improvements.
  - (2) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of Michigan of 1967 (MCL 560.101 et seq., MSA 26.430(101) et seq.), as amended (the state Subdivision Control Act).
  - (3) As used in this section, the term "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping and surface drainage. Improvements do not include the entire project which is the subject of zoning approval.
- (h) Completion of improvements. An approved site plan shall remain valid for a period of one year from the date of approval. If all improvements are not installed, then any such remaining improvements shall be completed no later than July 1 of the following construction season, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two successive twelve-month extensions.

**§ 86-392. Condominium developments. [Amended 6-6-1994 by Ord. No. 94-06; 9-16-2002 by Ord. No. 02-12]**

The following regulations shall apply to all condominium developments within the City:

- (1) Initial information. Concurrently with notice required to be given the City pursuant to § 71 of Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended (the Condominium Act), a person intending to develop a condominium development shall provide the following information:
  - a. The name, address and telephone number of:
    1. All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located, together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
    2. All engineers, attorneys, architects or registered land surveyors associated with the project.
    3. The developer or proprietor of the condominium development.
  - b. The legal description of the land on which the condominium development will be developed, together with appropriate tax identification numbers.
  - c. The acreage content of the land on which the condominium development will be developed.
  - d. The purpose of the development (for example, residential, commercial, industrial, etc.).
  - e. The approximate number of condominium units to be developed on the subject parcel.
  - f. Whether or not a community water system is contemplated.
  - g. Whether or not a community septic system is contemplated.
- (2) Information to be kept current. The information shall be furnished to the building inspector and shall be kept updated until such time as a certificate of occupancy has been issued pursuant to § 86-495.
- (3) Site plans for new projects. Prior to recording of the master deed required by § 72 of Act No. 59 of the Public Acts of Michigan of 1978 (MCL 559.101 et seq., MSA 26.50(101) et seq.), as amended, the condominium development shall undergo site plan review and approval pursuant to § 86-391. In addition, the City shall require appropriate engineering plans and inspections prior to the issuance of any certifications of occupancy.
- (4) Site plans for expandable or convertible projects. Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to § 86-391.
- (5) Master deed, restrictive covenants and as-built survey. The condominium

development developer or proprietor shall furnish the building inspector with the following: one copy of the recorded master deed, one copy of all restrictive covenants and two copies of an as-built survey. The as-built survey shall be reviewed by the City engineer for compliance with local ordinances. Fees for this review shall be established by resolution of the City Council.

- (6) Monuments and markers. All condominium developments which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided in this subsection.
- a. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
  - b. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; 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; and at all angles of an intermediate traverse line. 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 development if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
  - c. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby, and the precise location thereof shall be clearly indicated on the plans and referenced to the true point.
  - d. If a point required to be monumented is on a bedrock outcropping, a steel rod at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
  - e. All required monuments shall be placed flush with the ground where practicable.
  - f. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipe at least 18 inches long and one-half inch in diameter, or other approved markers.
  - g. The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the City cash or a certified check, or irrevocable bank letter of credit to the City, whichever the proprietor selects, in an amount to be established by the Council by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- (7) Compliance with applicable laws. All condominium developments shall comply with federal and state statutes and local ordinances.
- (8) Occupancy prior to completion of improvements. The building inspector may allow occupancy of the condominium development before all improvements required by this chapter are installed provided that cash, a certified check or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the City.
- (9) Single-family detached condominiums.
  - a. General requirements. Single-family detached condominium projects shall be subject to all requirements and standards of the applicable R-A one-family residential districts.
  - b. Design standards. The design of a single-family detached condominium project shall be subject to the following design, layout and engineering standards, except as may otherwise be provided by this chapter:
    1. Location, arrangement and design of streets.
      - i. The street layout shall provide for the continuation of streets in the adjoining subdivisions or of the proper projection of streets when adjoining property is not subdivided, or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
      - ii. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
      - iii. Should a proposed development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
      - iv. Should a proposed development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land, such as for parks, in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
      - v. The minimum street grade shall not be less than 0.5%. The maximum street grade shall be 5.0%, except that the Planning Commission may modify this standard on the recommendation of the City engineer.
      - vi. Streets shall be laid out so as to intersect as nearly as possible at 90°.



- vii. Street jogs with centerline offsets of less than 125 feet shall be avoided.
- viii. Sight distances on horizontal or vertical curves and at intersecting roads shall be a minimum of 200 feet. Sight distance for intersecting streets shall be measured 10 feet from the edge of the traveled portion of the road and from an eye height of 3.5 feet to an object height of 3.5 feet.
- ix. Construction standards shall conform to at least the following minimum requirements:

<b>Street Type</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>
All types of streets	60 feet	24 feet
Cul-de-sac	60-foot radius	45-foot radius

- x. The maximum length for residential cul-de-sac streets shall generally be 500 feet; however, the Planning Commission may approve a distance of up to 1,000 feet.
  - xi. All pavements shall be asphalt or concrete pavement with concrete curb and gutter on each side in accordance with the standards prescribed by the City engineer.
2. Blocks.
    - i. Maximum length for blocks shall not exceed 1,300 feet, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
    - ii. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.
  3. Natural features. The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor, and the dedication and provision of adequate barriers, where appropriate, shall be required.
  4. Walkways. Walkways shall be installed in all single-family detached condominium developments. Such walkways shall be a minimum of five feet in width and shall be constructed of concrete four inches thick. In addition, walkways shall be located on both sides of all interior roadways and so located as to provide access to all general common areas. Upon review of the site plan, the Planning Commission may approve alternative locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.
  5. Utilities.

- i. An adequate storm drainage system, including necessary storm sewers, catchbasins, manholes, culverts, bridges and other appurtenances, shall be required in all developments.
  - ii. A public sanitary sewer system shall be required.
  - iii. A public water supply system shall be required.
  - iv. The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the City engineer and the approval of the Planning Commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.
- (10) Final documents to be provided. After submittal of the condominium plan and bylaws as part of the master deed, the proprietor shall furnish to the City a copy of the site plan on a mylar sheet of at least 13 by 16 inches with an image not to exceed 10 1/2 by 14 inches.

**§ 86-393. Special condition uses. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Applicability.
  - (1) The uses identified as special condition uses are recognized as possessing characteristics of such unique and special nature, relative to location, design, size, public utilities needs and other similar characteristics, as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
  - (2) The Planning Commission, as provided in this section, shall have the authority to approve conditional use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the City may require for any special condition use included in the various provisions of this chapter.
- (b) Data required; application; fee.
  - (1) Application for any conditional use permit as provided under the provisions of this chapter shall be made to the building inspector by filing an official special condition use permit application form; submitting required data, exhibits and information; and depositing the required fee as established by resolution of the

City Council, as amended from time to time. No portion of such fee shall be reimbursable to the applicant.

- (2) An application for a conditional use permit shall contain the following:
  - a. The applicant's name, address and telephone number.
  - b. The address and tax description number of the subject parcel.
  - c. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
  - d. A certified survey drawing of the subject parcel.
  - e. A complete site plan containing all of the applicable data outlined in § 86-391, pertaining to review and approval of site plans.
  - f. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Subsection (d) of this section.
- (c) Public hearing requirements. Upon receipt of an application for a use requiring conditional approval, the Planning Commission shall hold a public hearing, one notice of which shall be published not less than five and not more than 15 days prior to the public hearing date in a newspaper of general circulation in the City and sent by first class mail to the owners of the property for which special condition approval is being considered, and to the owners of record of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question. The notice shall:
  - (1) Describe the nature of the special condition use request.
  - (2) Adequately describe the property in question.
  - (3) State the date, time and place of the public hearing.
  - (4) Indicate when and where written comments concerning the request will be received.
- (d) Standards for approval.
  - (1) The Planning Commission shall review the particular circumstances and facts applicable to each proposed special condition use in terms of the following standards and requirements, and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
    - a. The use will be harmonious with and in accordance with the general objective of the future land use plan.
    - b. The use will be designed, constructed, operated and maintained in harmony with the existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
    - c. The use will not be hazardous or detrimental to existing or future

neighboring uses.

- d. The use will represent a general benefit to the community as a whole.
  - e. The use will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal; or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  - f. The use will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
  - g. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
  - h. The use will be consistent with the intent and purposes of this chapter.
- (2) If the facts regarding the special condition use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this chapter will be met by the proposed use, the Planning Commission shall not approve the special condition use application. In recommending approval of a special condition use permit, the Planning Commission shall impose such reasonable conditions of use as it deems necessary to protect the best interests of the City and the general vicinity, to achieve the objectives of this chapter and to ensure that the general public health, safety and welfare will not be infringed upon. The Planning Commission may deny, approve, or approve with conditions a request for special condition use approval. The decision on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions recommended.
  - (3) The conditional use review and site plan review may occur concurrently at the discretion of the Planning Commission.

ARTICLE XIII  
**Planned Unit Development (PUD)**  
**[Added 6-18-2018 by Ord. No. 18-01]**

**§ 86-394. Intent.**

The purpose of this district is to permit flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout and type of structures constructed; to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; to encourage provision of usable open space and protection of natural features; to provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the city; and to encourage the use, reuse and improvement of existing sites and buildings which will be developed in a compatible way with surrounding uses but where the uniform regulations contained in other zoning districts do not provide adequate protections and safeguards for the site or surrounding area. The district is intended to accommodate developments with one or more land uses, sites with unusual topography or unique settings within the community or sites that exhibit difficult or costly development problems or any combination of these factors. This zoning district shall not be allowed where this zoning classification is sought primarily to avoid the imposition of standards and requirements of other zoning classifications or other city regulations rather than to achieve the stated purposes above.

**§ 86-395. Permitted principal uses.**

All permitted principal uses by right or by special use permit in any district as identified in Article II shall be permitted in the PUD district.

**§ 86-396. Standards for approval.**

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed planned unit development.

- (a) Off-street parking shall be sufficient to meet the minimum required by the ordinances of the City. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax parking requirements during site plan review.
- (b) All streets within the planned unit development shall meet the minimum requirements of the City Subdivision Control Ordinance and/or all municipal standards, unless modified by the Planning Commission.
- (c) Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. However, if it is deemed necessary in order to achieve the purposes of this article, the Planning Commission may relax landscaping requirements as part of site plan review.
- (d) Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.

- (e) The proposed density of the planned unit development shall be no greater than that which would be required for each of the component uses of the development in the zoning district in which it is permitted. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission and City Council may permit increased density as long as the intent of § 86-286 is complied with.
- (f) The following regulations concerning traffic and accessory conditions shall be followed:
  - (1) Safe, convenient, and well-defined vehicular and pedestrian circulation within and to the zoning district shall be provided.
  - (2) Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
  - (3) No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

**§ 86-397. Approval procedure.**

- (a) The PUD zoning approval shall follow procedural requirements of Article XVII of the City Code for amending the zoning map or ordinance. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan as described in § 86-288 to determine its suitability for inclusion in the land use and zoning plans of the City of Corunna and adoption by City Council as part of the ordinance.
- (b) The Planning Commission shall then submit the proposed amendatory ordinance to the City Council together with their recommendation and a summary of comments received at the public hearing.
- (c) The City Council shall hold a public hearing meeting subject to ordinance amendments and regulations under Chapter V of the City Charter. Following that public hearing, it may amend or place additional conditions on the zoning ordinance amendment. Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced.
- (d) PUD site plan approval procedure may commence only after the acceptance by the City Council of the conceptual PUD development plan and the rezoning of the property as required.
- (e) PUD site plan approval process shall follow the procedures for site plan approval under Article XIII, § 86-391 of the code book.

**§ 86-398. Conceptual PUD development plan requirements**

- (a) The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
- (b) The PUD conceptual plan shall indicate the entire contiguous holding of the

petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual problems of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required by ordinance or regulation.

- (c) The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of individual units and total open space. The plan shall:
  - (1) Define the location of the areas to be devoted to particular uses.
  - (2) State the acreage to be devoted to the particular uses.
  - (3) Set forth the proposed density of the dwelling units by use type and of the entire project.
  - (4) Show the location of parks, open recreation areas, other open space and all public and community use.
- (d) The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City of Corunna; market needs; impact on public schools, utilities, impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.
- (e) Any additional graphics or written materials reasonably requested by the Planning Commission or City Council to assist the City in visualizing and understanding the proposal shall be submitted.
- (f) Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment as outlined in § 86-289.
- (g) Approval of the conceptual PUD plan shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed three years from date of approval. If so requested by the petitioner, an extension may be granted by the Planning Commission.

#### **§ 86-399. Site plan approval.**

Following approval of the conceptual plan by the Planning Commission, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform to the approved conceptual plan. The site plans shall be reviewed and approved by the Planning Commission following the procedures outlined in § 86-289.

#### **§ 86-400. Deviations from approved PUD site plan.**

Deviations from the approved plan may occur only under the following circumstances:

- (a) Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Council if the Building Official and/

or Zoning Administrator certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission and the City Council. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Building Official/Zoning Administrator's decision regarding the need for formal review by the Planning Commission and City Council may be appealed to the City Council.

**§ 86-401. through § 86-420. (Reserved)**



ARTICLE XIV  
**General Exceptions**

**§ 86-421. Applicability of article. [Amended 6-6-1994 by Ord. No. 94-06]**

The regulations in this chapter shall be subject to the interpretations and exceptions in this article.

**§ 86-422. Essential services. [Amended 6-6-1994 by Ord. No. 94-06]**

Essential services serving the City shall be permitted as authorized and regulated by law and ordinances of the municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the municipality shall receive the review and approval, after a public hearing, of the City Council acting in the capacity of appeal board. Such review shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and further shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.

**§ 86-423. Temporary use of property as voting place. [Amended 6-6-1994 by Ord. No. 94-06]**

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

**§ 86-424. Exceptions to height limits. [Amended 6-6-1994 by Ord. No. 94-06]**

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or television antennas for personal use; provided, however, that the City Council may specify a height limit for any such structure when such structure requires authorization as a conditional use.

**§ 86-425. Existing lots of record. [Amended 6-6-1994 by Ord. No. 94-06]**

Any lot existing and of record on June 10, 1994, may be used for any principal use permitted in the district which such lot is located, other than conditional uses for which special lot area requirements are specified in this chapter, whether or not such lot complies with the lot area and width requirements of this chapter. Such use may be made provided that all requirements other than lot area and width prescribed in this chapter are complied with and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit. (See also § 86-334, pertaining to nonconforming lots.)

**§ 86-426. Modification of yard regulations. [Amended 6-6-1994 by Ord. No. 94-06]**

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography or due to architectural or site arrangement, such regulations may be modified as determined by the Zoning Board of Appeals.

**§ 86-427. Porches projecting into front yard. [Amended 6-6-1994 by Ord. No. 94-06; 11-19-2007 by Ord. No. 07-03]**

An open, covered, glass or screened in porch, or paved terrace may project into a front yard a distance not to exceed 10 feet excluding the necessary uncovered stairs, landing, or ramp. In no case shall such porch or terrace be nearer than 10 feet from the edge of the street right-of-way.

**§ 86-428. Architectural features projecting into yards. [Amended 6-6-1994 by Ord. No. 94-06]**

Architectural features, not including vertical projections, may extend or project into a required side yard not more than three inches for each one foot of width of such side yard, and may extend or project into a required front yard or rear yard not more than three feet.

**§ 86-429. Access through yards. [Amended 6-6-1994 by Ord. No. 94-06]**

For the purpose of this chapter, access drives may be placed in the required front or side yard so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yard.

**§ 86-430. Canopies and awnings. [Amended 6-6-1994 by Ord. No. 94-06]**

Canopies and awnings offering partial protection from the weather, but not fully enclosed, and which extend into a public right-of-way or required yard, may be considered for approval subject to the following conditions:

- (1) Projection into public right-of-way. Canopies and awnings extending into a public right-of-way are subject to the following requirements:
  - a. Such approval shall only be granted by the City Council following Planning Commission recommendation.
  - b. Any such structure shall not extend closer than 24 inches to any vehicular parking space or moving vehicle lane.
  - c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
  - d. Any such structure shall not conflict with any existing or proposed landscape features, traffic control device, adjacent properties and signs, and pedestrian movements.
  - e. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval by the City Council.
  - f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

- g. The City, its officials and employees, and any of its representatives shall be guaranteed full protection against any liability or damages resulting from the construction and existence of any such structure. The nature of such protection and its continuous effect shall be subject to City Council determination.
- (2) Projection into required yard. Canopies and awnings extending into a required yard are subject to the following requirements:
- a. Such approval shall only be granted by the Planning Commission.
  - b. Any such structure shall not extend closer than the height of the structure to any property line adjacent to a residential district.
  - c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
  - d. Any such structure shall not conflict with any existing or potential development on adjacent property.
  - e. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval.
  - f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

**§ 86-431. Decks. [Amended 6-6-1994 by Ord. No. 94-06]**

A deck which is associated with a residential structure shall maintain a distance of at least 15 feet from the rear lot line and shall not occupy any required side yard or front yard area, and shall be subject to the following restrictions:

- (1) The portion of a deck which occupies the required rear yard shall not be above the elevation of the first floor of the residence.
- (2) No more than 25% of any deck shall be covered with structures such as a gazebo or a screened porch, and such structures shall be nonhabitable; provided that the portion of a deck which occupies the required rear yard shall not contain any such covered structures.
- (3) The portion of a deck which occupies the required rear yard shall not be converted into any enclosed habitable space.
- (4) A deck shall be subject to lot coverage limitations.

**§ 86-432. through § 86-460. (Reserved)**



ARTICLE XV  
Appeals

**§ 86-461. Intent of article. [Amended 6-6-1994 by Ord. No. 94-06]**

An appeals procedure is established in this article in order that the objectives of this chapter may be fully and equitably achieved, that a means shall be provided for competent interpretation of this chapter, that adequate but controlled flexibility be provided in the application of this chapter, that the health, safety and welfare of the public be secured, and that justice be done.

**§ 86-462. Zoning Board of Appeals established; membership; officers. [Amended 6-6-1994 by Ord. No. 94-06; 1-7-2002 by Ord. No. 02-07]**

The Zoning Board of Appeals heretofore established is continued.

- (1) The Board shall consist of five administrative officers appointed in accordance with Section 4.7 (administrative service) of the City Charter for indefinite terms serving at the pleasure of the Council, which shall perform its duties and exercise its powers as provided in Section 5 of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done.
- (2) The Zoning Board of Appeals shall annually elect its own chairman, vice-chairman and secretary. All meetings must have three members present to enact business.
- (3) All members of the Zoning Board of Appeals shall serve as such without compensation. The five-person board membership shall not include a City Councilperson or the mayor. The entire membership shall be comprised of residents of the City of Corunna.
- (4) Proposed minutes of the Zoning Board of Appeals meetings are to be submitted to the City Manager within 10 business days following the Zoning Board of Appeals meeting. Approved minutes are to be submitted to the City Manager within five days of approval.
- (5) Any board member absent two consecutive meetings or 25% of regular meetings in a calendar year, without prior written approval by the City Manager, will be considered for removal from the board. All absences shall be recorded in the meeting minutes.
- (6) Upon recommendation of the City Manager, the City Council may appoint one ex officio member to the board. The ex officio members so appointed by the City Council shall not have a vote at the meetings, but shall sit only in an advisory capacity.
- (7) All administrative officers shall be responsible to the City Manager in and for the performance of the duties of their office.

**§ 86-463. Meetings of Zoning Board of Appeals. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Calling of meetings. All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such times as such Board may determine.
- (b) Hearings to be public; records. All hearings conducted shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member in question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions in the office of the City Clerk, which shall be a public record.
- (c) Voting. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the full membership of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass under an ordinance, or to effect a variation in an ordinance.
- (d) Powers of Board. The Board of Zoning Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

**§ 86-464. Appeal procedure. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Filing of appeal. An appeal may be taken to the Zoning Board of Appeals by any person, or by any officer, department, board or bureau affected by a decision of the building inspector. Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the building inspector a notice of appeal, specifying the grounds thereof. The building inspector shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Zoning Board of Appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record.
- (b) Notice. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice of the appeal to the parties, and to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two- family dwellings within 300 feet, the notice to be delivered personally, or by mail, addressed to the respective owners and tenants at the address given in the last assessment roll. The Zoning Board of Appeals shall decide the appeal within a reasonable time. If the tenant's name is unknown, the term "occupant" may be used. Public notice of the time, date and place of the hearing shall also be given in the manner required by Act No. 267 of the Public Acts of Michigan of 1976 (MCL 15.261 et seq., MSA 4.1800(11) et seq.), and by insertion in a newspaper of general circulation in the City 15 days prior to the hearing date. Such notice shall contain the address, if available, and the location of the property for which the ruling of the Zoning Board of Appeals is sought, as well as a brief description of the nature of the appeal. Any person may

appear and testify at the hearing, either in person or by duly authorized agent or attorney.

- (c) Review by Planning Commission. No appeal shall be taken to the Zoning Board of Appeals from a decision of the Planning Commission in connection with an approved site plan unless such appeal has first been reviewed by the Planning Commission and a recommendation on the variance is provided by the Planning Commission.

**§ 86-465. Jurisdiction of Zoning Board of Appeals. [Amended 6-6-1994 by Ord. No. 94-06]**

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Zoning Board of Appeals shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done. Nothing contained in this section shall be construed to give or grant to the Zoning Board of Appeals the authority to make changes in this chapter or the zoning map acting under the authority of appeal board. The power and authority to rezone is reserved to the City Council in the manner provided by Section 4 of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended.

**§ 86-466. Powers and duties of Zoning Board of Appeals. [Amended 6-6-1994 by Ord. No. 94-06; 7-20-2015 by Ord. No. 2015-04]**

- (a) Generally. The Zoning Board of Appeals shall have the powers and duties specified in this section.
- (b) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the building inspector or any other administrative official in carrying out or enforcing any provisions of this chapter.
- (c) Interpretation. To hear and decide in accordance with the provisions of this chapter:
  - (1) Appeals for the interpretation of the provisions of this chapter.
  - (2) Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on such subject.
- (d) Variances. The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in this chapter. In reviewing a request for variance, the Zoning Board of Appeals shall ensure that the spirit and intent of this chapter is observed, public safety secured and substantial justice done.

To obtain a variance, the applicant must show practical difficulty, by demonstrating that:

- (1) Strict compliance with area, setbacks, frontage, height, bulk or density requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
- (2) A variance would do substantial justice to the applicant, as well as to other property owners in the district;
- (3) The plight of the owner is due to the unique circumstances of the property; and
- (4) The problem is in no way self-created.

**§ 86-467. Prohibited variances. [Amended 6-6-1994 by Ord. No. 94-06]**

A use variance shall not be permitted, except as described under § 86-467(e), pertaining to approval of temporary uses.

**§ 86-468. Attachment of conditions. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
  - (1) Be designed to protect natural resources, and the health, safety and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - (3) Be necessary to meet the intent and purpose of the zoning regulations, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- (b) The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

**§ 86-469. Fees. [Amended 6-6-1994 by Ord. No. 94-06]**

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeal proceedings. At the time an



application is filed, the fee shall be paid to the City Clerk.

**§ 86-470. Rehearing. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by this chapter may appeal to the circuit court.
- (b) The Zoning Board of Appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason which produced and supported it, and no vested rights have intervened.

**§ 86-471. through § 86-490. (Reserved)**



ARTICLE XVI  
**Administration and Enforcement**

**§ 86-491. Enforcement of chapter. [Amended 6-6-1994 by Ord. No. 94-06]**

The provisions of this chapter shall be administered and enforced by the building inspector or by such deputies of his department as the building inspector may delegate to enforce the provisions of this chapter.

**§ 86-492. Powers and duties of building inspector. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) The building inspector shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the building inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter.
- (b) The building inspector shall record all nonconforming uses existing on June 10, 1994, for the purpose of carrying out the provisions of § 86-334.
- (c) Under no circumstances is the building inspector permitted to make changes to this chapter or to vary the terms of this chapter in carrying out his duties as building inspector.
- (d) The building inspector shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant, despite violations of contracts such as covenants or private agreements which may occur upon the granting of the permit.

**§ 86-493. Plot plan. [Amended 6-6-1994 by Ord. No. 94-06]**

The building inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (1) The actual shape, location and dimensions of the lot.
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- (3) The setback of all existing and proposed buildings from the parcel lines.
- (4) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- (5) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

**§ 86-494. Permits. [Amended 6-6-1994 by Ord. No. 94-06]**

The following shall apply in the issuance of any permit under this chapter:

- (1) Permit not to be issued for unlawful building or use. No building permit or zoning permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.
- (2) Permits for new use of land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy and zoning permit is first obtained for the new or different use.
- (3) Permits for new use of buildings. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy and zoning permit is first obtained for the new or different use.
- (4) Permits required. No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. As used in this subsection, the terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affected or regulated by the City building code, housing law or this chapter, except for minor repairs or changes not involving any of such features.

**§ 86-495. Certificate of occupancy. [Amended 6-6-1994 by Ord. No. 94-06]**

No land or building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (1) Certificate not to be issued for unlawful building or use. No certificate of occupancy shall be issued for any building or structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
- (2) Certificate required. No building or structure, or part thereof, which is hereafter erected or altered, shall be occupied or used, or caused to be occupied or used, unless and until a certificate of occupancy shall have been issued for such building or structure.
- (3) Certificates issued under building code. Certificates of occupancy as required by the City building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- (4) Certificates for existing buildings. Certificates of occupancy shall be issued for existing buildings or structures, or parts thereof, or existing uses of land, if, after inspection, it is found that such buildings or structures, or parts thereof, or such uses of land, are in conformity with the provisions of this chapter.
- (5) Record. A record of all certificates issued shall be kept on file in the office of the building inspector, and copies shall be furnished upon request to any person having

a proprietary or tenancy interest in the property involved.

- (6) Certificates for dwelling accessory buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- (7) Application. Application for certificates of occupancy shall be made in writing to the building inspector on forms furnished by that department, and such certificates shall be issued within 10 days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land, is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal, and the cause thereof, within the ten-day period.

**§ 86-496. Final inspection. [Amended 6-6-1994 by Ord. No. 94-06]**

The holder of every building permit for the construction, erection, alteration, repair or moving of any building or structure, or part thereof, shall notify the building inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

**§ 86-497. Fees. [Amended 6-6-1994 by Ord. No. 94-06]**

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter may be collected by the building inspector in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.

**§ 86-498. through § 86-520. (Reserved)**



ARTICLE XVII  
Amendments

**§ 86-521. Procedure. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) Review by Planning Commission. All amendments to this chapter must be reviewed by the City Planning Commission. Amendments may take the form of a City Council proposal, staff-initiated recommendations or citizen petitions, for either zoning text or zoning district boundary changes. In any event, the Planning Commission shall hold a public hearing as provided in Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended. After the public hearing has been closed, the Planning Commission shall submit a report and recommendations to the City Council on the proposed change.
- (b) Notice of hearing. Whenever the Planning Commission holds a public hearing to consider a proposed change in the zoning district boundaries, a written notice of such time and place for a public hearing shall be mailed to the owners, at the address given in the last assessment rolls, of all lots or parcels of land lying within 300 feet of the boundaries or within lots in every direction of the area proposed to be rezoned, whichever is the greater area. Notices of the public hearing shall also be sent to each public utility company and each railroad owning or operating within the districts or zones affected. Such notices shall be delivered personally or by first class mail, at least 15 days prior to the date of the hearing.
- (c) Submission of request for amendment. A request for amendments to this chapter shall be submitted to the City Clerk on standard forms provided at least 15 days prior to the next regularly scheduled Planning Commission meeting. At the next regularly scheduled meeting, the Planning Commission shall set a date for a public hearing to receive public comment. The standard forms shall be completed in the manner prescribed, and such documents as required by this chapter shall be filed with the clerk. A fee schedule, as provided by resolution of the City Council, shall be levied against each petition to cover the cost of administering the application process and for advertising public hearings and other incidental costs relative to the petition. The City Clerk shall transmit the application to the Planning Commission.
- (d) Resubmission of request following denial. A zoning amendment application, once denied by City Council, shall not be resubmitted for recommendation or action within one year from date of denial.
- (e) Protests. Upon presentation of a protest petition, an amendment to this chapter which is the object of the petition shall be passed only by a two-thirds vote of the Council, unless a larger vote, but not to exceed three-fourths vote, is required by ordinance or the Charter. The protest petition shall be presented to the Council before final legislative action on the amendment, and shall be signed by one of the following:
  - (1) The owners of at least 20% of the area of land included in the proposed change.
  - (2) The owners of at least 20% of the area of land included with an area extending outward 100 feet from any point on the boundary of land included in the

proposed change.

**§ 86-522. through § 86-540. (Reserved)**



ARTICLE XVIII  
**Planning Commission**

**§ 86-541. Established. [Amended 6-6-1994 by Ord. No. 94-06]**

The Planning Commission is hereby designated as the commission specified in Section 4 of Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), and shall perform the zoning duties of such commission as provided in the statute in connection with the amendment of this chapter.

**§ 86-542. Approval of uses. [Amended 6-6-1994 by Ord. No. 94-06]**

- (a) In cases where the Planning Commission is empowered to approve certain uses of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the commission for the proper consideration of the matter.
- (b) The Planning Commission shall investigate the circumstances of each such case, and shall notify such parties who may in its opinion be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

