

**City of Pinconning
Bay County, Michigan**

Zoning Ordinance

**Project No. E14120.30
December 2000**

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TABLE OF CONTENTS

TITLE, PREAMBLE, ENACTING CLAUSE i

ARTICLE I - SHORT TITLE 1-1

ARTICLE 2 - CONSTRUCTION OF LANGUAGE
201. RULES APPLYING TO TEXT 2-1

ARTICLE 3 - DEFINITIONS
301. SPECIFIC TERMS 3-1

ARTICLE 4 - GENERAL PROVISIONS
401. CONFLICTING REGULATIONS 4-1
402. ZONING AFFECTS EVERY STRUCTURE AND USE OR PROPERTY 4-1
403. USES PERMITTED AS A RIGHT 4-1
404. USES PERMITTED BY SPECIAL APPROVAL 4-1
405. PERMISSIVE ZONING CONCEPT 4-1
406. CONFORMITY 4-2
407. HEIGHT LIMITATION 4-2
408. PROJECTION INTO YARDS 4-2
409. STRUCTURES IN REQUIRED YARD 4-2
410. BUILDING SURFACE WATER RUNOFF 4-3
411. CONNECTIONS TO DRAINAGE SYSTEM 4-3
412. MOVING BUILDINGS 4-3
413. EXCAVATION OF HOLES 4-4
414. RESTORATION OF UNSAFE BUILDINGS 4-4
415. ABANDONED BUILDINGS AND STRUCTURES 4-4
416. VOTING PLACE 4-4
417. LOT SIZE REQUIREMENTS AND PLAT APPROVAL 4-4
418. LANDFILLING 4-5
419. ESSENTIAL SERVICES 4-5
420. TEMPORARY BUILDINGS 4-5
421. OCCUPANCY NOT ALLOWED 4-5
422. MIXED OCCUPANCY 4-5
423. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS 4-6
424. REQUIRED SIGHT CLEARANCE 4-6
425. ONE LOT, ONE BUILDING 4-6
426. REQUIRED STREET FRONTAGE 4-6
427. PROTECTIVE SCREENING 4-7
428. PROHIBITED PARKING IN ALL RESIDENTIAL DISTRICTS 4-8
429. OUTDOOR LIGHTING 4-8
430. FENCES (RESIDENTIAL) 4-9
431. (RESERVED FOR FUTURE USE) 4-9
432. ESSENTIAL SERVICES 4-9
433. STREETS 4-9
434. REVERSION OF REZONED AREA 4-9

TABLE OF CONTENTS

ARTICLE 5 - NONCONFORMING USES

- 501. WITHIN THE DISTRICTS ESTABLISHED BY THIS ORDINANCE
THERE EXISTS 5-1
- 502. NONCONFORMING STRUCTURES 5-1
- 503. NONCONFORMING USES OF LAND 5-2
- 504. NONCONFORMING USES OF STRUCTURES 5-2
- 505. NONCONFORMING LOTS OF RECORD 5-3
- 506. HISTORIC PROPERTIES 5-4
- 507. REPAIRS AND MAINTENANCE 5-4
- 508. PLANS ALREADY 5-4
- 509. DISTRICT CHANGES 5-4
- 510. NONCONFORMING VALIDATION CERTIFICATE 5-5
- 511. PREFERRED CLASS OF NONCONFORMING USE 5-5

ARTICLE 6 - MAPPED DISTRICTS

- 601. ZONING DISTRICTS 6-1
- 602. ZONING MAP 6-1
- 603. INTERPRETATION OF DISTRICT BOUNDARIES 6-1
- 604. ZONING OF VACATED AREAS 6-2

ARTICLE 7 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

- 701. STATEMENT OF PURPOSE 7-1
- 702. PERMITTED PRINCIPAL USES 7-1
- 703. PERMITTED USES AFTER SPECIAL APPROVAL 7-1
- 704. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 7-1
- 705. PROHIBITED USES 7-2

ARTICLE 8 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- 801. STATEMENT OF PURPOSE 8-1
- 802. PERMITTED PRINCIPAL USES 8-1
- 803. PERMITTED USES AFTER SPECIAL APPROVAL 8-1
- 804. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 8-2
- 805. PROHIBITED USES 8-2

ARTICLE 9 - R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- 901. STATEMENT OF PURPOSE 9-1
- 902. PERMITTED PRINCIPAL USES 9-1
- 903. PERMITTED USES AFTER SPECIAL APPROVAL 9-1
- 904. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS 9-2
- 905. PROHIBITED USES 9-2

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

- 1001. PURPOSE 10-1
- 1002. PERMITTED USES 10-1
- 1003. PROHIBITED USES 10-1
- 1004. COMPLIANCE WITH HOME COMMISSION RULES 10-1
- 1005. SIGNS 10-1
- 1006. GREENBELT BUFFER 10-2
- 1007. STREETS, SIDEWALKS AND PUBLIC WAYS 10-3
- 1008. OFF-STREET PARKING AND DRIVEWAYS 10-4

TABLE OF CONTENTS

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT (Continued)	
1009. ILLUMINATION	10-4
1010. WATER SUPPLY, FIRE HYDRANTS AND SANITARY SYSTEM	10-5
1011. SOLID REFUSE, GARBAGE AND RECYCLABLES	10-6
1012. FUEL OIL AND LP GAS STORAGE	10-6
1013. UTILITIES	10-6
1014. LOT SIZE, SIDE AND FRONT YARDS	10-7
1015. HEIGHT	10-8
1016. OPEN SPACE	10-9
1017. HOME INSTALLATION	10-9
ARTICLE 11 - CC COMMUNITY CENTER DISTRICT	
1101. PURPOSE	11-1
1102. PERMITTED USES	11-1
1103. USES ALLOWED BY SPECIAL PERMIT	11-3
1104. PROHIBITED USES	11-3
1105. REQUIRED CONDITIONS	11-3
1106. APPEARANCE STANDARDS	11-4
ARTICLE 12 - GB GENERAL BUSINESS DISTRICT	
1201. STATEMENT OF PURPOSE	12-1
1202. PERMITTED USES	12-1
1203. USES ALLOWED BY SPECIAL PERMIT	12-4
1204. PROHIBITED USES	12-5
1205. REQUIRED CONDITIONS	12-5
ARTICLE 13 - LI LIGHT INDUSTRIAL DISTRICT	
1301. STATEMENT OF PURPOSE	13-1
1302. PERMITTED PRINCIPAL USES	13-1
1303. USES ALLOWED BY SPECIAL PERMIT	13-1
1304. INDUSTRIAL PERFORMANCE STANDARDS	13-2
1305. OFF-STREET PARKING REQUIREMENTS	13-3
1306. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	13-3
ARTICLE 14 - GI GENERAL INDUSTRIAL DISTRICT	
1401. STATEMENT OF PURPOSE	14-1
1402. PERMITTED PRINCIPAL USES	14-1
1403. USES ALLOWED BY SPECIAL PERMIT	14-2
1404. INDUSTRIAL PERFORMANCE STANDARDS	14-2
1405. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	14-3
ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE	
1501. PURPOSE	15-1
1502. LOCATION	15-1
1503. APPLICABILITY	15-1
1504. SITE PLAN REVIEW REQUIREMENTS	15-1
1505. ACCESS DRIVEWAYS	15-2
1506. OFF-STREET PARKING	15-7
1507. LANDSCAPING	15-8
1508. PARKING LOT LANDSCAPING AND SCREENING	15-8

TABLE OF CONTENTS

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE (Continued)	
1509. MATERIALS STANDARDS	15-10
1510. LANDSCAPE PLAN	15-11
1511. REFUSE CONTAINERS	15-12
1512. SIGNS	15-12
1513. BUILDING LOCATION, DIMENSION AND APPEARANCE	15-13
ARTICLE 16 - SCHEDULE OF REGULATIONS	
1601. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS	16-1
1602. FOOTNOTES TO SCHEDULE OF REGULATIONS	16-1
ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS	
1701. PARKING - REQUIREMENTS	17-1
1702. OFF-STREET PARKING REQUIREMENTS	17-2
1703. AUTOMOTIVE SALES AREA	17-6
1704. PARKING AREAS IN RESIDENTIAL ZONES	17-6
1705. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION, AND MAINTENANCE	17-7
1706. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES	17-10
1707. PARKING VARIANCE	17-11
1708. OFF-STREET LOADING REQUIREMENTS	17-11
ARTICLE 18 - SIGNS	
1801. SCOPE	18-1
1802. DEFINITIONS	18-1
1803. PERMIT PROCEDURE	18-2
1804. MEASUREMENT OF AREA OF A SIGN	18-3
1805. SIGNS PERMITTED	18-3
1806. SIGNS PROHIBITED	18-7
1807. OFF-SITE SIGNS	18-8
1808. ILLUMINATION	18-8
1809. FREE-STANDING PYLON SIGNS	18-8
1810. NONCONFORMING SIGNS	18-9
1811. SIGNS FOR NONCONFORMING USES	18-9
1812. CONSTRUCTION AND MAINTENANCE	18-10
1813. VIOLATIONS AND REMOVAL THEREOF	18-10
1814. DIRECTIONAL SIGNS	18-11
ARTICLE 19 - PROCEDURE FOR OBTAINING ZONING PERMIT, ETC	
1901. PURPOSE	19-1
1902. ZONING PERMITS	19-1
1903. DISTRICT CHANGES AND SECTION AMENDMENTS	19-2
1904. PUBLIC NUISANCE, PER SE	19-4
1905. BUILDING PERMITS	19-4
1906. DUTIES OF THE ZONING ADMINISTRATOR	19-4
1907. CERTIFICATE OF OCCUPANCY	19-4
1908. VIOLATION AND PENALTY	19-5
1909. IMPRISONMENT, FINES	19-5
1910. EACH DAY A SEPARATE OFFENSE	19-5
1911. RIGHTS AND REMEDIES ARE CUMULATIVE	19-5

TABLE OF CONTENTS

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES	
2001. PURPOSE	20-1
2002. SCOPE	20-1
2003. OPTIONAL SKETCH PLAN REVIEW	20-2
2004. APPLICATION PROCEDURE	20-2
2005. ACTION ON APPLICATION AND PLANS	20-5
2006. CRITERIA FOR REVIEW	20-7
2007. CONFORMITY TO APPROVED SITE PLAN/DESIGN APPEARANCE STANDARDS	20-7
2008. AMENDMENT TO SITE PLAN/DESIGN APPEARANCE	20-8
2009. PERFORMANCE BOND	20-8
ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND SITE DEVELOPMENT REQUIREMENTS	
2101. PURPOSE	21-1
2102. GENERAL PROVISIONS	21-1
2103. DESIGNATED SPECIAL AND PERMITTED LAND USES - SPECIFIC PROVISIONS	21-5
ARTICLE 22 - LANDSCAPING	
2201. PURPOSE	22-1
2202. GENERAL	22-1
2203. INSTALLATION AND MAINTENANCE	22-2
2204. LANDSCAPING REQUIREMENTS	22-2
2205. PLANT MATERIAL	22-4
ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT (PRD)	
2301. INTENT AND PURPOSE	23-1
2302. OBJECTIVES	23-1
2303. QUALIFYING CONDITIONS	23-2
2304. PERMITTED USES	23-2
2305. APPLICATION AND REVIEW PROCEDURES	23-3
2306. CONTROL OF PLANNED RESIDENTIAL DEVELOPMENT FOLLOWING FINAL APPROVAL	23-10
2307. LOT SIZE VARIATION PROCEDURE	23-11
2308. OPEN SPACE REQUIREMENTS	23-13
2309. PLANNED RESIDENTIAL DEVELOPMENT IN MORE THAN ONE ZONING DISTRICT	23-14
2310. PERIMETER SETBACK REQUIREMENTS	23-14
2311. SUBDIVISION AND RESALE	23-14
2312. DEVELOPMENT STANDARDS	23-15
ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT	
2401. INTENT	24-1
2402. PURPOSE	24-1
2403. DEFINITIONS	24-1
2404. REVIEW PROCESS	24-3
2405. CONDOMINIUM SUBDIVISION PLAN - REQUIRED CONTENTS	24-6
2406. REVIEW BY PLANNING COMMISSION	24-8

TABLE OF CONTENTS

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT (Continued)

- 2407. COUNCIL REVIEW AND TENTATIVE APPROVAL 24-9
- 2408. SITE PLANS - EXPANDABLE OR CONVERTIBLE PROJECTS 24-10
- 2409. MONUMENTS REQUIRED - SITE CONDOMINIUM PROJECTS 24-13
- 2410. FINAL CONDOMINIUM PROJECT; ACCEPTANCE OF PUBLIC IMPROVEMENTS BY COUNCIL 24-14
- 2411. COMPLETION OF IMPROVEMENTS 24-16
- 2412. INSPECTION OF PUBLIC IMPROVEMENTS 24-17
- 2413. LATE COMPLETION OF IMPROVEMENTS/TEMPORARY OCCUPANCY 24-18
- 2414. ISSUANCE OF ZONING CODE BUILDING PERMITS 24-19
- 2415. MAINTENANCE OF PUBLIC IMPROVEMENTS 24-19

ARTICLE 25 - BOARD OF APPEALS

- 2501. CREATION OF BOARD OF APPEALS 25-1
- 2502. MEETINGS 25-2
- 2503. APPEALS 25-2
- 2504. NOTICE OF HEARING 25-3
- 2505. POWERS OF BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES 25-3
- 2506. STANDARDS 25-5
- 2507. APPROVAL PERIOD 25-6

ARTICLE 26 - INTERPRETATION AND REPEAL OF PRIOR ORDINANCE

- 2601. INTERPRETATION AND REPEAL 26-1

ARTICLE 27 - AMENDMENTS

- 2701. AMENDMENTS 27-1

ARTICLE 28 - VESTED RIGHT

- 2801. VESTED RIGHT 28-1

ARTICLE 29 - VALIDITY

- 2901. VALIDITY 29-1

ARTICLE 30 - ENACTMENT AND EFFECTIVE DATE

- 3001. ENACTMENT AND EFFECTIVE DATE 30-1

ORDINANCE _____

ZONING ORDINANCE OF THE CITY OF PINCONNING

An Ordinance regulating and restricting the height and size of buildings, the size of yards, courts, and other open spaces; the density of population; the location and use of buildings and land for trade; industry; residence and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a board of appeals; and imposing penalties for the violation of this Ordinance.

PREAMBLE

In pursuance of authority conferred by Public Act No. 207 of the Public Acts of 1921, as amended, of the State of Michigan for the purpose of promoting the health, safety, morals and general welfare of the inhabitants of the City of Pinconning by the lessening of congestion in the streets, securing safety from fire, panic and other danger; providing adequate light and air; preventing the overcrowding of lands; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements, and by other means in accordance with a comprehensive plan; now, therefore;

ENACTING CLAUSE

The City of Pinconning does ordain as follows:



ARTICLE 1

SHORT TITLE



ARTICLE 1 - SHORT TITLE

101. This Ordinance shall be known as the "Zoning Ordinance of the City of Pinconning" and will be referred to herein as "This Ordinance."



ARTICLE 2

CONSTRUCTION OF LANGUAGE



ARTICLE 2 - CONSTRUCTION OF LANGUAGE

201. RULES APPLYING TO TEXT

The following listed rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
4. A "building or structure" includes any part thereof.
5. The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."
6. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.
7. 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," "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.
8. Terms not herein defined shall have the meaning customarily assigned to them.



ARTICLE 3

DEFINITIONS



301. SPECIFIC TERMS

The following listed terms and words are defined for the purpose of their use in this Ordinance; these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated.

ABANDONMENT

Except in the case of gravel pits existing at the time of adoption of this Ordinance, the cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

ACCESS

A way of approaching or entering a property. For purposes of this ordinance, all lots of record shall have access to a public street or highway or to a private street meeting the City of Pinconning Road Construction Standards.

ACCESSORY BUILDING or ACCESSORY STRUCTURE

Any unattached subordinate building or structure, such as a private garage which is incidental to that of the main building, located on the same lot as the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use. When an ACCESSORY BUILDING or ACCESSORY STRUCTURE is attached to a main building by a wall or roof, the building shall be considered part of a main building for the purpose of determining the required dimensions of yard. The term ACCESSORY STRUCTURE also is specifically intended to include satellite antenna receivers.

ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

ADDITION

A structure added to the original structure at some time after the completion of the original.

ADULT ENTERTAINMENT BUSINESS

(a) Adult Bookstore: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the items set out in subsection (1) or (2):

- (1) Books, magazines, periodicals or other printed matter or photographs, films motion picture, video cassettes or video reproduction, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas; or

ARTICLE 3 - DEFINITIONS

- (2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
 - (3) The sale of such materials shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.
- (b) Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
- (1) Persons who appear in the state of nudity;
 - (2) Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
 - (3) Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - (4) Persons who engage in lewd, lascivious or erotic dancing or performances which are intended for the sexual interests or titillation of an audience or customers.
- (c) Adult Motel: A hotel, motel or similar commercial establishment that:
- (1) Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has as a sign visible from the public right-of-way that advertises the availability of any of the above;
 - (2) Offers a sleeping room for rent for a period of time that is less than twelve (12) hours;
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- (d) Adult Entertainment Booking Agency: A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.
- (e) Adult Motion Picture Theater: A commercial establishment, which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media, that are characterized by the depiction or description of specified sexual activities or specified anatomical areas. This definition includes commercial establishments that offer individual viewing booths.

ARTICLE 3 - DEFINITIONS

- (f) Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by specified sexual activities.
- (g) Community Impact Statement: A statement by any sexually oriented business required to be licensed, submitted in conjunction with an application or a license to operate a sexually oriented business, for consideration by the City Council in determining whether or not to license the sexually oriented business.
- (h) Dating Service: A business engaged in, for financial remuneration, either directly or indirectly, where the operator arranges to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the Dating Service, or similar operation.
- (i) Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
- (j) Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (k) License: An official permit from the City to allow an activity or activities as may be required by this article.
- (l) Massage: The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids.
- (m) Massage Parlor: Any place or establishment where massage is made available. "Massage Parlor" does not include:
 - (1) A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
 - (2) A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
 - (3) A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only.
 - (4) Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States.

ARTICLE 3 - DEFINITIONS

- (n) Massage School: Any place or establishment or facility which provides instruction, theory, method and practice of massage. "Massage School" does not include:
- (1) A duly licensed medical doctor, osteopath, chiropractor, nurse or physical therapist; or
 - (2) A person engaging in the practice of massage on his/her spouse or relative within the first degree of consanguinity in either of their residences; or
 - (3) A barber, manicurist, beautician or cosmetologist who is duly licensed under the laws of this state, or another state within the United States, or the federal government, and who practices within the established limits of his or her license, and who administers a massage in the normal course of his or her duties; provided, however, that such barber, manicurist, beautician or cosmetologist shall perform a massage only upon the face, hands, feet, or neck of another person, and is performing the practice of massage for beautifying or cosmetic purposes only.
 - (4) Myomassaologists who meet the following criteria: proof of graduation from a school of massage licensed by the State of Michigan or current licensure by another state with equivalent standards of five hundred (500) class hours of education from a state licensed school in the United States.
- (o) Nude Model Studio: Any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered or recognized by the State of Michigan.
- (p) Operator: Any person who engages in the practice of or performs a massage.
- (q) Public Nudity or State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment or promise of payment of an admission fee, any individuals' genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
- (1) A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 - (2) Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Sections 752.362 of the Michigan Compiled Laws.
 - (3) Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.
- (r) Sexual Encounter Center: A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.
- (s) Sexually Oriented Business: A business or commercial enterprise engaging in any of the following businesses: (1) adult bookstore; (2) adult cabaret; (3) adult entertainment booking agency; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) dating service; (8) escort agency; (9) massage parlor; (10) massage school; (11) nude model studio; and (12) sexual encounter center.
- (t) Specified Anatomical Areas: Defined as the following:
 - (1) Less than completely and opaquely covered human genitals, public region, buttock, anus and female breasts at or below the top of the areola; and
 - (2) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
- (u) Specified Sexual Activities: includes any of the following:
 - (1) The fondling or any other erotic touching of human genitals, public region, buttocks, anus, or female breasts;
 - (2) Sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
 - (3) Sexual arousal or gratification using animals or violence, actual or simulated;
 - (4) Masturbation, actual or simulated; or
 - (5) Excretory functions as part of or in connection with any of the activities-set forth in (1), (2), (3), or (4).

ADULT FOSTER CARE HOME

A private home licensed by the State government for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

AGRICULTURE

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

ALLEY

A public way which affords only 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; any change in the structural members of a building, such as walls, partitions, columns, beams, girders,, or any change which may be referred to herein as "altered" or "reconstructed."

AMORTIZATION

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

ANIMAL (LARGE)

A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

ANIMAL (SMALL)

A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

ANIMAL HOSPITAL see KENNEL

APARTMENT HOUSE

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

- (a) Efficiency Apartment (Studio) - Is a dwelling unit consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- (b) One Bedroom Unit - Is a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
- (c) Two Bedroom Unit - Is a dwelling unit consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
- (d) Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area to the minimum floor area as required by the Ordinance. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

APPEALS

The process, as prescribed in the ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

APPLICANT

A person or entity submitting an application for review and action by the City or any of its departments or commissions.

APPROVED PLAN

A plan which has been granted final approval by the appropriate approving authority.

APPROVING AUTHORITY

The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of plans and applications.

ARCHITECTURAL FEATURES

Cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments of a building.

AREA see LOT AREA

ATTACHED

Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.

ATTACHED GARAGE

An outbuilding customarily used for the storage of vehicles and attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

AUTOMOBILE OR VEHICLE REPAIR

General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rust proofing, and any related activities.

AUTOMOBILE OR VEHICLE SALES AREA

An area used for the display, sales and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in operable condition.

AUTOMOBILE SALVAGE

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

AUTOMOBILE SERVICE STATION

A building or structure designed or used for the retail sale or supply of fuels (stored only in underground tanks), lubricants, air, water, and other separating commodities for motor vehicles, aircraft or boats and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage,

minor repair, or servicing shall be deemed to be an automobile service station. A building or structure designed, used and limited to the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles shall be deemed to be an automobile gasoline station.

AUTOMOBILE WASH ESTABLISHMENT

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

BASEMENT OR CELLAR

A portion of a building having at least half of its height below grade.

BED AND BREAKFAST OPERATIONS

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.

BERM, OBSCURING

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this ordinance.

BILLBOARD

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

BLOCK

The property, abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between one (1) intersecting street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the aforementioned and any other barrier to the continuity of development.

BOARD OF APPEALS

The words "Board of Appeals," or "Board" shall mean the Board of Zoning Appeals for the City of Pinconning.

BOARDING HOUSE

A dwelling where meals, or lodging and meals, are provided for compensation to four (4) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home.

BUILDABLE AREA

The space on a lot remaining after the minimum open space requirements of this Ordinance have been satisfied.

BUILDING

A structure, either temporary or permanent, having a roof supported by columns, or walls for the shelter, support or enclosure of persons, animals, or chattels. When any portion thereof is completely separated from every part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING COVERAGE

The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING HEIGHT

The vertical distance measured from the reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs.

BUILDING INSPECTOR

The Building Inspector of the City of Pinconning or his authorized representative.

BUILDING LINE

A line established, in general, parallel to the front street line between the building and the front street line in which no part of a building shall project, except as otherwise provided by this Ordinance.

BUILDING, MAIN, OR PRINCIPAL

A building in which is conducted the principal use of the lot on which it is situated.

BUILDING PERMIT

The written authority issued by the Building Inspector permitting the construction, removal, moving or alteration of a building in conformity with the provisions of this Ordinance.

BUILDING SETBACK: See YARD

BUSINESS OR COMMERCE

Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, or the maintenance or operation of offices or recreational or amusement enterprises.

BUSINESS SERVICES

Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, including but not limited to services such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

CAMPGROUND

A publicly or privately owned facility used for overnight camping and recreational purposes. A campground may contain spaces for tents, motor homes and camping trailers.

CARRY-OUT RESTAURANT

An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

CERTIFICATE OF OCCUPANCY

A document issued by the proper authority (Building Official and Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

CERTIFICATION OF COMPLETION

A signed written statement by the Building Department that specific construction has been inspected and found to comply with all grading and building plans and specifications.

CHANGE OF USE

Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

CHILD CARE ORGANIZATION

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State government. Such organizations shall be further defined as follows:

- a) "child care center" or "day care center" means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to

ARTICLE 3 - DEFINITIONS

the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

- b) "foster family home" is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c) "foster family group home" means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d) "family day care home" means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e) "group day care home" means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCH/SYNAGOGUE/MOSQUE

A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

CITY COUNCIL

City Council of the City of Pinconning.

CLUB

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

CLUSTER

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

COMMERCIAL

A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any 12 month period.

COMMERCIAL RECREATION

Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

COMMUNICATION TOWER

A radio, telephone, cellular telephone or television relay structure of skeleton framework or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave, or any other form of telecommunications signals.

COMPREHENSIVE PLAN

A comprehensive, long-range plan intended to guide the growth and development of the City and includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

CONDOMINIUM

Is the manner in which real property is owned. It is a combination of ownership in fee simple of the interior space of a townhouse or apartment plus an undivided ownership, in common with other purchasers, of the common elements in the structure, including the land and its appurtenances.

CONSTRUCTION

The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

CONTIGUOUS

Next to, abutting, or touching and having a common boundary or portion thereof, which is co-terminus.

CONVALESCENT OR NURSING HOME

A home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, wherein four (4) or more persons are cared for.

CORNER LOT see **LOT, CORNER**

COVERAGE see **LOT COVERAGE**

CUL-DE-SAC

A street with a single, common ingress and egress and with a turnaround at the end.

DAY CARE FACILITY see **CHILD CARE ORGANIZATION**

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.

DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS

Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a) a signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit.
- b) a low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c) a coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

DISTRICT

A portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN ESTABLISHMENT

A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to service patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

DWELLINGS, SINGLE FAMILY ATTACHED

A group of three (3) or more single family dwelling units which are joined consecutively by a common party wall, but not a common floor-ceiling. Each unit shall have its own outside entrance. For the purposes of this Ordinance, dwellings such as semi-detached and rowhouses, shall be deemed a single family attached dwelling.

DWELLING, SINGLE FAMILY DETACHED

A unit exclusively for use by one (1) family which is entirely surrounded by open space or yards on the same lot.

DWELLING, TWO (2) FAMILY

A detached building used or designed for use exclusively by two (2) families living independently of each other and each doing their own cooking in said building. It may also be termed a duplex.

DWELLING, MULTIPLE FAMILY

A building or portion thereof, used or designed for occupancy by more than two (2) families living independently of each other. This definition does not include single family attached dwellings or two-family dwellings.

DWELLING, GROUP (Congregate Living)

A building or group of buildings designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

DWELLING OR DWELLING UNIT

Any building or portion thereof, mobile home, pre-manufactured or pre-cut structure which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily, by one or more families (but not including motels, hotels, tourist rooms or cabins) complying with the following standards:

- (a) Minimum living area of 750 square feet for one or two-bedroom dwelling plus 150 square feet of additional living area for each additional bedroom beyond two.
- (b) It has as minimum width across any front, side or rear elevation of twenty (20) feet and minimum of twenty (20) feet in length and complies in all respects with the City building

code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the City code, then in that event such federal or state standard or regulation shall apply.

- (c) Each mobile home shall be provided with a continuous pad of four-inch thick concrete running the full length and width of the mobile home. Footings shall be in compliance with Michigan State Building Code under the frame area the entire length of the pad. In addition, each mobile home shall be secured to the premises by an anchoring system or device at each corner and not to exceed each 20 feet of length between each anchor on each side of said mobile home. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view, skirting shall be aesthetically compatible with said mobile home and shall be constructed of block, concrete, metal, fiberglass, wood siding or any generally accepted building material, and conforming to the rules and standards set forth in the rules of the Michigan Mobile Home Commission, promulgated under 1976 Act 419, as amended.
- (d) Aesthetically compatible in design and appearance to dwellings in the surrounding area.
- (e) Must contain permanently attached steps connected to exterior door areas or to porches connected to exterior door areas where a difference in elevation requires the same.
- (f) Mobile homes must comply with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards (14cfr3208), and as from time to time amended. No mobile home manufactured more than nine (9) years prior to date of installation shall be allowed.
- (g) Properly maintained against deterioration and/or damage from the elements.
- (h) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park.
- (i) In cases of mixed use buildings, where a building is occupied only in part as a dwelling unit, the portion so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

DWELLING, UNDERGROUND See UNDERGROUND HOMES

EASEMENT

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.

EFFICIENCY UNIT

A dwelling unit consisting of one (1) room in addition to a bathroom, kitchen, hallways, closets, or dining alcove.

EGRESS (EXIT)

An exit from a building or site.

EMISSION

A discharge of pollutants into the air.

ENVIRONMENTALLY SENSITIVE AREA

An area with one or more of the following characteristics.

- (a) slopes in excess of 20 percent
- (b) floodplain
- (c) soils classified as having a high water table
- (d) soils classified as highly erodible, subject to erosion, or highly acidic
- (e) land incapable of meeting percolation requirements
- (f) land formerly used for landfill operations or hazardous industrial uses
- (g) fault areas
- (h) stream corridors
- (I) estuaries
- (j) mature stands of native vegetation
- (k) aquifer recharge and discharge areas

ERECTED

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

EROSION

The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

ESSENTIAL SERVICES

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, tower poles, and other similar equipment, and accessories in connection therewith reasonably for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

EXCAVATION

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

FAMILY

- (a) An individual or group of two or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not more than one additional unrelated person, who are domiciled together as a single domestic, nonprofit housekeeping unit in a dwelling unit, or
- (b) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FAST FOOD RESTAURANT

Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- (a) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- (b) More than 45 percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

FENCE

A permanent or temporary partition or structure erected as a divider, barrier, or enclosure between two or more properties.

FILLING

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

FINAL APPROVAL

The last official action of the Planning Commission or Board of Zoning Appeals taken on a development plan which has been given preliminary approval, after all conditions and

requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

FLEA MARKET

An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.

FLOODPLAIN

- A. Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- B. Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.
- C. Development means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal water; (2) the unusual and rapid accumulation of runoff of surface waters from any source.
- E. Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- F. Harmful increase means an unnaturally high stage on a river, stream, or lake which causes or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
- G. New construction means structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
- H. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home.
- I. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds the State Equalized Valuation of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include (1) any project for improvement of a structure in order to comply with existing state or local health, sanitary or safety code specifications,

ARTICLE 3 - DEFINITIONS

or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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 center line of walls separating two buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. "Floor Area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (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, USABLE

(For the purposes of computing parking). Any floor area within outside walls of a building used or intended to be used for the sale or display of merchandise or services or for use to serve patrons, clients or customers. It is exclusive of areas in basements, utility areas, unfinished attics, garages, open porches, accessory buildings and permanent storage.

FOOTCANDLE

The illumination level proportional to the number of lumens (quantity of light) per square foot of work surface.

FUNERAL HOME

A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

GARAGE, COMMERCIAL

Any premises except those described as a private community or storage garage, available to the public, used principally for the storage of automobiles or motor-driven vehicles, for remuneration, hire or sale, where any such vehicle or engine may also be equipped for operation, repaired, rebuilt or reconstruction, and where vehicles may be greased, washed or serviced.

GARAGE, PRIVATE

A building used primarily for the storage of self-propelled vehicles for the use of the occupants of a lot on which such building is located and with a capacity of not more than three (3) motor-driven vehicles. Carports shall be considered as garages.

GLARE

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE

The established grade of the street or sidewalk shall be as prescribed by the City Engineer.

GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

GREENBELT OR BUFFER STRIP

The strip of land not less than ten (10) feet in width which is planted and maintained with trees acceptable to the Building Inspector of from five (5) to six (6) feet in height, spaced not more than ten (10) feet apart; or a hedge row of suitable shrubs not more than four (4) feet in height.

GREENHOUSE

A building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

GUEST HOUSE

A building used as an accessory dwelling to a single family unit for the temporary use of guests. A guest house may or may not contain kitchen and/or bathroom facilities, and shall not be rented or leased.

HAZARDOUS MATERIALS

Any materials that have been declared to be hazardous by any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

HEALTH CARE (SERVICES) FACILITIES

A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and

ARTICLE 3 - DEFINITIONS

miscellaneous types of medical supplies and services; and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer. Provides out-patient care, no overnight stay, except for hospitals.

HOME OCCUPATION

Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

HOTEL

A building occupied or used as a temporary abiding place of individuals or groups or individuals with or without meals, and in which there are more than five (5) sleeping rooms. and in which no provision is made for cooking in any individual room.

IMPERVIOUS SURFACE

Any material which reduces and prevents the absorption of stormwater into previously undeveloped land.

INFRASTRUCTURE

Facilities and services needed to sustain industry, residential and commercial activities.

INGRESS

Access or entry.

JUNK

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

JUNK YARD

Automobile wrecking yards and salvage areas and any area of more than two hundred (200) square feet for the storage keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

KENNEL

Any lot or premises on which three (3) or more dogs, four (4) months or more old, are kept, for the purpose of breeding, permanently or temporarily boarded, or for sale.

LABORATORY

A place devoted to experimental study, such as testing and analyzing, and where manufacturing of product or products, except prototypes, is not performed.

LAUNDROMAT

An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering and/or dry cleaning purposes.

LIBRARIES

Institutions for the storage and circulation of books, compact discs, video tapes and other materials for use by the general public.

LOADING SPACE

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

LOT

A plat, plot or parcel of land occupied, or designed to be occupied, by one (1) building, and the accessory buildings or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat. If more than one (1) lot of record is held in common ownership and said lots are contiguous, undeveloped and substandard in size to the minimum lot size in the zoning district, they shall, for the purpose of this Ordinance, be held as one (1) lot or as many lots as shall leave no lot substandard.

LOT AREA

The total horizontal area included within the lot lines. Where the front lot line is the centerline of a street, or where a portion of a lot lies within a street right-of-way, the lot area calculated to meet the requirements of this Ordinance shall not include that area inside the street right-of-way.

LOT, CORNER

A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) tangents of which form an interior angle of one hundred thirty-five (135) degrees or less. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

LOT, COVERAGE

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH

The mean horizontal distance from the front street line to the rear lot line.

LOT, DOUBLE FRONTAGE

A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double-frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing structure in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The property lines bounding the lot.

- a. Front Lot Line: In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double-frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and in the request for a building permit. (See Double Frontage Lot.)
- b. Rear Lot Line: Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Board of Zoning Appeals shall designate the rear lot line. (See Double Frontage Lot) .
- c. Side Lot Line: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
- d. Street or Alley Lot Line: A lot line separating the lot from the right-of-way of a street or an alley.

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.

LOT WIDTH

The horizontal distance between the side lot lines, measured at the two (2) points where the building line (as extended) or setback, intersects the side lot lines.

MANUFACTURED BUILDING

Includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three-dimensional modules or units intended to be combined on site to form a building. The term "manufactured building" applies only to those major structural, three-dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction

MANUFACTURED DWELLING

Includes manufactured buildings, modules, or units, or areas within such buildings, modules, or units which have been designed for and are intended to be employed as dwellings for residential occupancy on an extended, rather than transient basis.

MIXED USE ZONING

Regulations which permit a combination of different uses within a single development, under special regulations.

MOBILE HOME

A movable or portable structure constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round living as a single family dwelling. A mobile home may contain parts that may be combined, folded, collapsed, or telescoped when being towed and expanded later to provide additional cubic capacity.

- A. Single Wide - a mobile home with a width of no greater than fourteen (14) feet for its full length. Except in a mobile home park, a single wide mobile home does not meet the definition of a dwelling unit as specified in this Ordinance.
- B. Double Wide - a combination of two (2) mobile homes designed and constructed to be connected along the lengthwise axis, thus providing double the living space of a

conventional single wide unit without duplicating any of the service facilities such as kitchen equipment or furnace.

MOBILE HOME PARK

A parcel of land under the control of a person upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

MOBILE HOME SITE

A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

MOBILE HOME SUBDIVISION

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

MODULAR

A structure which meets the requirements of the B.O.C.A. building and construction code, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to B.O.C.A., the characteristics of a modular are:

- A. A pitched roof of heavy truss construction able to support a "dead-weight" of at least forty (40) pounds per square foot, and having roof shingling of five (5) inch exposure;
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists;
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof; and
- D. Establishment on a poured wall or cement block and mortar foundation.

MOTEL

A series of attached, semi-detached, or detached rental units containing bedroom, bathroom, and closet space wherein each unit has a separate individual entrance leading directly from the outside of the building. No kitchen or cooking facilities are to be provided with the exception of units for use of the manager and/or caretaker.

MOTOR HOME

A self-propelled motor vehicle designed as self-contained living quarters and intended only for short-term occupancy.

NONCONFORMING BUILDING

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and which does not conform to the provisions of the zoning district in which it is located.

NONCONFORMING LOT

A lot, the area, dimensions or location of which was lawful prior to adoption, revisions, or amendment of the zoning code; but which fails, by reason of such adoption, revisions, or amendments, to conform to current requirements of the zoning district.

NONCONFORMING USE

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

NONCONFORMING SIGN

Any sign lawfully existing on the effective date of this ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NUISANCE FACTORS

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: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of nonabutting street frontage by traffic.

NURSERY (Plant Material)

A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

OCCUPIED

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

OFF-STREET PARKING

A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for more than two (2) automobiles.

OPEN-AIR BUSINESS USE

Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- d. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

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 said structure.

OPEN STORAGE

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

PARKING AREA

An area used for the parking, parking aisle, access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

PARKING LOT

An off-street, ground level area, surfaced and improved, for the temporary storage of motor vehicles.

PARKING SPACE

An area of not less than nine and one-half (9-1/2) feet wide by twenty (20) feet long, for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNED RESIDENTIAL DEVELOPMENT OR "PRD"

An area of minimum contiguous size, as specified by this ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned residential developments and one or more open space or recreation areas in such range or ratios of nonresidential to residential uses as shall be specified.

PLANNED UNIT DEVELOPMENT

An area of minimum contiguous size, as specified by Ordinance, to be planned and developed as a single entity containing one or more residential clusters, or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

PLANNING COMMISSION

The duly designated advisory planning commission of the City of Pinconning.

POOL, COMMERCIAL SWIMMING (OVER 10,000 GALLONS)

An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

POOL, PRIVATE SWIMMING POOL (over 500 Gallons)

Any artificially-constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

PORCH, ENCLOSED

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

PORCH, OPEN

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

PUBLIC FACILITIES

Facilities which are owned and operated by a municipality, government agency, school district, or publicly owned utility.

PUBLIC UTILITY

Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water services.

QUASI-PUBLIC ORGANIZATION

A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

RECREATIONAL VEHICLES

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

RECYCLING

The process by which waste products are reduced to raw materials and transformed into new and often different products.

RECYCLING CENTER

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

RESTRICTION

A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

RESTRICTIVE COVENANT

A restriction on the use of land usually set forth in a deed or other appropriate document.

RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and

assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

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, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

RIGHT-OF-WAY LINE

The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

ROAD OR STREET FRONTAGE

The length of the lot line which borders a private or public road.

ROADSIDE MARKET STAND

A temporary building or structure designed or used for the display and/or sale of agricultural products.

RUNOFF

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

SCHOOL

Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

SCHOOL, CHARTER

A school that is chartered by the State of Michigan to operate as a nonprofit corporation for the purpose of educating elementary junior high or high school students. A charter school is not under the jurisdiction of a public school district.

SCREENING

A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SETBACK

The minimum horizontal distance between the front of the building, excluding steps and unroofed porches, and the front street or right-of-way line.

SIGN, OUTDOOR ADVERTISING

Any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever.

SHOPPING CENTER

A group of establishments engaging exclusively in retail business or service, arranged as a functionally coherent unit, together with appurtenant features, such as parking area and storage facilities.

SITE CONDOS

A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).

SITE PLAN

The development for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of this Ordinance.

SITE PLAN REVIEW AND APPROVAL

This submission of plans for review and approval, as required by this Ordinance, and special use permits.

SOIL REMOVAL

Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials to a depth not greater than twelve (12) inches, except common household gardening and general farm care.

SPECIAL LAND USE

A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in the ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the City.

SPECIAL USE PERMIT

A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the City, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

STORMWATER DETENTION

Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

STORY

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

- a. A "Mezzanine" shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building including the family of the same.

STORY, HALF

The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story.

STREAM

A watercourse having a source and a terminus, banks, and channel through which waters flow at least periodically.

STREET

A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfares, except an alley.

STRUCTURE

Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

STRUCTURAL ALTERATION

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

TEMPORARY BUILDING AND USE

A structure or use permitted by the Building Inspector to exist during periods of construction of the main use or for special events, not to exceed six (6) months.

TENT

A shelter of canvas or like material supported by poles and fastened by cords or pegs driven into the ground but, for the purposes of this Ordinance, not including those types of tents used solely for children's recreational purposes.

TOWNHOUSES

A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than for a particular housing style.

TRASH

The terms "Trash," "Litter," and "Junk" are used synonymously and each as herein shall include the following: Used articles or used pieces of iron, scrap metal, automobile bodies or parts of machinery or junked or discarded machinery, used lumber which may be used as a harborage of rats, ashes, garbage, industrial by-product or waste, empty cans, food containers,, bottles, crockery, utilities of any kind, boxed, barrels, and all other articles customarily considered trash or junk and which are not housed in a building.

TRAVEL TRAILER

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body not exceeding eight (8) feet in width or thirty-two (32) feet in length.

UNDERGROUND HOME

A residence, the roof of which is covered with earth, and which on at least three (3) sides does not extend upward more than the surrounding grade levels within fifty (50) feet. This does not include basement houses which are covered on four (4) sides by earth.

USE

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

VARIANCE

A modification of the required provisions of the physical development or land use standards of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted. The crucial points of the VARIANCE are undue hardship and unique circumstances applying to the property. A VARIANCE is not justified unless both elements are present in the case.

YARD

An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves, provided that an eight (8) foot height clearance is provided above the adjacent ground level.

YARD, FRONT

A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

YARD, REAR

A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line, and the nearest line of the main building.

YARD, SIDE

A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

ZONING BOARD

The Zoning Board of the City of Pinconning.

ZONING DISTRICT

A portion of the City of Pinconning within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established by this Ordinance.

ARTICLE 4

GENERAL PROVISIONS



ARTICLE 4 - GENERAL PROVISIONS

401. CONFLICTING REGULATIONS

Whenever any provisions of this Ordinance 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 Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

402. ZONING AFFECTS EVERY STRUCTURE AND USE OR PROPERTY

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

403. USES PERMITTED AS A RIGHT

Permitted uses are recognized as uses of land and buildings in certain districts which are harmonious with other such uses which may lawfully exist within the same district. A permitted use is subject to the schedule of regulations, permit, and site plan requirements found elsewhere in this Ordinance, but otherwise is considered to be a lawful use not requiring special or extraordinary controls or conditions.

404. USES PERMITTED BY SPECIAL APPROVAL

The uses identified as Special Approval 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.

405. PERMISSIVE ZONING CONCEPT

Land uses are specifically permitted in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited. No land contained within any zoning district shall be used for any purpose other than those uses specifically permitted in the district in which the building or land is located, except as otherwise provided herein.

406. CONFORMITY

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

407. HEIGHT LIMITATIONS

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, powerhouse, cooling towers, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structures shall be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located, except with special approval by the Board of Zoning Appeals; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the principal use of the building.

408. PROJECTION INTO YARDS

Outside stairways, fire escapes, fire towers, porches, chimneys, platforms, balconies, boiler flues, and other projections shall be considered as part of the building and not as part of the yards or courts or unoccupied outside spaces. An open, unenclosed and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet, provided a minimum front yard setback of twenty (20) feet is maintained. Window sills, cornices, eaves, bay windows, and other architectural features, may however, project into any required yard provided such projection does not exceed eighteen (18) inches.

409. STRUCTURES IN REQUIRED YARD

No residential structure shall be erected upon any required rear, side, or front yard of a lot or upon a lot with another dwelling.

410. BUILDING SURFACE WATER RUNOFF

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. If a building is equipped with gutters or other means for collection of roof water, the downspouts and/or roof water conductor pipes shall be discharged on unpaved ground or paved surface at a distance of at least three (3) feet from the building wall. A sloping grade shall be established and maintained from the center of the front or rear lot line to the finished grade line at the front or rear of the building, both grades sloping to the front lot line or both. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the runoff of surface water from flowing onto the adjacent properties. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade or such grade as determined by the City Engineer.

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property.

411. CONNECTIONS TO DRAINAGE SYSTEM

Surface drains, groundwater drains, and foundation or footing drains shall be connected whenever possible to an enclosed storm sewer, but they shall not discharge to a sanitary sewer or private wastewater treatment plant.

412. MOVING BUILDINGS

No permit shall be granted for the moving of buildings or structures from without or within the limits of the City to be placed on property within said limits unless the Building Inspector shall have made an inspection of the building to be moved and has found that is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the Building Code and other codes regulating the, health, safety, and general welfare of the City. The application for a permit to move a building shall require a fee, which shall be determined by the City Council.

413. EXCAVATION OF HOLES

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for constructing, remodeling, or expanding structures, or for industrial operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Building Inspector and placed on the premises. The filling and grading of such holes shall occur as soon as practical. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Bay County, the City of Pinconning, or other units of government.

414. RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his lawful order.

415. ABANDONED BUILDINGS AND STRUCTURES

Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than 365 days, shall be considered abandoned and come under the provisions of this Ordinance and other City codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once three hundred sixty-five (365) days have passed, the building or structure shall have to meet all the current standards of all applicable City codes specifically Article 5 - Nonconforming Uses.

416. VOTING PLACE

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

417. LOT SIZE REQUIREMENTS AND PLAT APPROVAL

No proposed plat of a new or redesigned subdivision shall hereafter be approved unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the statutes of the state of Michigan and applicable regulations of the City of Pinconning.

ARTICLE 4 - GENERAL PROVISIONS

418. LANDFILLING

From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to use land for filling with material of any kind without approval of the City Board of Appeals and subject to requirements.

419. ESSENTIAL SERVICES

Essential services shall be permitted as authorized under any franchise or that as may be regulated by any law of the state of Michigan or any ordinance of the City subject to review by the Planning Commission as to architecture and/or landscaping suitable to the neighborhood and subject to applicable sections of this Ordinance.

420. TEMPORARY BUILDINGS

No temporary building shall be erected unless a building permit has been issued for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within thirty (30) days of issuance of a certification of occupancy or upon completion of the project and failure to remove said building shall constitute an automatic revocation of the certificate of occupancy.

421. OCCUPANCY NOT ALLOWED

No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a commercial or industrial district, except for the sleeping quarters of a watchman or caretaker.

422. MIXED OCCUPANCY

Before issuing a zoning permit for any construction for any premises that is: 1) intended for a combination of dwelling and commercial occupancy, 2) which would result in an increased number of dwelling units within a building partly occupied by business use; or 3) which would result in an increased area devoted to business use, within a building partly occupied as a dwelling, the Building Inspector shall refer the plans to the Fire Chief and Health Department for their review of any existing or anticipated fire or health hazards. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

423. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS

In residentially zoned districts, accessory buildings, except as otherwise permitted in this Ordinance, 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 Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard.
2. An accessory building not exceeding one (1) story or fourteen (14) feet in height, may occupy not more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any nonrequired rear yard provided that in no instance shall the accessory building exceed the ground floor area of the main building.
3. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than three (3) feet to any side or rear lot line.

424. REQUIRED SIGHT CLEARANCE

No fence, sign, wall, structure or planting shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty-six (36) inches or less in height.

425. ONE LOT, ONE BUILDING

In Single-Family Residential Districts, only one principal building shall be placed on a lot of record.

426. REQUIRED STREET FRONTAGE

Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on, and direct access to, a public street or private easement which meets one of the following conditions:

ARTICLE 4 - GENERAL PROVISIONS

1. A public street with a paved roadway which has been accepted for maintenance by the County Road Commission or City of Pinconning.
2. A permanent and unobstructed private easement of record at the County Register of Deeds and having a width of at least thirty (30) feet, except where an access easement of record of less width existed prior to the adoption of this Ordinance, leading to a public street as defined under item one (1) above.

427. PROTECTIVE SCREENING

To provide protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply:

1. There shall be provided and maintained by the commercial or industrial developer, an obscuring wall on those sides where a Commercial or Industrial District abuts or is adjacent to any residential district. Such wall shall be erected to conform to the following regulations:
 - a. Walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting residential districts.
 - b. All walls shall be five (5) feet in height, but not over seven and one-half (7-1/2) feet in height, and be constructed of brick or other decorative obscuring material. In industrial districts, that portion of the land used for open storage facilities for materials, equipment used in the manufacturing, compounding, final product storage or processing shall be totally obscured by a five (5) foot masonry wall on those sides abutting a residential district.
 - c. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served. In consideration of requests to waive wall requirements between nonresidential and residential districts, the Board of Appeals shall request the Planning Commission for a recommendation as to whether the residential district may in the future be a nonresidential area.

ARTICLE 4 - GENERAL PROVISIONS

428. PROHIBITED PARKING IN ALL RESIDENTIAL DISTRICTS

1. Automotive vehicles or trailers of any kind without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
2. Commercial highway trailers and trucks with a rated capacity exceeding one (1) ton shall not be parked or stored on residentially zoned property.
3. Recreational equipment parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities for more than ten (10) days in a six (6) month time period if temporarily used for housekeeping.
4. Camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes, for a period not more than five (5) days.

429. OUTDOOR LIGHTING

Outdoor lighting, where permitted, shall be subject to the following regulations:

1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawn or parking lots.
3. All lighting in nonresidential districts used for external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways, streets, or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways, streets, or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

430. FENCES (RESIDENTIAL)

Fences are permitted, or required subject to the following:

1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground. Any fence or portion of a fence located within the front yard as measured from the front of the dwelling to the front property line shall not exceed a height of three (3) feet.
2. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
3. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of the total area of the fence.

431. (RESERVED FOR FUTURE USE)

432. ESSENTIAL SERVICES

Essential services shall be permitted in all districts, provided, that in residence districts such uses shall be reviewed by the Planning Commission as to architecture and/or landscaping suitable to the neighborhood.

433. STREETS

To provide for the public health and welfare through adequate light and ventilation and for the safety of persons and property in the use of the streets of the City, all public streets platted, laid out, or dedicated and accepted by the City, shall have a right of way width of at least sixty-six (66) feet.

434. REVERSION OF REZONED AREA

In the case of land which has been approved for a zoning change, construction on the parcel must begin within a period of one year from approval of the zone change. If construction does not commence within this period, the Planning Commission may initiate a rezoning to return the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must comply with the amendment process provided in this ordinance (reference Article 27).



ARTICLE 5

NONCONFORMING USES



ARTICLE 5 - NONCONFORMING USES

501. WITHIN THE DISTRICTS ESTABLISHED BY THIS ORDINANCE THERE EXISTS:

1. Lots,
2. Structures,
3. Uses of land and structures, and
4. Characteristics of use which were lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance 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, the nature of which would be prohibited in the district involved.

502. NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its taxable value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

503. NONCONFORMING USES OF LAND

Where, at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful provided:

- I. No such nonconforming use shall be enlarged or increased, not extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

504. NONCONFORMING USES OF STRUCTURES

If a lawful use involving individual structures or of structure and premises in combination exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall not 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 at the time of adoption or amendment of this Ordinance, 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 structures and premises, may be changed to another nonconforming use provided that the proposed use is legally appropriate or more appropriate to the district than the existing

ARTICLE 5 - NONCONFORMING USES

nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a nonconforming use.

4. Any nonconforming single-family residential structure may be expanded or increased in floor area fifty (50) percent of the size of the structure at the time of adoption of this Ordinance.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for one (1) year, the structure or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. Where nonconforming use applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this Section is defined as damage to an extent of more than fifty (50) percent of the taxable value at time of destruction.

505. NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lots fail 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.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this Ordinance. A variance may be requested by the applicant to the Zoning Board of Appeals for permission to reduce the required yard and setback requirements. Such request must conform to the procedures and standards identified in Article 25.

506. HISTORIC PROPERTIES

Any nonconforming property in the City of Pinconning which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than thirty (30) days before any regulatory action may take effect.

507. REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding fifty (50) percent of the current taxable value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt in conformity with the regulation of the district in which it is located.

508. PLANS ALREADY

In any case where plans and specifications for a building or structure, which would conform with the zoning regulations of this ordinance or any amendment thereof have been filed, and where a building permit for such building or structure has been issued and construction work started at the effective date of this ordinance or amendment, such work may proceed, provided it is completed within one year.

509. DISTRICT CHANGES

Whenever changes occur in the boundaries of Zoning Districts, the provisions of this Section shall apply to any uses or parcels that become nonconforming as a result of the boundary changes.

ARTICLE 5 - NONCONFORMING USES

510. NONCONFORMING VALIDATION CERTIFICATE

1. At any time after the adoption of this Ordinance should the City Building Inspector become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the Building Inspector of the provisions of this Section that his property constitutes a nonconforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Validation Certificate for the nonconforming use. The application of such Certificate shall designate the location, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the Validation Certificate.
2. If the Building Inspector shall find, upon reviewing the application for a Validation Certificate, that the existing use is illegal or in violation of any other ordinance or law, or if he finds that the building for which the Certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, he shall not issue the Validation Certificate, but shall declare such use in violation of this Ordinance.
3. After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare a record of all known nonconforming uses and occupation of lands, buildings and structures, including tents and trailer coaches existing at the time of such adoption or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Clerk.

511. PREFERRED CLASS OF NONCONFORMING USE

1. Notwithstanding the above enumerated provisions of this Article certain nonconforming uses may be entitled to the status of "Preferred Class of Nonconforming Use," pursuant to the following conditions:
 - a. The use does not adversely affect the public health, safety and welfare.
 - b. The use does not adversely affect the purposes of the district in which it is located.
 - c. No useful purpose would be served by the strict application of the provision or requirements of this Ordinance with which the use does not conform.
 - d. A nonresidential use in a residential district shall not be eligible for preferred status.

ARTICLE 5 - NONCONFORMING USES

2. The structure housing a Preferred Nonconforming Use may be enlarged or altered provided such alteration is approved by the Board of Zoning Appeals. The property owner shall first seek approval of the "Preferred" status of the use of the structure from the Board of Zoning Appeals. The property owner, upon approval of preferred status shall then submit and seek site plan review and approval by the Planning Commission in accordance with Article 20 - Site Plan Review and Appearance Code Procedures, and further be subject to any and all reasonable conditions which may be imposed by the Planning Commission in accordance with Section 4c.(2) of the City-Village Zoning Act as amended and Article 21 - Site Development Requirements of this Zoning Ordinance.

ARTICLE 6

MAPPED DISTRICTS



601. ZONING DISTRICTS

The City is hereby divided into classes of districts as shown on the official Zoning Map and shall include the following:

- R-1 - Low Density Residential District
- R-2 - Medium Density Residential District
- R-3 - Multiple-Family Residential District
- MHP - MHP Manufactured Home Park District
- CC - Community Center Business District
- GB - General Business District
- LI - Light Industrial District
- GI - General Industrial District

602. ZONING MAP

The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which said map is designated as the Zoning Map of the City of Pinconning. The Zoning Map attached hereto and on file with the City Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said Zoning Map and all such notations, references and other information shown thereon were fully set forth or described herein.

603. INTERPRETATION OF DISTRICT BOUNDARIES

Except where references on the Official Zoning Map to a street or other designated line by the dimensions shown on said Map, the district boundary lines follow lot lines or the center lines of the streets, alleys, railroads, or such line extended and the corporate limits of the City as they existed at the time of the adoption of this Ordinance.

Where a district boundary line, as shown on the Map, divides a lot which was in a single ownership and of record at the time of enactment of this Ordinance,

1. If the more restrictive portion of the lot is entirely within twenty-five (25) feet of the dividing district boundary line, the uses authorized on, and the district requirements and restrictions pertaining to, the less restrictive portion of the lot shall apply to the entire lot.
2. If the more restrictive portion of the lot extends more than twenty-five (25) feet at any point from the dividing district boundary line, the uses authorized on, and the district requirements and restrictions pertaining to, each such portion shall apply as if each such portion were a separate lot.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals.

604. ZONING OF VACATED AREAS

Whenever any street, alley or other public way within the City shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the permitted uses shall be limited to the same uses as are permitted under this Ordinance for such adjoining lands.

ARTICLE 7

R-1 LOW DENSITY RESIDENTIAL DISTRICT



ARTICLE 7 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

701. STATEMENT OF PURPOSE

The R-1 Low Density Residential District is intended to provide a residential living environment devoted primarily to single family dwellings located on larger lots within the City. This district includes existing low density single-family properties as well as areas within which that type of development appears both likely and desirable with the availability of water and sewer.

702. PERMITTED PRINCIPAL USES

The following provisions apply in the Low Density Residential District

1. One Family detached dwellings
2. Publicly owned and operated parks
3. Private pools
4. Accessory buildings and uses customarily incidental to the above permitted uses
5. Fences, subject to the standards of Section 430.

703. PERMITTED USES AFTER SPECIAL APPROVAL

The following Special Approval Uses shall be permitted subject to review and approval by the Planning Commission, and further subject to any and all reasonable conditions which may be imposed by the Planning Commission in accordance with Section 4(c).2 of the City-Village Zoning Act, as amended, and Article 21, Special Land Use Procedures and Site Development Requirements of this Zoning Ordinance.

1. Churches, Mosques, Synagogues
2. Child care centers, Day care centers, Nursery schools
3. Home occupations
4. Planned Residential Development
5. Site condominium Development

704. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

All yard and setback requirements must be in accordance with Article 16, Schedule of Regulations.

ARTICLE 7 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

705. PROHIBITED USES

Within any R-1 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 702 and 703.

ARTICLE 8

R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT



ARTICLE 8 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

801. STATEMENT OF PURPOSE

The R-2 Medium Density Residential District is intended to provide a residential living environment devoted primarily to single family dwellings within a medium density range while prohibiting business, commercial or industrial use of the land, and any other use which would substantially interfere with development or continuation of single-family dwellings in the district. It is intended to discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets and discourage any use which would, because of its character or size, 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 single-family dwellings.

This district designation applies to the more established residential neighborhoods of the City and is intended to accommodate the smaller lots and dwellings currently found in those areas.

802. PERMITTED PRINCIPAL USES

The following provisions apply in the R-2 Medium Density Residential District:

1. One-family detached dwellings.
2. Museums, libraries and municipal buildings.
3. Publicly owned and operated parks, parkways, and recreational facilities.
4. Private pools.
5. Other uses similar to the above.
6. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
7. Fences, subject to the standards of Section 430.

803. PERMITTED USES AFTER SPECIAL APPROVAL

The following Special Approval Uses shall be permitted subject to review and approval by the Planning Commission, and further subject to any and all reasonable conditions which may be imposed by the Planning Commission in accordance with Section 4(c).2 of the City-Village Zoning Act, as amended, and Article 21, Special Land Use Procedures and Site Development Requirements of this Zoning Ordinance.

ARTICLE 8 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

1. Essential Services.
2. Child care centers, Day care centers, Nursery schools.
3. Golf courses.
4. Cemeteries.
5. Churches and other facilities normally incidental thereto.
6. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education
7. Home occupations.
8. **Bed and Breakfast**

804. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

All yard and setback requirements must be in accordance with Article 16, Schedule of Regulations.

805. PROHIBITED USES

Within any R-2 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 802 and 803.

ARTICLE 9

R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT



ARTICLE 9 - R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

901. STATEMENT OF PURPOSE

The Multiple-Family Residential District is designed to permit a more intensive residential use of land with various types of attached single-family houses, townhouses, and garden apartments. These uses are to be located near major thoroughfares for good accessibility and between single-family residential areas and other nonresidential uses. Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

902. PERMITTED PRINCIPAL USES

The following provisions apply in the Multiple-Family Residential Districts. Any use not expressly permitted is prohibited.

1. All Permitted Principal Uses in the R-1 Low Density and R-2 Medium Density Residential Districts
2. Two-family dwellings.
3. Multiple-family dwelling units.
4. Boarding house (rooming house).
5. Accessory buildings and uses customarily incidental to the above permitted uses.
6. Fences, subject to the standards of Section 430.

903. PERMITTED USES AFTER SPECIAL APPROVAL

The following Special Approval Uses shall be permitted subject to review and approval by the Planning Commission, and further subject to any and all reasonable conditions which may be imposed by the Planning Commission in accordance with Section 4(c).2 of the City-Village Zoning Act as amended, and Article 21, Special Land Use Procedures and Site Development Requirements of this Zoning Ordinance.

1. All Special Approval Land Uses in the R-1 Low Density Residential and R-2 Medium Density Residential Districts as permitted in Sections 703 and 803.
2. Hospitals.
3. Convalescent homes.
4. Bed and Breakfast

ARTICLE 9 - R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

904. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

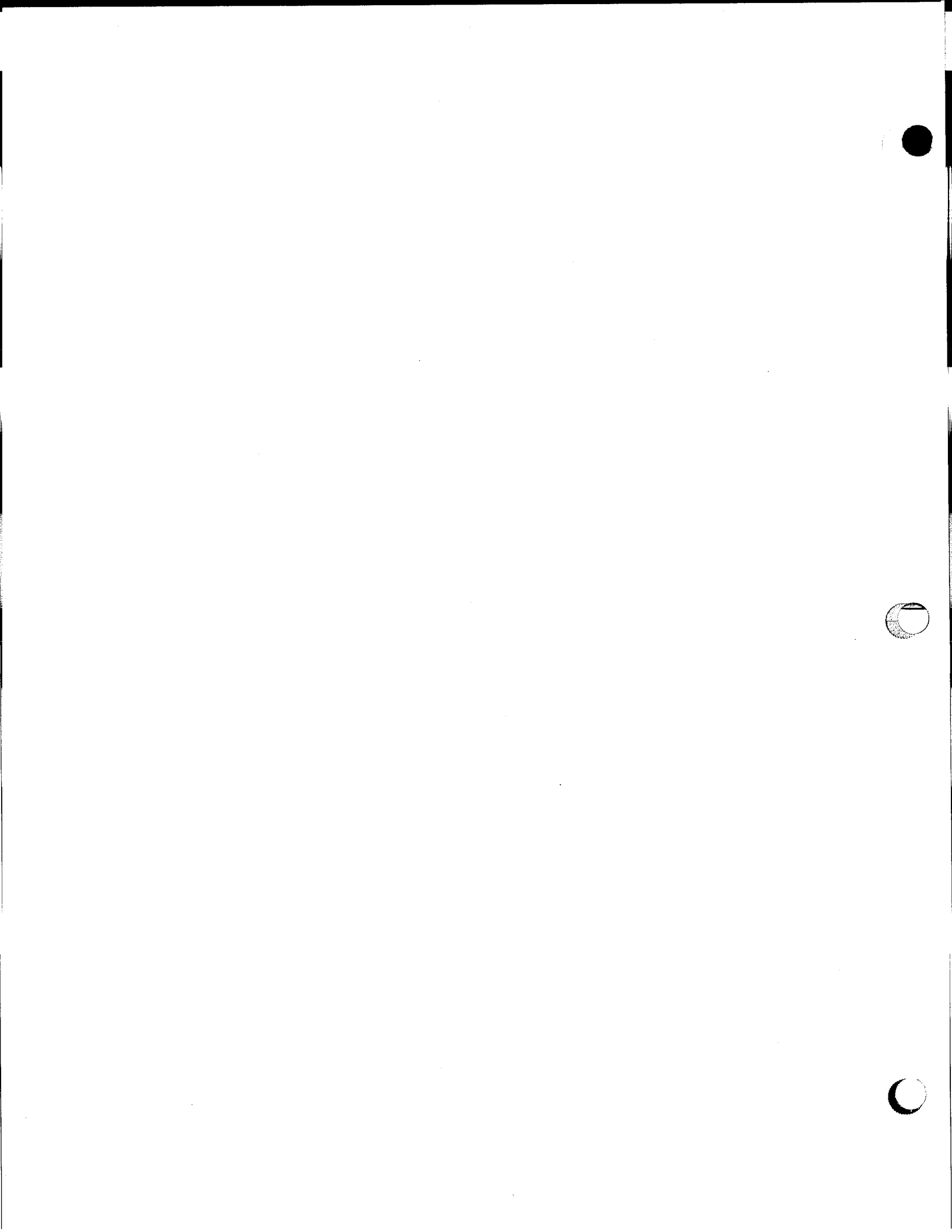
All yard and setback requirements must be in accordance with Article 16, Schedule of Regulations.

905. PROHIBITED USES

Within any R-3 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 902 and 903.

ARTICLE 10

MHP MANUFACTURED HOME PARK DISTRICT



ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

1001. PURPOSE

The district is intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any manufactured home type development. The regulations applicable to this district are considered as minimum standards to be applied to all manufactured home park developments in the district.

1002. PERMITTED USES

- (1) Manufactured home parks, subject to the requirements established and regulated by the Home Commission rules, and the provisions of this article.
- (2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of manufactured home park residents.
- (3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article, storage or out buildings, otherwise permitted in residential districts under this article.

1003. PROHIBITED USES

Within the MHP District, no building structure or premises shall be used or erected which building structure or premises is intended or designed to be used in whole or in part for any use not permitted by Section 1002.

1004. COMPLIANCE WITH HOME COMMISSION RULES

No manufactured home park shall be established within the MHP District unless the park complies with the rules of the Home Commission, Michigan.

1005. SIGNS

One (1) sign not larger than thirty-two (32) square feet of sign face area, two-sided, for identification of the premises and use shall be placed at the main entrance of the manufactured home park provided that it shall contain no other advertisement whatsoever. One (1) sign, two-sided, not larger than sixteen (16) square feet of sign face, limited to the same information and identification contained on the entrance sign, may be erected on any secondary entrance to the manufactured home park adjoining a public road. All signs and

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

entry ways shall be of a permanent nature and shall be compatible with the surrounding area. All signs shall be set back ten (10) feet from an adjacent property line and the street property line and shall not exceed eight (8) feet in height.

1006. GREENBELT BUFFER

Within the premises upon which a manufactured home park is located there shall be constructed a greenbelt buffer. After approval as a part of the site plan review process, there shall be no requirement that the buffer be changed due to future development.

- (1) The greenbelt buffer shall be twenty (20) feet wide on all side and rear lot lines abutting adjoining property.
- (2) Landscaping Materials. If the manufactured home park abuts an existing residential development, screening shall be required in the buffer zones. Screening shall be with plants of six (6) feet in height at the time of planting, which shall obscure fifty (50) per cent of the view of the park, or a solid fence eight (8) feet in height obscuring one hundred (100) per cent of the view, or any combination of the above may be used to meet the intent of this Ordinance, to screen the manufactured home park from abutting developed residential use district classifications, or residences, and also from any previously existing adjoining single-family residence, regardless of the zone in which the latter residence is located. All the screening shall obscure one hundred (100) per cent of the view at maturity. Property owners are allowed flexibility in material selection as long as these standards are met. If a wood fence is used, the materials shall be pressure-treated lumber such as 0.4 wolmanized or similar approved treatment. If a masonry fence is used, it shall have a foundation of at least forty-two (42) inches deep in the ground. Trees, shrubs and all planted vegetation within the buffer, must be appropriate to the climate and provided further, that they are not infested with pests, insects or diseases. The buffer shall be landscaped in such fashion as to assure that it will not erode and shall be landscaped with grass or ground cover appropriate for the climate.

Screening shall be maintained in a condition very similar to the condition at the time of installation. This means fences shall be straight and broken boards shall be replaced. Dead trees, bushes, shrubs and vegetation shall be replaced with new, live, smaller plants which will grow to the same height as the dead plant being replaced. Masonry fences shall have all cracks repaired and maintained by pointing.

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

The Planning Commission shall be authorized to grant an exception from the foregoing screening requirements where the screening would serve no useful practical purpose in providing peace and quiet for the occupants of the adjoining premises and may grant any exception during the site plan review process.

- (3) The greenbelt buffer, whether utilizing a fence, or trees and plantings, or both, shall in any event be compatible with the surrounding environment.

1007. STREETS, SIDEWALKS AND PUBLIC WAYS

Every manufactured home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

- (1) *Access to public ways.* Where adverse topographic conditions of entry streets are encountered, a second street must be provided. Such adverse conditions might be, but are not limited to, a stream, swamp and/or steep grade. The second entry may be a boulevard such that a stream would be crossed with two (2) independent adjacent bridges with each travel portion of the boulevard being at least thirteen (13) feet wide.
- (2) All streets within the manufactured home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction including Construction Details of the Michigan Department of Transportation.
- (3) Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to the design standards of the Michigan Department of Public Health drainage standards.
- (4) Two-way streets within the manufactured home park shall have a minimum traveled width of twenty-one (21) feet with no parking. One-way streets shall have a minimum traveled width of thirteen (13) feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the manufactured home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16) feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs will be installed and enforced on the side of the street.

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

- (5) Each street intersection within the manufactured home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30) feet from the intersection or taller than three (3) feet from the center line elevation of the street.
- (6) Each intersection within the manufactured home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
- (7) If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.

1008. OFF-STREET PARKING AND DRIVEWAYS

- (1) All home sites within the manufactured home park shall be provided with not less than two (2) hard-surfaced parking spaces. If the parking spaces are off-street, they shall be hard-surfaced and shall be sized to accommodate at least one (1) full-sized vehicle. All off-street parking shall be connected to an adjacent manufactured home park street by hard-surfaced driveway at least ten (10) feet in width. Parking may also be provided on-street, provided that the parking lane width requirements of Section 1007(4) above are complied with. Driveways shall also be provided for access to service entrances and buildings for delivery and collection points for fuel, refuse and other materials and elsewhere as needed. Every driveway entrance shall have a flare or radii in horizontal alignment necessary for safe and convenient ingress and egress.
- (2) A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking. Each visitor parking site shall be located within five hundred (500) feet of the home site it is intended to serve.
- (3) In addition to the foregoing, a separate parking area may be provided for vehicles that cannot be accommodated within the parking areas set forth above, such as recreational vehicles, travel trailers, snow s, and the like.

1009. ILLUMINATION

All streets and sidewalk and areas open to travel by manufactured home park residents shall be illuminated as follows:

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

- (1) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
- (2) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
- (3) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
- (4) If a central park mail box or park directory or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.
- (5) All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.
- (6) All lighting shall be located and shielded so as to direct the light away from premises abutting the manufactured home park.

1010. WATER SUPPLY, FIRE HYDRANTS AND SANITARY SYSTEM

Each manufactured home park shall be connected to a common water supply and sanitary sewage disposal system. Adequate water supply shall be provided for firefighting purposes. Water supply shall be designed and installed and sewer service provided in accordance with the Michigan Department of Public Health Engineering Standards and the Safe Drinking Water Act, Section 325.1105 administrative rules and shall be properly maintained and readily accessible for immediate use at all times. Fire hydrants shall be situated within the manufactured home park in such locations and at such intervals such that no lot shall be more than three hundred (300) feet measured parallel to the street from a fire hydrant. Each fire hydrant shall be located within ten (10) feet of the edge of the street paving surface. When the property is more than one hundred fifty (150) feet along a public right-of-way from either City water or sewer supply lines or sewers, a private system may be installed, as is required to develop any other land in the City. Otherwise, each manufactured home park shall be connected to the city water and/or sanitary sewage disposal systems and each home site shall be connected.

ARTICLE 10 - MHP MANUFACTURED HOME PARK D.

1011. SOLID REFUSE, GARBAGE AND RECYCLABLES

- (1) Each manufactured home park shall supply dumpsters and/or recyclable containers approved by the City for use of the manufactured home park occupants only to dispose of solid refuse, garbage, recyclables and any other non-liquid items of which the occupant wishes to permanently dispose.
- (2) All such dumpsters/containers shall be placed on an approved Portland cement pad. The driveway leading to the dumpsters/containers plus a turn-around area for the refuse pickup truck shall be paved with a hard surface. It is recommended dumpsters/containers be screened from view of adjoining homes.
- (3) The disposal of solid refuse shall comply with all City and other government requirements for refuse disposal. The area in which dumpsters/containers are located shall be kept in a clean and sanitary condition at all times. A sufficient number of dumpsters/containers shall be provided to contain the volume of refuse generated by the manufactured home park.

1012. FUEL OIL AND LP GAS STORAGE

Any fuel oil and/or LP gas storage shall meet the requirements of Public Act 96 of the Public Acts of 1987 as amended. If a centralized park liquid petroleum gas system or fuel oil system is incorporated within the manufactured home park they shall comply with rules 935 through 937 of the Home Commission rules.

1013. UTILITIES

- (1) All local distribution lines for telephone and electric services, exclusive of main supply and perimeter feed lines when located on section quarter lines, shall be placed entirely under ground throughout the manufactured home park, provided, however, that when a manufactured home park overlaps a sectional quarter line, main supply and perimeter feed lines located on such sectional quarter lines shall be placed underground. Primary voltage electric utility lines are not required to be underground but secondary voltage lines are subject to these regulations.
- (2) Conduits or cables shall be placed within private easements granted to the utility companies by the proprietor and/or developer all within the rights-of-way designated for travel by manufactured home park residents. Telephone and electrical facilities shall be located in such rights-of-way so as not to conflict with other underground utilities.

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

All telephone and electric facilities shall be constructed in accordance with the standards of construction approved by the Michigan Public Service Commission.

1014. LOT SIZE, SIDE AND FRONT YARDS

- (1) Manufactured home parks shall be developed for sites averaging five thousand five hundred (5,500) square feet per home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) per cent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirement be less than that required under R-125.1946, Rule 946, and R-125-1941, and R-125.1944, Rules 941 and 944 of the Michigan Administrative Code. No duplex or multi-family unit shall be allowed.
- (2) For purposes of this section, a manufactured home includes an add-a-room, expand-o-room, porch, steps, carport, awning, deck, swimming pool, slide-o-bay or other object.
- (3) A home shall be required to be set back the following minimum distances:
 - (a) Twenty (20) feet from any part of an attached or detached structure of an adjacent home which is used for living purposes.
 - (b) Ten (10) feet from any of the following:
 1. An on-site parking space of an adjacent home site.
 2. An attached or detached structure or accessory of an adjacent home which is not used for living purposes.
 - (c) Fifty (50) feet from permanent park-owned structures such as any of the following:
 1. Community buildings.
 2. Offices.
 3. Maintenance and storage facilities.
 4. Similar structures.
 - (d) One hundred (100) feet from a baseball or softball field.

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

- (e) Twenty-five (25) feet from the fence of a swimming pool.
 - (f) On-site detached storage sheds shall be a minimum three (3) unobstructed feet from any manufactured home served thereby, unless the wall adjacent to the manufactured home is lined with Class A fire-resistant material.
 - (g) Attached or detached structures or accessory buildings of a manufactured home that are not used for living space shall be a minimum distance of ten (10) feet from an adjacent manufactured home or its adjacent attached or detached structures.
- (4) Any part or structure, such as steps, porches, supported or unsupported awning, deck, carport or garage, or similar structures, that are a part of a manufactured home shall be set back the following minimum distances:
- (a) Ten (10) feet from the edge of an internal road.
 - (b) Seven (7) feet from an off-site parking space.
 - (c) Seven (7) feet from a common sidewalk.
 - (d) Twenty-five (25) feet from a natural or man-made lake or waterway.
- (5) Steps shall not encroach into parking areas.
- (6) The length of a manufactured home site may vary, depending on park design and layout and the home to be installed; however, the minimum standards pertaining to the distance between manufactured homes shall be complied with.
- (7) Site dimensions may be computed to include the space requirements for manufactured homes which may contain expand-o-rooms or may be computed in anticipation of the attachment of expansions, such as add-a-rooms.

1015. Height

No structure within the manufactured home park shall exceed two and one-half (2-1/2) stories in height.

ARTICLE 10 - MHP MANUFACTURED HOME PARK DISTRICT

1016. Open Space

An open space dedicated to use by manufactured home park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided. The areas shall consist of not less than two (2) per cent of the park's gross acreage but not less than twenty-five thousand (25,000) square feet. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland. This open space requirement shall not apply to home developments with less than fifty (50) sites. If a development is built in stages, when the fifty-first site is developed, this requirement shall apply to all the sites in both stages of the development.

1017. Home Installation

Installation of homes upon each home site shall be accomplished in accordance with Part 6 of the home commission rules. All homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Mobile Home Commission rules.



ARTICLE 11

CC COMMUNITY CENTER DISTRICT



ARTICLE 11 - CC COMMUNITY CENTER DISTRICT

1101. PURPOSE

The commercial businesses within the Pinconning downtown area, principally along Kaiser St. and generally bounded by Manitou Street, Second Street, Warner Street and Fourth Street, have historically served as the retail center of the City. The Community Center District is intended to retain and enhance the character of this area within a pedestrian oriented environment. The Community Center District permits a variety of commercial, administrative, financial, civic, cultural, residential, entertainment and recreational activities in an effort to provide a harmonious mix of activities. This district is characterized by multiple story buildings, and many persons entering the district will come by auto and typically will park once to carry out several errands.

1102. PERMITTED USES

The following uses of buildings and premises, individually or in combination, shall be permitted in the CC Community Center District. Principal uses are permitted subject to an approved Site Plan: (see Article 20 and Article 21).

- (1) Any retail business except those uses which tend to detract from or interfere with pedestrian shopping activity including open air auto sales facilities, auto service centers, drive-in uses, and uses of a like nature (see Section 2103).
- (2) Any personal service establishment such as barber and beauty shops, shoe repair shops, millinery shops, tailor and pressing shops, photographers, and service establishments of a like nature.
- (3) Dry cleaners and laundries where the dry-cleaning establishment occupies a total floor area not to exceed two thousand (2,000) sq. ft. and using not more than two (2) clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is nonexplosive and nonflammable.
- (4) Any office use or establishment, including but not limited to, general and professional offices, medical and dental offices, banks and financial institutions, real estate offices, travel agencies, and offices of civic organization or associations.
- (5) Fraternal Clubs and Lodges.
- (6) Restaurants, and similar establishments, including such establishments that may offer outdoor dining areas and walk-up service windows.

ARTICLE 11 - CC COMMUNITY CENTER DISTRICT

- (7) Apartments (see Section 1105)
- (8) Hotels
- (9) Theaters, public assembly halls, concert halls, meeting rooms and clubs.
- (10) Taverns
- (11) Public and semi-public uses including government and public utility offices, libraries, churches, schools, museums, art galleries, and post offices or postal substations.
- (12) Business or instructional schools, such as accounting, typing, clerical, music, voice, or dance schools.
- (13) Mortuaries/Funeral homes.
- (14) Mixed use establishments, i.e., commercial and residential uses combined in one structure, contingent upon required conditions found herein.
- (15) The following Accessory Uses in addition to uses customarily incidental to the main use of the building or lot are permitted:
 - a. Public, private, and commercial parking lots.
 - b. Home occupations, subject to the approval of a home occupation permit as provided in this ordinance.
 - c. Automatic teller machines which are enclosed within or attached to the principal building.
 - d. Drive-in banking facilities for banks and financial institutions.
 - e. Recreational uses and facilities such as swimming pools, indoor or outdoor court facilities, and weight or training rooms for the use of the patrons or tenants of a hotel or apartment use, provided that, such uses do not exceed twenty percent (20%) of the gross floor area.
 - f. Temporary buildings and trailers for use incidental to construction work.

ARTICLE 11 - CC COMMUNITY CENTER DISTRICT

1103. USES ALLOWED BY SPECIAL PERMIT

The following special land uses are permitted in the CC Community Center District, subject to the requirements of Section 2103:

Recreational uses and facilities which do not serve alcoholic beverages, including but not limited to, video game arcades, billiard or pool parlors, spas, and health clubs.

1104. PROHIBITED USES

Within the CC District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 1102 and 1103.

1105. REQUIRED CONDITIONS

The following conditions are required in the Community Center District.

- (1) All permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor operations or storage of materials from the view of adjoining streets or properties. A chain link or decorative fence of sufficient density (1-1/4" x 1-1/4") to keep discarded debris within the confines of a site shall be provided for outdoor eating establishments or uses which are likely to have this debris.
- (2) Parking as provided in Article 17.
- (3) Signs as provided in Article 18
- (4) All dwellings, apartments and hotels shall meet the provisions of the R-3 Multiple Family Residential District as provided in Section 905.
- (5) Lots. Lot width, lot area, and yards shall meet or exceed the requirements in Article 16 - Schedule of Regulations.
- (6) Height. Building heights shall meet or exceed the requirements in Article 16 - Schedule of Regulations..
- (7) Site Plan Review. Site plan review and approval must be obtained for all new construction and uses requiring new parking areas or additions to parking areas, in accordance with the provisions of Article 21 and Section 1701 through 1704.

ARTICLE 11 - CC COMMUNITY CENTER DISTRICT

- (8) Screening of Dumpsters. For all lots in the Community Center District abutting on one or more sides of a Residential District all areas of trash storage and disposal visible from the Residential District, including dumpsters, must be screened by a six (6) foot screen fence, but in no case less than six (6) inch in height over the top of the trash or dumpster.

1106. APPEARANCE STANDARDS

The following standards are intended to apply design principles to commercial buildings in the CC Community Center District. These standards are established to emphasize the importance of the design of the building site, including structures, plantings, signs, street hardware and other objects observed by the public. These standards are to be applied to new construction as well as additions or modifications to existing buildings which exceed fifty (50) percent of the floor area or fifty (50) percent of the exterior wall surface area of the existing building, whichever is less. Submittal and approval requirements and procedures are identified in Article 20.

(1) FACTORS FOR EVALUATION

The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

- a. Conformance to ordinances and the Appearance Code.
- b. Logic of design.
- c. Exterior space utilization.
- d. Architectural character.
- e. Attractiveness.
- f. Material selection.
- g. Harmony and compatibility.
- h. Circulation - vehicular and pedestrian.
- i. Maintenance aspects.

(2) RELATIONSHIP OF BUILDING TO SITE

- a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, and safe pedestrian movement.
- b. Without restricting the permissible limits of the CC Zoning District, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

ARTICLE 11 - CC COMMUNITY CENTER DISTRICT

- c. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

3) RELATIONSHIP OF BUILDINGS AND SITE TO ADJOINING AREA

- a. The proposed building shall be generally compatible with the architectural style of adjoining buildings. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
- b. Attractive landscape design transition to adjoining properties shall be provided.
- c. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

4) BUILDING DESIGN

- a. While architectural style is not restricted it should reflect the historic character of existing development in the CC District, with emphasis upon Traditional or Colonial styles. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- b. Buildings shall have good scale and be in harmonious conformance with permanent neighborhood development.
- c.
 - (i) Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Pole barns and metal facades shall not be allowed.
 - (ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
 - (iii) Materials shall be of durable quality.
 - (iv) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- d. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- e. Colors shall be harmonious and shall use only compatible accents.

ARTICLE 11 - CC COMMUNITY CENTER DISTRICT

- f. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
 - g. Exterior lighting may be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 - h. Refuse and waste removal areas, service yards, storage yards, and exterior work shall be screened from view from public ways, using materials as stated in criteria for equipment screening and following the requirements of Section 1105(8).
 - i. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
- 5) SIGNS: Shall meet the requirements of Article 18 in addition to the following:
- a. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
 - b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - c. The back of the sign shall be mounted flat against the surface of the building. Projecting signs are not allowed
 - d. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
 - e. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
 - f. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
 - g. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

ARTICLE 11 - CC COMMUNITY CENTER DISTRICT

6) MISCELLANEOUS STRUCTURES AND STREET HARDWARE

- a. Miscellaneous structures and street hardware shall be designed to be a part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

7) MAINTENANCE - PLANNING AND DESIGN FACTORS

- a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- b. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.



ARTICLE 12

GB GENERAL BUSINESS DISTRICT



ARTICLE 12 - GB GENERAL BUSINESS DISTRICT

1201. STATEMENT OF PURPOSE

The intent of the GB, General Business District, is to provide areas wherein those commercial, business, and service uses which primarily cater to the motoring public, plus compatible and/or accessory uses, may be located without encroaching into districts where their unique needs or circumstances would render them undesirable.

1202. PERMITTED USES

The following uses of buildings and premises, individually or in combination, shall be permitted in the General Business District. Principal uses are permitted subject to an approved Site Plan: (see Article 20 and Article 21).

A. Business services, including the following:

1. Business, professional or governmental offices.
2. Financial institutions, including banks, savings and loan association offices, credit unions and associated drive-thru facilities, and for which off-street parking space is provided on the premises or within two (2) blocks thereof equal to the total area of the main floor of the building upon which it conducts its business with the general public. Provided, that in case of "drive-in" banks, spaces for the parking of five (5) cars may be deducted for each "drive-in" service window.

B. Clothing service, including the following:

1. Dry cleaning establishments occupying a total floor area not to exceed two thousand (2,000) square feet using not more than two (2) clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is nonexplosive and nonflammable, and subject to the off-street waiting requirements of Section 1706.
2. Self-service laundry and dry cleaning establishments.

C. Food services including the following:

1. Supermarket/grocery stores.
2. Wholesale food distributors.

ARTICLE 12 - GB GENERAL BUSINESS DISTRICT

3. Drive-in restaurants or other drive-in or drive-up establishments serving food and/or beverages.
 4. Full service restaurants.
- D. Personal services, including the following:
1. Barber shops.
 2. Beauty shops.
 3. Health salons, exercise/body building facilities.
 4. Motels, motor courts.
 5. Hotels in which parking is provided on the premises or within two blocks thereof for eight (8) cars for each ten (10) bedrooms
 6. Animal (Veterinary) hospitals/Clinics, including retail sales of pet supplies and minor surgery/ sterilization of small animals.
 7. Mini-storage/self storage facilities.
- E. Recreation/amusement businesses, including the following:
1. Bowling alleys.
 2. Golf driving ranges.
 3. Movie Theaters.
 4. Archery/pistol ranges (indoors).
 5. Arcades.
 6. Other Indoor amusement places for which off-street parking space is provided on the premises or within two (2) blocks thereof equal to space for the parking of one (1) automobile for each ten (10) seat of seating capacity or fraction thereof.

ARTICLE 12 - GB GENERAL BUSINESS DISTRICT

- F. Vehicle sales and service.
 - 1. Automobile service stations, quick oil change shops.
 - 2. Vehicle wash establishments.
 - 3. New and used car/truck dealerships.
 - 4. Farm implement sales and service.
 - 5. Recreation vehicle sales and service.
- G. Miscellaneous retail oriented to automobile traffic, including the following:
 - 1. Auto parts sales.
 - 2. Drug stores/pharmacies
 - 3. Plumbing and heating equipment including wood burning stoves.
 - 4. Home improvement stores/building supply stores.
 - 5. Equipment rental/sales (see Section 2103(q)).
 - 6. Pet stores.
 - 7. Arts/crafts.
 - 8. Open-Air business (see Section 2103(cc))
- H. Hospitals/convalescent homes
- I. Mortuaries/Funeral Homes
- J. Clubs and lodges (Fraternal)
- K. Lumber yards
- L. Uses similar to the above, as determined by the City Planning Commission.
- M. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Section 423.

ARTICLE 12 - GB GENERAL BUSINESS DISTRICT

- N. Signs as provided in Article 18.
- O. Off-street parking and loading facilities in accordance with the requirements of Article 17.
- P. Temporary buildings and trailers for use incidental to construction.
- Q. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards.

1203. USES ALLOWED BY SPECIAL PERMIT

- A. Kennels (Commercial)
- B. Nurseries for Plants and Flowers
- C. Parks/Recreational Facilities
- D. Outdoor Amusement Facilities
- E. Cellular Communication, Radio and T.V. Towers
- F. Trailer Sale Yards
- G. Campgrounds/travel Trailer Parks
- H. Adult Entertainment Business
- I. Mixed Residential/Commercial use combined within a single structure provided the following standards are met:
 - 1) a separate entry is provided for the residential use,
 - 2) the minimum floor area requirement for apartments within the R-3 district shall be adhered to,
 - 3) the residential use shall contain its own full kitchen and bathroom facilities,
 - 4) no more than one family may occupy the residence,
 - 5) Separate off-street parking (a minimum of two spaces) shall be provided for the residence.

ARTICLE 12 - GB GENERAL BUSINESS DISTRICT

1204. PROHIBITED USES

In the General Business District, no building, structure, or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any of the following prohibited uses:

- A. Any use listed or permitted in Articles 13 and 14 (Light Industrial and General Industrial districts).
- B. Signs or billboards aggregating more than one hundred (100) square feet in area for each fifty (50) feet of frontage.
- C. Any use not included in Sections 1202 or 1203 unless the use is to be housed in a building of the type which is used for, and can be converted for, a use named in each section without structural changes, other than the removal or rearrangement of interior partitions.

1205. REQUIRED CONDITIONS

- A. All lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residential buildings or residentially zoned property.
- B. Outside storage shall be allowed provided adequate screening is provided in accordance with the requirements of Section 427.
- C. Where a new or expanded land use occurs in the GB District, after the effective date of this ordinance, that abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with Section 427.
- D. Signs as provided in Article 18.
- E. Lots. Lot width, lot area, and yards shall meet the requirements in Article 12.
- F. Height. Building heights shall meet or exceed the requirements in Article 16.
- G. Site Plan Review. Site plan review and approval must be obtained for all new construction, and uses requiring new parking areas or additions to parking areas, in accordance with the provisions of Article 20 and Article 21.
- H. Screening of Dumpsters. For all lots in the General Business District abutting on one or more sides a Residential District, all areas of trash storage and disposal visible from the Residential District, including dumpsters, must be screened by a six (6) foot screen fence, but in no case less than six (6) inch in height over the top of the trash or dumpster.



ARTICLE 13

LI LIGHT INDUSTRIAL DISTRICT



ARTICLE 13 - LI LIGHT INDUSTRIAL DISTRICT

1301. STATEMENT OF PURPOSE

In the Light Industrial District, the intent is to permit certain industries which are of a light manufacturing character to locate in planned areas of the City. So that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects.

1302. PERMITTED PRINCIPAL USES

In the LI, Light Industrial District, no building or part thereof shall be erected, used or structurally altered, nor land or premises used, in whole or in part, except for one or more of the following permitted uses or structures:

1. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; petroleum bulk stations and terminals; tobacco and tobacco products; beer, wine, and distilled alcoholic beverages; paper and paper products; furniture and home furnishings; truck terminals; self (mini) storage facilities; and any commodity the manufacture of which is permitted in this District.
2. Industrial establishments:
 - a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
 - b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber.
3. Signs, in accordance with Section 1804.

1303. USES ALLOWED BY SPECIAL PERMIT

The following Special Approval Land Uses shall be permitted subject to review and approval by the Planning Commission, and further subject to any and all reasonable conditions which

ARTICLE 13 - LI LIGHT INDUSTRIAL DISTRICT

may be imposed by the Planning Commission in accordance with Section 4(c).2 of the City-Village Zoning Act as amended, and Article 21, Special Land Use Procedures and Site Development Requirements of this Zoning Ordinance.

1. All Special Approval Land Uses in the GB, General Business District, as permitted in Section 1203.
2. Commercial Cleaning Plants

1304. INDUSTRIAL PERFORMANCE STANDARDS

Any use established in the LI District shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

1. Hot Forgings, Steam or Board Hammers: Not permitted.
2. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise, as measured at the street or property line, may not exceed sixty (60) decibels.
3. Odor: The emission of obnoxious odors of any kind shall not be permitted.
4. Gases, Smoke, Dust, Dirt, and Fly Ash: The emission of gases, smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous, or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable state and county health laws as pertaining to air pollution and smoke abatement.
5. Glare and Heat: Arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.
6. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all state rules and regulations, and as established by the Fire Prevention Act, Act 207, Public Acts of 1941, as amended. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed.

ARTICLE 13 - LI LIGHT INDUSTRIAL DISTRICT

7. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line.

1305. OFF-STREET PARKING REQUIREMENTS

Off -street parking shall be in conformance with the requirements of Article 17

1306. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

In accordance with Article 16, Schedule of Regulations.



ARTICLE 14

GI GENERAL INDUSTRIAL DISTRICT



ARTICLE 14 - GI GENERAL INDUSTRIAL DISTRICT

1401. STATEMENT OF PURPOSE

The intent of this Article is to permit certain industrial uses to locate in planned areas of the City, which uses are primarily of a manufacturing, assembling and fabricating character, including large scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services. Reasonable regulations apply to users in this District so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in this City.

1402. PERMITTED PRINCIPAL USES

1. All Permitted Principal Uses and Special Approval Land Uses Permitted in the LI, Light Industrial District, as permitted in Sections 1302 and 1303, respectively.
2. Industrial Establishments.
 - a. The assembly and/or manufacture of automobiles, automobile bodies, parts and accessories, cigars and cigarettes, electrical fixtures, batteries, and other electrical apparatus and hardware.
 - b. Processing, refining, or storage of food and foodstuffs.
 - c. Breweries, bumpshops, distilleries, machine shops, metal buffing, plastering and polishing shops, mill glass, horn leather, paper, plastics, precious, or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planning mills) and yarns.
 - d. Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools; dies, jigs, and fixtures, publishing, printing, or forming of box, carton, and cardboard products.
 - e. Slaughter House
 - f. Agriculture bulk collection, storage, distribution
 - g. Laboratories - research or testing.
 - h. Central dry cleaning plants and laundries.

ARTICLE 14 - GI GENERAL INDUSTRIAL DISTRICT

- i. Automobile bump shops, tire vulcanizing and recapping, under-coating painting.
3. Public Utility Uses: Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.
4. Woodwork, lumber and planing mills, painting and sheet metal shops, and welding shops.
5. Other uses similar to the above uses.
6. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses, including living quarters of a watchman or caretaker.

1403. USES ALLOWED BY SPECIAL PERMIT

The following Special Approval Land Uses shall be permitted subject to review and approval by the Planning Commission, and further subject to any a all reasonable conditions which may be imposed by the Planning Commission in accordance with Section 4(c).2 of the City-Village Zoning Act as amended, and Article 20 Site Plan Review and Article 21 Special Land Use Procedures of this Zoning Ordinance.

1. Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel or lumber.
2. Junk yards/Resource recovery facilities.

1404. INDUSTRIAL PERFORMANCE STANDARDS

Any use established in the GI District shall not be permitted to carry on any activity or operation or use of land, building, and equipment, that, produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be maximum permissible hazards to humans or human activity.

1. Noise: The emission of measurable noises from the premises shall not exceed seventy-five (75) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed seventy-five (75) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed such traffic noises. Within GI Districts, sound levels not exceeding eighty (80) decibels may be permitted. In addition, objectionable sounds of an intermittent nature or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to become a nuisance to adjacent uses.

ARTICLE 14 - GI GENERAL INDUSTRIAL DISTRICT

2. Dirt, Dust, and Fly Ash: No person, firm or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, or furnace combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.03 grains per cubic foot of the carrying medium at the temperature of 500 degrees Fahrenheit.
3. Smoke: It shall be unlawful to discharge into the atmosphere from any single source of emission, any smoke of a density equal to, or greater than that density described as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines; provided that the following exceptions to the provision of this rule shall be permitted:
 - a. Smoke the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period or periods aggregating four (4) minutes in any thirty (30) minutes.
 - b. Smoke, the shade or appearance of which is equal to, but not darker than No. 3 of the Ringelmann Chart, for a period or periods aggregating three (3) minutes in any fifteen (15) minutes, when building a new fire or when breakdown of equipment occurs as to make it evident that the emission was not reasonably preventable.
4. All other performance standards relative to vibration, odor, glare and heat, fire and safety hazards, sewage wastes, light, gases, electromagnetic radiation and drifted and airborne matter shall be subject to the same criteria listed in Section 1304.

1405. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

In accordance with Article 16, Schedule of Regulations.



ARTICLE 15

M-13 CORRIDOR OVERLAY ZONE



ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

1501. PURPOSE

The purpose of the M-13 Corridor Overlay Zone is to promote the optimum distribution of land uses, design function and aesthetics, diminish potential hazardous traffic conditions, and ensure the efficient flow of traffic within the corridor. This zone is intended to overlay all of the existing zoning districts along this corridor through the application of additional, more stringent, setback, landscaping, aesthetics and access standards.

1502. LOCATION

The M-13 Corridor Overlay Zone runs parallel to the M-13 right-of-way and encompasses an area one hundred (100) feet on each side of the M-13 right-of-way within the City. The boundaries of the Zone are defined on the official Pinconning Zoning Map.

1503. APPLICABILITY

- 1) The regulations set forth in this Article will apply to the M-13 Corridor as designated in the City of Pinconning official zoning map. These regulations shall apply as an Overlay Zone to the general ordinance, as shown on the official zoning map.
- 2) As an overlay zone, these regulations will apply in addition to those regulations presently in force in the underlying districts (primarily the GB - General Business District). Where there are actual or implied conflicts between regulations in the overlay zone and the base or underlying zoning district, the M-13 Corridor Overlay Zone Regulations shall apply. Construction or any alteration of a direct access driveway, except resurfacing, along M-13 shall require issuance of an access permit from the Michigan Department of Transportation.

1504. SITE PLAN REVIEW REQUIREMENTS

In addition to Driveway Access Review Requirements specified below, all land uses proposed or expanded within the M-13 Corridor Overlay Zone shall conform to the permitted uses or uses allowed by special permit for the applicable underlying district, as well as the additional requirements of the Overlay Zone and shall meet the Site Plan Review Standards specified for the particular use in this Ordinance.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

1505. ACCESS DRIVEWAYS

A. Access Permit and Review Requirements

- 1) All applications for driveway approach permits within the M-13 Corridor Overlay Zone shall be made to the City of Pinconning and to the Michigan Department of Transportation (MDOT) on a form and in a manner prescribed by MDOT. The application shall contain or be accompanied by a certification of either legal ownership or agency authorization and plans or drawings containing the information required by Rule 22 of the Administrative Rules Regulating Driveways, Banners and Parades On and Over Highways, as amended.
- 2) If the access permit is part of a larger site plan that is required to adhere to the Site Plan Review Requirements of this Ordinance, it shall be included as part of the Site Plan Review. The Planning Commission shall review the application and make recommendations to the applicant, if necessary or desirable, prior to the applicant forwarding the permit application to the MDOT. If the access permit is not part of a site plan, the permit application shall be forwarded by the applicant to the Zoning Administrator for review to ensure conformance with the applicable access standards set forth in this Ordinance. Upon review and approval of conformance with the City's access standards by the Zoning Administrator, the applicant shall forward the original, or amended, application to the MDOT, in conformance with the MDOT Administrative Rules.
- 3) No application will be considered approved, nor will any permit be considered, unless the Planning Commission or Zoning Administrator (as appropriate, under the conditions identified above) and MDOT have indicated approval.
- 4) The Zoning Administrator shall keep a record of each application for an Access Permit that has been submitted, including the disposition of each one. This record shall be a public record.
- 5) An Access Permit will remain valid for a period of one (1) year from the date it was issued. If the Permit holder fails to begin earnest construction authorized by the Access Permit by the end of one (1) year, the Permit will be automatically null and void. Any additional rights which have been granted by the Planning Commission or the Zoning Board of Appeals, such as special use permits or variances, will expire together with the Access Permit.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

- 6) Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in a cost to the City. If a balance exists after the City has recouped its costs, the remainder will be released and returned to the permit holder.
- 7) The permit may be extended for a period not to exceed one (1) year. The extension must be requested in writing by the permit holder before the expiration of the initial permit period. The Zoning Administrator may approve a permit extension if there are no deviations from the original permit and there are no violations of applicable ordinances. Reissuance of an Access Permit which has expired requires a new Access Application form to be filled out and processed independently of previous action.
- 8) The permittee shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
- 9) Where a permit has been granted for entrances to a parking facility, the facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in this section.
- 10) Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
- 11) When a building permit is sought for the reconstruction or remodeling of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings or structures, all of the existing, as well as proposed, driveway approaches and parking facilities shall comply, or be made to comply, with all design standards as set forth in this Ordinance prior to the issuance of a zoning or occupancy certificate.
- 12) MDOT may require a performance bond in a sum to be set by the MDOT for each such approach or entrance to ensure compliance with all of the terms of the permit. The bond shall terminate and the deposit shall be returned to the permittee when the terms of the permit have been met or when the permit is canceled and terminated.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

B. Driveway Location and Spacing

- 1) Adjacent accesses should be spaced as far apart as on-site circulation allows. In some cases, MDOT and/or the Planning Commission may require that the business owner/property owner redesign his/her site plan and relocate the access spacing as a function of posted speed.
- 2) A maximum of one (1) driveway opening is permitted to a site from M-13 and one abutting street for commercial land uses, including multi-family dwellings. Wherever feasible, access must be obtained from an abutting street.
- 3) When in the opinion of the MDOT, it is in the interest of good traffic operation, the Planning Commission may permit one (1) additional driveway entrance along a continuous site frontage if there is a demonstrated need based upon trip generation and road traffic data.
- 4) For commercial land uses, dual or multiple service driveway entrances shall be encouraged. Where such a driveway entrance is used, it shall be considered to be one direct access driveway. Each driveway used only for exiting onto M-13 shall contain one (1) lane for right hand turns and one (1) lane for left hand turns.
- 5) Driveway spacing will be determined as a function of current or planned operating speeds along M-13. Spacing will be determined according to the following schedule:

Posted Speed (mph)	Center-to-Center of Access	
	Feet	Meters
25	185	55
30	245	75
35	300	90
40	350	105
45	455	140

The standards in the above table exceed those established by the MDOT. They represent the minimum allowable spacing distances along M-13. Distances that exceed those minimums may be allowed.

- 6) In the event that a particular commercial parcel or parcels lack sufficient frontage to maintain adequate spacing, the land owner(s) has the following options:

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

- a) the next lowest spacing from the above table may be selected. For example, if the posted speed limit is 35 mph, the spacing distance for a 30 mph limit may be used.
- b) shared driveways among adjacent owners will be encouraged, especially for those parcels with frontage less than the required spacing distance. All parties must agree to the shared driveway in writing.
- c) an easy access point to the side street should be provided when possible.
- d) in areas where service drives or common parking areas exist or can be constructed, at least one ingress/egress will be permitted.
- e) after all of the above options are exhausted, an access point may be allowed within the property limits as approved by MDOT.

C. Design Criteria

All access driveways constructed within the M-13 right-of-way shall meet the design and construction standards as specified in MDOT's Administrative Rules Regulating Driveways, Banners and Parades On and Over Highways, as amended (R247.233 through R247.267, as determined to be applicable by MDOT). The access drive permit application shall be identified in the site plan submitted to the Planning Commission in the case of a site plan review and to the Building Inspector in the case of a new construction or reconstruction of an access drive only.

D. Temporary Driveway Permits

Temporary driveway permits are intended to allow existing driveways, and new driveways that are necessary to provide access to sites remote from adjacent access, to remain in use until such time as the conditions specified on the permit are met.

- 1) A temporary permit may be granted for:
 - a) Existing driveways that access existing development. Existing driveways are legal nonconforming driveways and may exist without a temporary permit under the conditions specified in Section 1505.5. Nonconforming driveways.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

- b) New driveways necessary to access new development where the new development is remote from adjacent drives in which shared access is not feasible at the time of development
- 2) Conditions upon which the Temporary Permit will expire may include:
 - a) Adjacent development is planned within one hundred fifty (150) feet of the site where the temporary drive is located. Prior to development, joint access provisions with the adjacent property owner must take place.
 - b) The use of the site for which the temporary permit was granted has ceased for six (6) months or more or the use of the site or driveway has changed such that the use of the driveway is increased by fifty (50) percent or more.

E. Nonconforming Driveways

- 1) Driveways that do not conform to the regulations in this Ordinance, and were constructed before the adoption of this Ordinance, shall be considered legal nonconforming driveways.
- 2) Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.
- 3) Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, for a period of six (6) months or more. Any reuse of the driveway may only take place after the driveway conforms to all applicable requirements of this Ordinance.
- 4) Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this section of the Ordinance, shall be considered illegal nonconforming driveways.
- 5) Illegal nonconformities must be cited as violations of this Ordinance, made to cease use of the driveway and correct any nonconforming conditions of the driveway. Driveways constructed in illegal locations must be closed and all driveway material removed from the M-13 right-of-way and the site on which the driveway is located.
- 6) Nothing in this Ordinance shall prohibit the repair, improvement, or maintenance of lawful nonconforming driveways.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

F. Variances

- 1) Variances from the driveway design standards may be applied for by the applicant. After review and approval or modification, the request for a variance must also be submitted to MDOT for approval or modification. Applications may be made under the following conditions:
 - a) where practical difficulties require an innovative access design or dimensional change that is consistent with the intent of this Ordinance.
 - b) when in the judgement of the MDOT, specific site conditions require alternative design treatments to provide for safe and efficient driveway operation.
 - c) when a joint or coordinated access-parking system is being used. When two (2) or more (up to a maximum of four) adjacent property owners agree to combine access points, the City may grant an incentive bonus. The total road frontage normally required for each parcel can be reduced by up to ten (10) percent. Site circulation and safety standards will continue to be enforced.

1506. OFF-STREET PARKING

Off street parking shall meet the standards and requirements of Article 17. In addition, the following shall be considered:

- 1) Where feasible, off-street parking shall occur behind the main building(s) on the site. Feasibility is determined by the location of the main structure on the site, the amount of space available to the rear of the building to accommodate the required number of parking spaces, area devoted to maneuvering lanes, and required buffering. Additional parking, if required, shall occur on the side of the main building if adequate space is available. As a final option, off-street parking may be located at the front of the main building, if adequate space is available.
- 2) If commercial businesses on adjacent parcels (up to four parcels) provide a contiguous parking area accessible to the patrons and employees of each business, the number of required parking spaces for each business will be reduced by twenty (20) percent.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

- 3) Shared parking lots may have access to and from M-13 using up to two (2) access driveways. Each driveway shall have one entrance lane and two (2) exit lanes. Additional driveways may allow access to and from abutting streets.

1507. LANDSCAPING

Landscaping and screening as provided in this section shall be required on the original site or site of the addition in the following cases:

- 1) Whenever a building permit is required for the erection of a main building or structure other than a one-family residential dwelling, duplex, or related accessory building.
- 2) Whenever a building permit is required for a structural addition of one hundred (100) square feet in area or larger to single or combined buildings.
- 3) Plant, shrub and tree landscape components shall be routinely maintained to prevent unsightly or unsafe overgrowth or deterioration. Perennial landscaping components should be replaced at least once every fifteen (15) years.

1508. PARKING LOT LANDSCAPING AND SCREENING

Parking lots within the M-13 Corridor shall have the following perimeter landscaping and screening:

- 1) Parking lots, or parts thereof, that are adjacent to and visible from a public right-of-way, must include the following perimeter landscaping between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across from a public alley):
 - a) A landscaped green strip at least ten (10) feet in width.
 - b) One (1) tree for every thirty (30) feet or fraction thereof of street frontage of the parking lot.
 - c) A hedge or similar natural landscape forming a continuous screen at least thirty-six (36) inches above the grade of the parking lot, and located to provide maximum screening of the parking lot. Relocation of the hedge, or natural landscaping may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

- 2) Parking lots of greater than ten thousand (10,000) square feet, in addition to subsection 1) above, must meet the following interior landscaping requirements:
 - a) Within the interior of the parking lots there shall be one square foot of landscaped area for each fifteen (15) square feet of the parking lot. In computing the lot area for this subsection, the paved area within twenty (20) feet of the perimeter landscaping may be excluded.
 - b) Each interior landscaped area shall encompass at least one hundred fifty (150) square feet.
 - c) The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.
 - d) There shall be at least one (1) deciduous tree for each one hundred fifty (150) square feet, or fraction thereof, of interior landscaped area. Each tree shall be provided with an open land area of not less than seventy-five (75) square feet in each interior landscaped area with a minimum open space area of four (4) feet around the tree trunk.
 - e) Landscaped areas within the interior of the parking lot shall be protected by concrete curbing.
- 3) Except as provided in subsection (4) below, a parking lot, office, business use or any combination thereof abutting a public park facility or land principally used or zoned for residential purposes must be separated by screening between it and all abutting areas of such park or residential land or use. In addition to the above screening, there shall be required a landscaped green strip of at least ten (10) feet in width and one (1) tree for each thirty (30) feet, or fraction thereof of land adjacent to the parking lot and use. As an option, a parking lot abutting a public park facility or land principally used or zoned for residential purposes may have as separation screening an earth berm with a minimum height of four (4) feet. The berm shall have a slope no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least two (2) feet of flat area on top and shall have adequate protection to prevent erosion. The berm shall also be planted to present a landscape appearance.
- 4) An office or business use or combination thereof with a minimum zoning lot area of three (3) acres or more abutting a public park or land principally used or zoned for residential purposes shall have as separation screening an earth berm with a minimum height of four

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

(4) feet. The berm shall have a slope no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least one (1) foot of flat area on top and shall have adequate protection to prevent erosion. The berm shall also be planted to present a landscape appearance.

- 5) For purposes of 4) above, the Planning Commission may approve screening consisting of existing vegetation, planted vegetation and topographical characteristics of the land or a combination thereof if it provides an opaque screen of a height of at least six (6) feet from the ground. The Planning Commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses. The Planning Commission in approving the use of existing topographical characteristics of the land or existing and/or planned vegetation may condition approval on the planting of new vegetation in the number, size and type to satisfy the intent and purpose of this section.
- 6) The Planning Commission may increase the height of the separation screening and/or require additional landscaping as part of site plan review, if the minimum requirements of this Section would not adequately protect existing or future abutting residential uses. In deciding whether these requirements protect abutting residential uses, the Planning Commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.

1509. MATERIALS STANDARDS

Materials used to comply with this Article must meet the following standards:

- 1) No artificial plants or trees may be used. All plant materials must be maintained in a healthy and growing condition. Diseased, dying, dead and/or damaged materials must be replaced to ensure the continuity of the required buffer.
- 2) Where plant material is used for screening, it shall be composed of at least fifty (50) percent evergreens. Plant materials shall be of a size, quantity and spacing to achieve seventy (70) percent year-round opacity within three (3) years. Where a fence is to be used, it shall be limited to a chain link fence of a minimum height of six (6) feet and a maximum height of eight (8) feet and used in conjunction with landscaping. The fence shall be set adjacent to and within three (3) feet of the property line except where natural features prevent the use of the property line or where underground utilities interfere. Vertical and horizontal members that support the fence shall be concealed within the

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

fence or be exposed only on the nonresidential side of such fence. Deciduous trees and evergreen shrubs of a minimum height of five (5) feet shall be planted in the ground adjacent to, and on the outside of, the fence perimeter. Such trees and/or shrubs shall meet the screening standards specified above.

- 3) Perimeter landscaped areas adjacent to a public right-of-way shall be covered with grass or ground cover. When grass or ground cover is used, it shall be planted and maintained to present a finished landscaped appearance within one (1) growing season. Interior landscaped areas shall be covered with grass, ground cover, adequately prepared and weed retardant stone beds or bark or wood chip mulch.
- 4) When required by this section, deciduous trees shall have a mature crown spread of greater than fifteen (15) feet. Permitted trees include Norway Maples, Oaks, Lindens, Ashes, London Planes, Honey Locust, Beech, and also other types of trees with City approval. They do not include Catalpa, Elms, Horse Chestnuts, Silver Maples, Poplar, Willow or Box Elder. At planting, trees must have a minimum caliper of two and one-half (2-1/2) inches at six (6) inches above the root ball, a burlap ball size of at least ten (10) times the caliper size, and a clear stem of at least four (4) feet.
- 5) When required by this section, evergreen trees shall be a minimum of five (5) feet in height with a minimum spread of three (3) feet, and a burlap ball size of at least ten (10) times the caliper size.
- 6) Existing vegetation on the property may be used to meet the requirements of this section if it meets the size, species and opacity requirements.

1510. LANDSCAPE PLAN

A landscaping plan must be submitted to the Planning Commission showing the location, type and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms with this Section. If it conforms to the requirements of this Article, it shall be approved by the Planning Commission. Rearrangement of landscaping may be required to prevent traffic hazards, vision obstructions, or other dangers to public safety. The landscaping plan will be made part of the site plan requirements.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

1511. REFUSE CONTAINERS

Refuse containers for other than single and two-family uses shall be screened from view from any public right-of-way or adjacent residential use or residential zone. Screening shall consist of a solid wall or fence or live landscape material at least six (6) feet high.

1512. SIGNS

Signs shall meet the requirements of Article 18, in addition to the following:

- 1) Signs that identify a business or are used for on-premise advertising and are not attached to the building in which the business is located shall be limited to pole signs and pylon signs. Such pole and pylon signs shall be allowed no closer than ten (10) feet from the edge of the M-13 right-of-way. Businesses, up to a maximum of five (5), are encouraged to consolidate their identification and on-premise advertising signs on one (1) pole or pylon sign structure. Such signs shall be located no closer than one hundred (100) feet from any other pole or pylon sign identifying or advertising a business and shall otherwise meet the sign requirements identified below, except that where multiple businesses are identified on such signs, the maximum cumulative sign area shall not exceed eighty (80) percent of the allowable combined maximum area of each sign.
- 2) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- 3) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- 4) The back of the sign shall be mounted flat against the surface of the building. Projecting signs are not allowed.
- 5) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- 6) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

Where the regulations and standards of this section conflict with the regulations and standards of the City's sign ordinance, the requirements of this section shall take precedence.

ARTICLE 15 - M-13 CORRIDOR OVERLAY ZONE

1513. BUILDING LOCATION, DIMENSION AND APPEARANCE

Within the M-13 Corridor Overlay Zone, main and accessory commercial buildings shall adhere to the Appearance Standards set forth in Section 1106. In addition, the following criteria shall be applied:

- 1) Site planning is encouraged to provide an interesting relationship between buildings.
- 2) Service delivery shall be from the rear of the building. Where the rear of the building is facing M-13, delivery must be from the side of the building.
- 3) The front building line of the main building shall be set back a minimum of thirty five (35) feet and a maximum of fifty (50) feet from the front property line of the property on which the building is located. A variance from these distances may be granted if the size, dimensions, or natural conditions of the property do not reasonably allow for those standards to be applied.

All accessory buildings shall be located behind the rear building line of the main building. Zero lot line clearance may be allowed in one (1) side yard, providing the immediately adjacent property is zoned and used for commercial activities and there are no perceived barriers to adequate fire protection by the City's Fire Chief. Otherwise, the required side yard and rear yard setbacks of the applicable underlying district must be used.

- 4) The minimum required building height for main and accessory structures, as measured from the average building grade elevation to the median elevation between the top of the fascia and the top of the roof for ridge and hip roofs, and to the parapet of the building for flat roofs or mansard roofs, is sixteen (16) feet. The maximum building height, using the same measurements, is thirty five (35) feet. In no case shall an accessory building be of a greater height than the main building.
- 5) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- 6) Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjoining areas. Lighting shall be restrained in design and excessive brightness avoided.

Where the above criteria are in conflict with the standards of Section 1106, these criteria take precedence.



ARTICLE 16

SCHEDULE OF REGULATIONS



ARTICLE 16 - SCHEDULE OF REGULATIONS

1601. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

The following regulations regarding lot sizes, yards, setbacks, and densities apply within the Zoning Districts as indicated, including the regulations contained in Section 1602, Footnotes. 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 hereby established for the district in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area 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.

Zoning District						Minimum Yard Setback in Feet				Minimum Floor Area in Square Feet (c)
	Minimum Lot Size		Maximum Height of Structures		Maximum Coverage of Lot by all Buildings (% of Lot Area)	Side Yards (h)				
	Area in Sq. Ft.	Width in Ft.	In Stories	In Feet		Front (a,i,l)	Least One (b)	Total Two	Rear	
R-1 Low Density Residential	9,600	100	2-1/2	35	30	30	10	20	35	1,200
R-2 Medium Density Residential	7,200	60	2-1/2	35	30	25	10	20	35	960
R-3 Multiple Family Residential (d,f, m)	2 Acres	200	2-1/2	35	30	25	10	20	35	(e)
MHP Manufactured Home Park (k)	j	j	2	25			5	25	30	600
CC Community Center				35	100	0	0	0	0	600
GB General Business (g)				35	50	35	15	30	35	720
LI Light Industrial (g)				35	50	10	25	50	35	
GI General Industrial (g)				35	50	30	25	50	35	
M-13 Overlay (same as GB General Business District)										

1602. FOOTNOTES TO SCHEDULE OF REGULATIONS

- a. In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all commercial districts, the same requirements shall apply

ARTICLE 16 - SCHEDULE OF REGULATIONS

except that only the first fifteen (15) feet of required front yard setback may not be utilized for parking and loading purposes.

- b. In the single-family and multiple-family districts, the width of side yards which abut upon a street on the same side or on the opposite side of the same block upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. If no other residential lots front on the same side or on the opposite side of the same block, the width of the side yard may be reduced to fifteen (15) feet.
- c. Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches or attached garages.
- d. In a Multiple-Family District, the total number of rooms (not including kitchen, dining, and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by twelve hundred (1,200). All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Efficiency	1 room
One Bedroom	2 rooms
Two Bedrooms	3 rooms
Three Bedrooms	4 rooms
Four Bedrooms	5 rooms

Plans presented showing one, two, or three-bedroom units and including "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.

- e. Required minimum floor area for each dwelling unit shall be four hundred (400) square feet for efficiency units, six hundred (600) square feet for one-bedroom units, eight hundred (800) square feet for two-bedroom units, one thousand (1,000) square feet for three-bedroom units, and one thousand (1,000) square feet plus two hundred (200) square feet for each bedroom for units containing more than three bedrooms.

ARTICLE 16 - SCHEDULE OF REGULATIONS

- f. Side yard requirements may be waived in instances where fire walls are provided between units and when there is adequate access to the rear of the units for fire protection. Where a commercial district borders on a side street and a residential district exists in the same block, there shall be provided a setback of twenty-five (25) feet for all buildings, parking, and loading areas. Where a residential district exists adjacent to a business district and on the same side of the street, there shall be provided a setback of twenty-five (25) feet for all buildings, parking, and loading areas.
- g. Loading space shall be provided in the side or rear yard, as specified in Article 17 except that this regulation shall not be applicable to loading space provided totally within a building or structure which has door enclosures facing other than the front property line.
- h. In all residential districts where lots exist which are nonconforming to inadequate width (less than sixty (60) feet) for the R-1 District and less than 100 feet for the R-2 District, the side yard setback requirements may be modified as follows: minimum one (1) side yard of five (5) feet total two (2) of at least fifteen (15) feet.
- i. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of more than fifty-one (51) percent of the improved lots of record on one side of the street in any one block, the depth of front yard for any structure thereafter erected on any lot in such block need not be greater than the average depth of front yards of such existing buildings.
- j. The minimum lot size for a manufactured home park shall be twenty (20) acres.
- k. No manufactured home site or any building in a manufactured home park shall be located closer than fifty (50) feet to the right-of-way line of a public thoroughfare nor closer than twenty (20) feet to any other manufactured home park boundary property line.
- l. No open storage is allowed in the front yard.
- m. The minimum lot size, setback, height and lot coverage requirements for a single-family house or two-family (duplex) dwelling in the R-3 District shall be the same as the requirements of the R-2 District.



ARTICLE 17

OFF-STREET PARKING AND LOADING REQUIREMENTS



ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

1701. PARKING - REQUIREMENTS

Off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. This section is intended to balance the need for efficient performance of streets with the need for efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

1. Area for Parking Space: For the purpose of this Article, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle.
2. Fractional Requirements: When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half require one (1) parking space.
3. Location of Parking Space for One- and Two-Family Dwellings: The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
4. Location of Parking Space for Other Land Uses: The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
5. Seating Capacity of Seats: As used in this Article for parking requirements, bench type seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat.
6. Similar Uses and Requirements: In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

7. Existing Off-Street Parking at Effective Date of Ordinance: Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
8. Collective Provisions: Nothing in this Article shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed in accordance with Section 1702.
9. Restriction on Parking on Private Property: It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property for such vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, leasee, agent, or trustee of such property.
10. Joint Use for Churches: Parking spaces already provided to meet off-street parking requirements for theater, stadiums, auditoriums, and other places of public assembly, stores, office buildings, and industrial establishments, lying within three hundred (300) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off-street parking requirements of a church.
11. Joint Use of Commercial and Industrial Parking Facilities

In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:

- (a) For two uses per structure, 85% of the otherwise combined required parking.
- (b) For three uses, 80%.
- (c) For four uses, 75%.
- (d) For five or more, 70%.
- (e) In no case shall less than 70% be allowed.

1702. OFF-STREET PARKING REQUIREMENTS

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

permit. The required number of handicapped parking spaces must be provided in accordance with American with Disabilities Act Standards.

MINIMUM PARKING SPACES PER UNIT OF MEASURE

1. Residential

- | | |
|---|---|
| a. Residential, One-Family and Two-Family | Two (2) for each dwelling unit. |
| b. Residential, Multiple-Family | Two (2) for each dwelling unit. |
| c. Manufactured Home Park | Two (2) for each manufactured home site. |
| d. Bed and Breakfast | One (1) for each sleeping room plus two (2) for the resident household. |

2. Institutional

- | | |
|---|---|
| a. Churches or Temples | One (1) for each six (6) seats or ten (10) linear feet of pew in the main unit of worship. |
| b. Hospitals | One (1) for each one (1) bed. |
| c. Nursing and convalescent homes | One (1) for each two (2) beds. |
| d. Elementary and junior high schools | One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium. |
| e. Senior High Schools | One (1) for each one (1) teacher and administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |
| f. Private clubs or lodge halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by the county or state fire or health codes. |
| g. Private clubs, swimming pool clubs, tennis clubs or other similar uses | One (1) for each two (2) members (families or individuals.) |

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

- h. Golf courses open to the general public, except miniature or "par-3" courses Six (6) for each one (1) golf hole and one (1) for each one (1) employee.
- i. Stadium, sports arena, or similar place of outdoor assembly One (1) for each three (3) seats or six (6) feet of benches.
- j. Theaters and auditoriums One (1) for each four (4) seats plus one (1) for each two (2) employees.

3. Business and Commercial

- a. Beauty parlor or barber shop Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
- b. Bowling alleys Five (5) for each one (1) bowling lane.
- c. Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats One (1) for each three (3) persons allowed as established by applicable fire, building, or health codes.
- d. Establishments for sale and consumption on the premises of beverages, food or refreshments One (1) for each sixty (60) square feet of usable floor space.
- e. Furniture and appliance, household equipment, repair shops, showroom of plumber, decorator, electrician or similar trade, shoe repair, and other similar uses One (1) for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein.
- f. Automobile service stations Two (2) for each lubrication stall, rack or pit; one (1) for each gasoline pump.
- g. Laundromats and coin-operated dry cleaners One (1) for each two (2) washing machines.

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

- | | |
|--|---|
| h. Miniature or "par-3" golf courses | Three (3) for each one (1) hole plus one (1) for each one (1) employee. |
| i. Mortuary establishments | One (1) for each fifty (50) square feet of usable floor space. |
| j. Motel, hotel, or other commercial lodging establishments | One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms. |
| k. Motor vehicle sales and and service establishments | One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) auto service stall in the service room. |
| l. Retail stores except as otherwise specified herein | One (1) for each one hundred fifty (150) square feet of usable floor space. |
| 4. <u>Offices</u> | |
| a. Banks | One (1) for each one hundred fifty (150) square feet of usable floor space. |
| b. Business offices or professional offices except as indicated in the following item (c.) | One (1) for each two hundred (200) square feet of usable floor space. In no case shall there be less than five (5) spaces. |
| c. Professional offices of doctors, dentists, or similar professions | One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, or similar use area. |
| 5. <u>Industrial</u> | |
| a. Industrial or research establishments | Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift, or one (1) for every five hundred fifty (550) square feet of usable floor space, whichever is greater. |

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

- b. Warehouses, storage buildings, lumber supply yards, wholesale sales
- Two (2) parking spaces for each employee. If and retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

In the case of a building, structure, or premises, the use of which is not specifically mentioned above, the provisions for a use which is mentioned and to which the use in question is similar, shall apply.

1703. AUTOMOTIVE SALES AREA

Every parcel of land used as an automobile or trailer sales area or as an automobile garage or service station no matter where located shall be subject to requirements of this Article, except that, in the case of an automobile service station, the requirements concerning screening on the side which faces premises situated in a residence district or institutional premises shall apply only to that area used for parking.

1704. PARKING AREAS IN RESIDENTIAL ZONES

Any person desiring to establish a parking area as an accessory use in a residential zone shall submit plans to the Planning Commission showing the location, size, shape, design, landscape, curb cuts and other features of the parking lot. The establishment and operation of a parking area accessory to a commercial or industrial use in the parts of any residential district that abut either directly or across the street or alley from a commercial or industrial district is permitted. All the parking areas and parking areas required for new multiple family dwellings and all nonresidential buildings in all residential zones may then be authorized, subject to the following conditions:

- (1) All parking areas shall be landscaped, screened, surfaced and drained as provided in Section 1705 of this ordinance.
- (2) No part of the parking areas shall extend into the required front yard more than one-half (1/2) of the yard required for a residential building, and where the lot or a portion of the lot lies between two (2) privately owned residential properties the full front yard setback shall be observed. In either case the front yard area not occupied by the access drive shall be landscaped.
- (3) No paved area shall be closer than five (5) feet to any lot line.

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

- (4) The parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on the parking lot. No sign, other than entrance, exit and condition of use signs, shall be maintained and the aggregate area of all the signs shall not exceed twelve (12) square feet.
- (5) Each entrance to and exit from the parking lot shall be at least fifteen (15) feet distant from any adjacent property located in any residential zone and the location and design of entrances, exits, surfacing, landscaping, marking and lighting shall be subject to the approval of the Planning Commission to ensure adequate relation to traffic safety, lighting and protection of the adjacent residential area.
- (6) The building inspector shall thereafter issue an occupancy permit which may be revoked at any time that the aforementioned requirements are not complied with. Any person operating the premises to which said permit relates in violation of any of the conditions specified by this ordinance or fixed to the permit, shall be deemed in violation of this ordinance and shall be subject to the penalties prescribed in this ordinance.

1705. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION, AND MAINTENANCE

Wherever the off-street parking requirements in Section 1702 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. The construction of any parking lot shall be in accordance with the requirements and provisions of this Ordinance and such construction shall be completed and approved by the Building Inspector before actual use of the property as a parking lot commences. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than fifty (50) feet equals one (1) inch indicating existing and proposed grades, drainage, water mains and sewers, surfacing and base materials to be used, and the layout of the proposed parking lot. The plans to be prepared in a presentable form by person or persons competent in such work.
2. All such parking lots shall be hard surfaced with a pavement having an asphalt or concrete binder, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property, except through public drain.

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

residential areas and shall be installed in such manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.

4. Lot space requirements for the layout of the parking at various angles shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces plus Maneuvering Lane	Total Width of Two Tiers of Spaces plus Maneuvering Lane
0° (parallel parking)	12 ft.	8 ft.	28 ft.	20 ft.	28 ft.
30° to 53°	15 ft.	9 ft.	20 ft.	35 ft.	55 ft.
54° to 74°	18 ft.	9 ft.	20 ft.	38 ft.	58 ft.
75° to 90°	22 ft.	10 ft.	20 ft.	42 ft.	62 ft.

5. Each DRIVEWAY OPENING to a Public Street must be approved by the agency having jurisdiction over the street. If the Public Street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a Public Street at a ninety (90) degree angle.
6. Each nonresidential parking space shall be served by a drive or aisle. Design and construction of drives and aisles must be approved by the City Engineer.
7. All driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within thirty (30) feet of any Public Street Right-of-Way, for a sight distance of one hundred (100) feet along the near edge of the pavement in either direction.
8. There shall be a curb, wheel stop or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb, wheel stop or bumper shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.
9. Except for parallel parking, all parking spaces shall contain clearly marked STRIPING which shall be maintained.

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

10. **LANDSCAPING.** Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
11. **ACCESS DRIVES** to and from a parking area shall be paved as stated in 1705.2. Design and construction of access drives must be approved by the City Engineer or building official and in the instance of M-13, the Michigan Department of Transportation.
12. Any construction or rearrangement of existing drives which involve the ingress or egress of vehicular traffic to or from a public street shall be arranged to ensure the maximum safety and the least interference of traffic upon the streets, and shall be approved by the City Engineer, Chief of Police and Building Official.
13. All parking areas for commercial or industrial district uses shall be screened on all sides abutting, or across a street or alley from, a residential district. The screen shall be an ornamental fence, compact hedge or evergreen trees. Ornamental fences and compact hedges shall not be not less than four (4) feet or more than six (6) feet high. All screening shall be of a type which will obscure vision at all seasons from adjoining premises. If the use is on a corner lot, even though it is a nonresidential use, the requirements as stated in Section 424 shall apply.
14. The provisions of **PAVED ACCESS DRIVES** between the nearest public street and a parking area shall be considered as an off-street parking requirement but not as part of the required parking area.
15. **DRIVEWAY SPACING.** Each parcel shall have no more than one driveway entrance and exit opening to any Public Street for each three hundred (300) feet of frontage, or fraction. Where more than one driveway is allowed, they shall be located at least one hundred fifty (150) feet apart. No driveway shall be located within thirty (30) feet of a neighboring property line, or within fifty (50) feet of a street intersection.
16. **DECELERATION LANE.** Where the posted speed for a public street is over thirty (30) miles per hour, it is desirable to have driveways opening onto the public street served by a right turn deceleration lane at least two hundred (200) feet long in advance of the driveway. Deceleration lanes constructed on M-13 must meet Michigan Department of Transportation construction and permit rules.

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

1706. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES

- A. An off-street waiting space is defined as an area with a minimum width of ten (10) feet and a minimum length of twenty (20) feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within the CC -Community Center or GB - General Business District.
- B. On the same premises with every building structure or part thereof, erected and occupied for the purpose of serving customers in their automobile by means of a service window or similar arrangements where the automobile engine is not turned off, there shall be provided off-street waiting spaces as follows:

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
1. Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
2. Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
3. Car Wash (coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1½) vehicles beyond the washing bay as a drying and vacuum area.
4. Car Wash (tunnel wash)	Four (4) times the maximum capacity of the autowash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
5. Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
6. Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
7. Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
8. Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
9. Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer.

- C. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- D. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
- E. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

- F. No space shall be located closer than fifty (50) feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6) feet in height, and lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent areas.

1707. PARKING VARIANCE

Where it can be demonstrated that the parking requirements will provide an unnecessary amount of parking area for a particular use the Planning Commission may approve a plot plan showing only a part of the required parking area improved as called for, provided all of the following conditions are present:

- (1) The use of property does not provide services to the general public.
- (2) The maximum number of employee and visitor vehicles during any day can be demonstrated and accommodated.
- (3) An agreement to provide for additional parking when a change in the conditions occurs is legibly stated on said plot plan and signed by the owner.
- (4) The unimproved portion of the parking area is clearly shown reserved for future parking and is in a location approved by the Planning Commission.

1708. OFF-STREET LOADING REQUIREMENTS

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, convalescent home, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas. Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

ARTICLE 17 - OFF-STREET PARKING AND LOADING REQUIREMENTS

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area
0 - 2,000	None
2,000 - 20,000	One (1) space
20,000 - 100,000	One (1) space plus one (1) space for each twenty (20,000) thousand square feet in excess of twenty (20,000) thousand square feet
100,000 - 500,000	Five (5) spaces plus one (1) space for each forty (40,000) thousand square feet in excess of one hundred (100,000) square feet
Over 500,000	Fifteen (15) spaces plus one (1) space for each eighty (80,000) thousand square feet in excess of five hundred (500,000) square feet

ARTICLE 18

SIGNS



1801. SCOPE

This Article is intended to regulate and limit the construction or reconstruction of signs and billboards to protect the public peace, morals, health, safety and general welfare. Such signs will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare. Signs shall be permitted except as otherwise provided in this Article.

1802. DEFINITIONS

- (1) Illuminated Signs - A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
- (2) Identification Signs - A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.
- (3) Pole Signs - A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a total sign area not more than one hundred (100) square feet.
- (4) Projecting Signs - A sign which is generally perpendicular to, and is supported by, a wall of a building.
- (5) Portable Signs - A free-standing sign not permanently anchored or secured to either a building or the ground.
- (6) Pylon Signs - A sign supported by one post placed in the ground, not attached to any building. A pylon sign is of a height and dimension that can be seen from a substantial distance, primarily by freeway traffic, with the bottom of the sign at a higher elevation than the highest point of any building on the lot on which the sign is located.
- (7) Real Estate Signs - A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
- (8) Temporary Signs - A display, information sign, banner or other advertising device with or without a structural frame and intended for a period of display shall be limited to two (2)

weeks. Seasonal produce, garden centers, seasonal decorative displays for holidays or public demonstrations shall be limited to no more than twelve (12) weeks in one (1) year.

- (9) Marquee Signs - An identification sign attached to a marquee, canopy or awning projecting from and supported by the building.
- (10) Wall Signs - A sign which is attached directly to or painted upon a building wall and which does not extend more than thirteen (13) inches therefrom nor more than five (5) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.
- (11) Roof Signs - Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- (12) Institutional Bulletin Board - A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
- (13) Subdivision Sign - A sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a manufactured home park. Such signs shall be without moving parts, not higher than ten (10) feet from the ground and no closer than ten (10) feet to any public right-of-way line.
- (14) Off-Site Sign - A sign advertising a business, or activity or event, and located on a parcel of land different from the parcel on which the business, activity or event is located.

1803. PERMIT PROCEDURE

- (1) Application for a permit to construct or locate a permanent sign shall be obtained from the City Zoning Administrator. The application shall include the following information:
 - (a) Name, address, telephone number of the landowner, developer, or petitioner.
 - (b) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and approximate location of the proposed sign(s).

- (c) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
 - (d) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
 - (e) The proposed dates of construction and completion of the sign.
 - (f) Other information or data as may be required by the Zoning Administrator
- (2) In the case of a temporary sign, the length of time the proposed sign will be on the site.
 - (3) The Zoning Administrator shall approve, disapprove, or approve subject to specified conditions, the request for a permit, based upon the standards for this Article.

1804. MEASUREMENT OF AREA OF A SIGN

Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.

1805. SIGNS PERMITTED

Signs are permitted according to the district in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following regulations.

- (1) In the R-1, R-2 and R-3 Residential Districts, no more than one (1) sign at any one time shall be permitted. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:

- (a) On-Premises Advertising Sign, in the R-3 District only, for principal uses other than dwellings, not exceeding ten (10) square feet in area and not located nearer to the front lot line than one-half (½) the distance of the required front yard setback nor shall such sign be located in the required side yard setback.
- (b) Identification Sign, in the R-1 and R-2 Districts, one (1) per dwelling unit, not exceeding one hundred forty-four (144) square inches in area.
- (c) Institutional Bulletin Board, one (1) per public or semi-public institution, located on premises, not exceeding forty (40) square feet in area, and set back at least fifteen (15) feet from the front lot line.
- (d) Real Estate Sign, in the R-1 and R-2 Districts, one (1) per premises or building and located on the same premises or building only while the real estate is actually on the market for sale, rent or lease, not exceeding nine (9) square feet in area and set back at least five (5) feet from the front lot line. Such signs shall not exceed twelve (12) square feet in the R-3 District.
- (e) Subdivision Sign, one per subdivision or mobile home park, continuously and properly maintained; not exceeding thirty (30) square feet in area and set back at least fifteen (15) feet from any property or right-of-way line.
- (f) Temporary Sign, on-premises or off-premises sign advertising real estate in a subdivision being for sale, rent or lease, not exceeding thirty (30) square feet in area and subject to approval by the Zoning Administrator for periods of up to one (1) year subject to removal as long as the sign conforms to the conditions of approval and said real estate is actively on the market for sale, rent or lease. The number of off-premises signs shall be limited to that reasonably necessary to direct the public to the location of the development.

"g. Tourist-oriented directional signs provided such signs are otherwise permitted by the Michigan Department of Transportation pursuant to PA299 of 1996, as amended."
Approved by Pinconning City Council 05/18/2015

- (2) Manufactured Home Parks and Multi-Family Dwellings. No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of signs are permitted:
 - (a) Same as for single-family and two-family residential.
 - (b) Wall Sign, one (1) per housing development, indicating only the name of the housing development; not exceeding sixteen (16) square feet in area.

- (3) CC and GB Commercial Districts. The following types of signs are permitted. In addition to the following, the design requirements of Section 1106(5) shall be adhered to in the CC - Community Center District and Section 1512 in the M-13 Overlay Zone of the GB-General Business District. Where conflicts or discrepancies exist between this section and either one of the above referenced sections, the applicable requirements of the above referenced sections shall take precedence.
- (a) Same as for those signs allowed in the Residential Districts.
 - (b) Advertising Sign, Wall Sign, Roof Sign, Portable Sign (less than twenty (20) square feet in area), Pole Sign (less than twenty (20) feet in height) or Marquee Sign. No business establishment shall have a total of more than two (2) signs, except for corner lots, where three (3) signs are permitted, providing the total sign area for all signs permitted shall not exceed fifteen (15) percent of the area of the face of the building to which they are attached or stand in front of and set back from the front lot line at least ten (10) feet, except as provided for elsewhere in this ordinance.
 - (c) Billboard, where the erection or maintenance of same will not unreasonably affect the proper use of adjoining property, at least twenty (20) feet from any right-of-way line; not exceeding a sign area of ten (10) feet in height and twenty (20) feet in length, and subject to Board of Appeals approval for periods of up to thirty-six (36) months.
 - (d) Marquee or Canopy, where a building has a canopy or marquee constructed as an integral part of said building for the purpose of administering this Section, the front line of said canopy or marquee shall be construed as being the face of the building.
 - (e) Gasoline Service Stations, used car lots and public garages where permitted only may display, in addition to the foregoing signs, the following signs which are deemed customary and necessary to their respective business:
 - 1. One (1) free standing or pylon sign advertising the name of the station or garage and for the principal products sold on the premises, including any special company or brand name, insignia or emblem. Each free-standing sign shall not exceed fifty (50) square feet in area and shall be hung within five (5) feet of the property line and not less than ten (10) or more than twenty (20) feet above the ground, with a maximum height of thirty (30) feet above the ground. Pylon signs shall adhere to the requirements of Section 1809.

2. One temporary sign located inside the property line and specifically advertising special seasonal servicing of automobiles, provided that said sign does not exceed seven (7) square feet in area.
3. Directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words, "washing," "lubrication," "repairs," "mechanic on duty," or other words closely similar in import, provided that there shall be not more than one (1) such sign over each entrance or bay, the letters thereof shall not exceed fifteen (15) inches in height, and the total of each such sign shall not exceed six (6) square feet.
4. Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law and not exceeding a total of three (3) square feet on each pump; and if illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
5. A non-illuminated credit card sign not exceeding two (2) square feet in area, and may be placed on or near the gasoline pump.
6. The standards for free-standing pylon signs are identified in Section 1809.

(4) Signs in the LI and GI Districts.

- (a) In any LI and GI District only the following on-site signs are permitted provided no portion of such sign is located closer to the street lot line than the required front yard setback as specified in Article 16 for the LI and GI Districts:
 1. Any sign permitted in R-1, R-2, R-3, MHP, CC and GB Districts is permitted in the LI and GI Districts except as modified in this section with regard to building and lot length.
 2. One (1) on-site sign per use facing each lot line subject to the following size limitations.
 - a. The on-site sign facing the front lot line shall not exceed three (3) square feet in area for each lineal foot of lot frontage, or one (1) square foot in area for each lineal foot of lot frontage, whichever is greater.

- b. The on-site signs facing other than the front lot line shall not exceed fifty (50) percent of three (3) square feet in area for each lineal foot of building length along the respective lot line or fifty (50) percent of one (1) square foot in area for each lineal foot of lot length along the respective lot line, whichever is greater.
- (b) Any sign permitted may be illuminated in accordance with Section 1808.
- (c) The maximum height of signs as measured from the finished grade in the LI and GI Districts shall be ten (10) feet.
- (d) The total area of all on-site signs permitted for any property use, including corner lots, shall not exceed seven hundred fifty (750) square feet.
- (e) Off-site signs area permitted in accordance with Section 1807.
- (f) Signs may be attached to or project from the surface or roof of the building involved or may be erected separately.

1806. SIGNS PROHIBITED

- (1) Signs are prohibited which:
 - (a) Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
 - (b) Contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words. Traffic directional signs in a private parking area are exempted from this provision.
 - (c) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
 - (d) Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
 - (e) Pennants, banners, pinwheels, ribbons, streamers, strings of light bulbs and similar devices may be used in conjunction with special promotions and sales, but must not be displayed for a length of time exceeding ninety (90) days within any six (6) month period.

- (f) Are freestanding exterior signs and are not anchored or secured to a building or the ground.
- (g) Are a part of a structure designed to be moved from one location to another with a change in message.

1807. OFF-SITE SIGNS

- (1) Off-site signs shall be allowed only in the GB District.
- (2) The maximum area per sign face of an off-site sign shall not exceed one hundred (100) square feet.
- (3) Off-site signs shall not be located in any required yard area.
- (4) No off-site sign structure shall be closer than three hundred (300) feet to another off-site sign structure.
- (5) Off-site signs shall comply with the height limitations of this Article for the respective zoning districts in which the signs are located.

1808. ILLUMINATION

There shall be no flashing, oscillating, or intermittent, red, blue, or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light therefrom from being cast upon adjoining residences and shall be located at least one hundred (100) feet from any residential use, except that such signs shall be permitted adjacent to a residential district when mounted along the face of a building which does not face the residential district. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

1809. FREE-STANDING PYLON SIGNS

In the GB, LI and GI Districts any permitted use may erect one free-standing pylon sign provided all of the following conditions are met.

- (1) The principal building sets back at least twenty-five (25) feet more than the district setback requirement and is located on a lot of ninety (90) feet or more in width.

- (2) The total area of one side of such pylon or free-standing sign shall be at a ratio of two (2) square feet for each linear foot of setback of the building beyond the District setback requirement, in no case exceeding one hundred fifty (150) square feet.
- (3) The sign structure shall be located not closer than seven (7) feet to the front street right-of-way and at least forty (40) feet from any adjacent property, except for uses regulated under 1805 (3) (e).
- (4) The sign background shall not be higher than the principal building nor closer than ten (10) feet to grade level.
- (5) The sign structure shall not exceed 50 feet in height as measured from the finished grade.

1810. NONCONFORMING SIGNS

- (1) Signs lawfully erected prior to the effective date of this Article which do not meet the standards thereof may be maintained except as hereafter provided.
- (2) No nonconforming signs:
 - (a) Shall be changed to another nonconforming sign.
 - (b) Shall have any changes made in the message displayed unless the sign is specifically designed for periodic change of message.
 - (c) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.
- (3) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Article.

1811. SIGNS FOR NONCONFORMING USES

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

- (a) One-half (1/2) square foot of sign area for each lineal foot of building frontage or one-fourth (1/4) square foot of sign area for each lineal foot of lot frontage whichever is greater, not to exceed a maximum of twenty-five (25) square feet in area; or,
 - (b) The maximum sign area permitted for the zoning district in which the sign is located.
- (2) Off-site signs shall comply with all the provisions of the district in which the nonconforming use is located.

1812. CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No advertising sign or billboard permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the City Zoning Administrator and from the Building Inspector.

1813. VIOLATIONS AND REMOVAL THEREOF

- (1) Any sign erected, altered, or converted subsequent to the passage of this Article and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- (2) Upon discovery of a violation of this Article the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the City Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Article or removed.
- (3) The Zoning Administrator or his representative shall also post a copy of such notice upon the violative sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- (4) If the violative sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in (2) above, the Zoning Administrator shall provide notice to the person in possession of the premises upon which the violative sign

is erected and to the owner of premises upon which the sign is erected to appear at a hearing before a hearing officer and to show cause why the sign should not be considered to be in violation of this Article. Notice shall be provided in the same manner as in (2) and (3). above. The hearing shall not be less than ten (10) days from the posting of the notice.

- (5) The hearing officer shall determine whether the sign involved is in violation of the ordinance based on competent evidence and testimony. Section 2-106 of Chapter 2-1 of the Uniform Building Code, as amended, shall govern the appointment of the hearing officer and the conduct of the hearing except as modified herein.
- (6) If the hearing officer determines that the sign involved is in violation of this Article he shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony the hearing officer shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
- (7) If the decision and order provided for in (6). above are not complied with in the specified time, the hearing officer may cause the violative sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- (8) Nothing in this Section shall prevent the Zoning Administrator or Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

1814. DIRECTIONAL SIGNS

All directional signs for orientation of the general public, when erected by the city, county or state, shall be permitted in all Districts.



ARTICLE 19

PROCEDURE FOR OBTAINING ZONING PERMIT, ETC.



**ARTICLE 19 - PROCEDURES FOR OBTAINING A ZONING PERMIT,
REQUESTING A CHANGE IN ZONING OF PROPERTY OR ORDINANCE AMENDMENT**

1901. PURPOSE

All excavation for, or construction of any building, structure or parking area, or structural changes in any existing building or structure requires a zoning permit issued from the Zoning Administrator. In instances where a use on property located within a particular district is not identified as a permitted use or as a use allowed by special permit within that district, an eligible applicant may request a change in the zoning of that property to a zoning district where that use is permitted by right or allowed by special permit. An option to a request to rezone a particular property is to request an amendment to the Ordinance text to include that specified use or uses within a particular district. For property development beyond single or two family homes, accessory and subordinate buildings that do not require new access to public roads, the expansion or remodeling of existing structures, and additional structures similar to existing structures on a site (if all of the above comply with all zoning ordinance requirements), a site plan review will be required to ensure that the development or improvements do not produce health, safety or protection hazards.

1902. ZONING PERMITS

(1) Conditions under Which Required

No person shall commence excavation for, or construction of, any building, structure, or parking area, or make structural changes in any existing building or structure, without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure, until an application has been submitted, in accordance with provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance. An extension of a zoning permit shall be allowed by authorization of the Zoning Administrator, after reasonable cause for an extension is shown by the applicant. No more than one extension, not to exceed a six (6) month period, may be allowed.

(2) Permit Requirements

Every application for a permit shall designate the existing or intended use of the structure or premises or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by one ink, blueprint, or photostat copy of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used and exact size and

**ARTICLE 19 - PROCEDURES FOR OBTAINING A ZONING PERMIT,
REQUESTING A CHANGE IN ZONING OF PROPERTY OR ORDINANCE AMENDMENT**

location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Zoning Administrator.

1903. DISTRICT CHANGES AND SECTION AMENDMENTS

- (1) In accordance with the provisions of Act 285 of the Public Acts of 1931, as amended, the City Clerk may from time to time amend, or change by ordinance, the number, shape, or area of districts established on the zoning map or the regulations set forth in this section. However, no amendment or change shall become effective unless the ordinance proposing the amendment or change shall first be submitted to the Planning Commission for approval, disapproval, or suggestions, and the Planning Commission shall have been allowed a reasonable time, not less than thirty (30) days, for consideration and report.
- (2) Any person or persons desiring a change in the zoning ordinance text or map shall make application to the Zoning Administrator. In case of a zoning ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for the change. In case of a desired zoning map change a petition shall be submitted which shall describe the property involved, the zone change desired, and the reason for the change. With either type of request there shall be an accompanying remittance as a fee (as set by the City Council) to cover costs encountered in conducting a public hearing.
- (3) The Zoning Administrator shall refer all applications, for either a change in the zoning ordinance text or zoning map, to the Planning Commission. Before submitting its recommendations and report to the City Council, the Planning Commission shall conduct a public hearing on the proposed amendment or change after publishing a notice of the hearing at least fifteen (15) days prior to the date of the hearing, by publication in an official paper or a paper of general circulation in the municipality, and by sending a copy of the notice by United States Mail to each public utility company and railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the City Clerk for the purposes of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted a person interested at the time and place specified on the notice. All public notices, including publication in the newspaper and letter, shall state the time and place of hearing, the proposed amendment, and the property to be affected in case of a proposed amendment, and/or map change. It is the intention of this section

**ARTICLE 19 - PROCEDURES FOR OBTAINING A ZONING PERMIT,
REQUESTING A CHANGE IN ZONING OF PROPERTY OR ORDINANCE AMENDMENT**

to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the City Council proposing to make a change in the zoning map or the regulations set forth in this section.

- (4) After receiving the recommendations and report from the Planning Commission, the City Council may deny the request or enact an amendment to the zoning ordinance, or zoning map. However, upon presentation of a protest petition meeting the requirements of this section, an amendment to the zoning ordinance which is the object of the petition shall be passed only by a two-third vote of the City Council. The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be signed by one of the following groups of people:
 - (a) The owners of at least twenty (20) percent of the area of land included in the proposed change.
 - (b) The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
 - (c) Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.
- (5) Following adoption of a zoning ordinance and subsequent amendments by the City Council, one notice of adoption shall be published in a newspaper of general circulation in the city within 15 days after adoption. The notice shall include the following information:
 - (a) In the case of amendment to an existing ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - (b) The effective date of the ordinance.
 - (c) The place and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements in this section relating to the City Zoning Ordinance supersede charter provisions relating to the filing and publication of city ordinances.

**ARTICLE 19 - PROCEDURES FOR OBTAINING A ZONING PERMIT,
REQUESTING A CHANGE IN ZONING OF PROPERTY OR ORDINANCE AMENDMENT**

1904. PUBLIC NUISANCE, PER SE

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

1905. BUILDING PERMITS

A building permit may be requested from the City of Pinconning Building Inspector by an owner, or owner's agent, after a zoning permit for the subject property is obtained.

1906. DUTIES OF THE ZONING ADMINISTRATOR

This ordinance shall be enforced by the Zoning Administrator, who shall in no case issue any permit of compliance with this Zoning Ordinance where the proposed erection, structural alteration or use thereof would be in violation of any of the provisions of this Ordinance except under written order of the board or the governing body.

- (1) **Violations:** The Zoning Administrator shall investigate any alleged violation of the zoning ordinance coming to his attention, whether by complaint or arising from his personal knowledge.
- (2) **Inspections:** The Zoning Administrator shall also make periodic inspections of the city to ascertain that the requirements of this Ordinance are being complied with.
- (3) **Records:** The Zoning Administrator shall keep records of all inspections, applications and permits issued with a notation of all special conditions involved. He shall file and safely keep copies of all plans, other than for one (1) family houses and of all fees submitted with applications. The same shall form a part of the records of his office and shall be available to the governing body and all other officials of the City.

1907. CERTIFICATE OF OCCUPANCY

No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector stating that the premises or building complies with all provisions of the approved plans and all ordinances of the city. The certificate of occupancy shall be granted or denied within ten (10) days from the date written

**ARTICLE 19 - PROCEDURES FOR OBTAINING A ZONING PERMIT,
REQUESTING A CHANGE IN ZONING OF PROPERTY OR ORDINANCE AMENDMENT**

application therefore has been received by the building inspector. Where any special use conditions are applicable, said conditions shall be stated on the certificate of occupancy.

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector and a copy shall be furnished upon request to any person having a proprietary or leasehold interest in the building or land affected.

Where a building permit is not involved, a fee to be fixed from time to time by resolution of the City Council shall be charged for each original certificate and for each copy thereof. A schedule of permit fees shall be available at the office of the City Building Inspector and the City Clerk. A copy of the occupancy certificate shall be sent to the City Clerk and the City Assessor by the Building Inspector.

1908. VIOLATION AND PENALTY

Any person, persons, firm or corporation, or anyone acting on behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail for a period not to exceed ninety (90) days, or both, such fine and imprisonment in the discretion of the Court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

1909. IMPRISONMENT, FINES

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance 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 liable to the fines and imprisonment herein provided.

1910. EACH DAY A SEPARATE OFFENSE

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

1911. RIGHTS AND REMEDIES ARE CUMULATIVE

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



ARTICLE 20

SITE PLAN REVIEW AND APPEARANCE CODE PROCEDURES



ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

2001. PURPOSE

Before a building permit is issued for any use identified as requiring a building permit, a site plan shall be submitted to the Planning Commission for review and approval. In addition, for all new commercial, industrial, institutional and multiple-family developments and substantial modifications to such development (25% or more of the existing floor area or front wall surface area), will require a site plan. Appearance Code Standards and Landscape Standards must be adhered to (see Article 22). Before granting approval, the Planning Commission shall determine that all applicable provisions of this Article are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards, and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

2002. SCOPE

- (1) Except as set forth below, the Zoning Administrator or Building Inspector shall not issue a zoning permit for construction of any buildings, structures, or uses until a site plan, submitted in accordance with this zoning ordinance, shall have been reviewed and approved and signed by the Planning Commission.
- (2) The following buildings, structures, or uses shall be exempt from site plan review and procedures.
 - (a) Single- or two-family homes under separate ownership on an individual and separate lot for each home, and including Accessory Uses.
 - (b) Interior, accessory, and subordinate buildings that require no new or additional means of access from adjoining public roads or highways and that comply with all zoning ordinance requirements.
 - (c) Projects involving the expansion, remodeling, or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access from adjoining public roads or highways, or additional off-street parking, except for appearance standards defined in Section 1106 for all new, expanded, remodeled, or enlarged buildings exceeding twenty-five (25) percent of the existing floor area or building facade surface.

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

- (d) Additional buildings or structures similar to those previously existing upon an individual site complying with all zoning ordinance requirements and requiring no new or additional means of access from adjoining public roads or highways for such purposes, and which do not require any additional parking area to comply with the requirements of Article 17, except for appearance standards in Section 1106.
- (e) On-premises advertising signs.

2003. OPTIONAL SKETCH PLAN REVIEW

- (1) Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of this procedure is to allow discussion between an owner and the Planning Commission to better inform the owner of the acceptability of the owner's proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. The sketch plan shall include, as a minimum, the following information:
 - (a) The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
 - (b) A legal description of the property.
 - (c) Sketch drawings showing tentative site and development plans.
- (2) The Planning Commission shall not be bound by a tentative approval given at this time.

2004. APPLICATION PROCEDURE

Requests for final site plan review shall be made by filing with the Zoning Administrator the following items.

- (1) A review fee as determined by resolution of the City Council based upon the cost of processing the review. The resolution setting the fee shall be on file with the City Clerk for public information.
- (2) Seven (7) copies of the completed application form for site plan review which shall contain, as a minimum, the following information.
 - (a) The name and address of the applicant.

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

- (b) The legal description of the subject parcel of land.
 - (c) The area of the subject parcel of land stated in acres, or if less than one acre, in square feet.
 - (d) The present zoning classification of the subject parcel.
 - (e) A general description of the proposed development.
- (3) Seven (7) copies of the proposed site plan which shall include, as a minimum, the following information:
- ✓(a) The plan shall be drawn to an appropriate scale not smaller in size than one (1) inch equals twenty (20) feet for a development of not more than three acres, and a scale smaller in size than one (1) inch equals one hundred (100) feet for a development in excess of three (3) acres.
 - ✓(b) The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.
 - ✓(c) The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property.
 - NA ✓(d) The topography of the site (if over one acre in size) with at least two (2) foot contour intervals and all natural features such as wood lots, streams, rivers, wetlands, unstable soils, and similar features shall be shown.
 - ✓(e) Existing man-made features upon the site and within one hundred (100) feet of the ownership site boundary shall be identified and located.
 - ✓(f) The location, proposed finished floor and grade line elevations, the size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, and the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple-family residential development shall also include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit by type or size (i.e. 1, 2 or 3 bedroom).
 - ✓(g) All proposed and existing streets, driveways, sidewalks, and other vehicle or

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in off-street parking areas, associated service lanes and service parking and delivery or loading areas. The requirements of Article 17 shall be met. Sidewalks are required which meet ADA access, for inter site access, as well as public access across the property along all road frontage.

- ✓(h) The location, use, and size of open spaces, together with landscaping, screening, fences, walls, and proposed alterations of topography or other natural features shall be indicated.
- ✓(i) The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying these demands. For development within the CC District, applicable appearance standards must be met.
- NA ✓(j) Any earth-change plans required by state law shall also be submitted with the application.
- ✓(k) On-site lighting, curb cuts, surface water drainage for the site, and proposed locations for sanitary sewage disposal and water supply shall be shown on the site plans.
- ✓(l) The site plan shall include any other information as may be determined to be necessary by the Planning Commission because of any peculiar features of the proposed development.
- (m) In addition to the above, all new buildings and existing buildings (with modifications, expansion or renovations exceeding twenty-five (25) percent of the floor area or front wall surface of the existing building whichever is less) in the CC District shall be required to submit the following for determination of conformance with the Appearance Standards in Section 1106:
 1. An adequate number of color photographs are required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

2. Calculations for determining the required number of trees to be placed within the proposed parking area (if any) must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.
3. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included).
4. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number and spacing of all plantings must be illustrated and conform to the requirements of Section 2203.
5. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
6. Location of all existing (to remain) and proposed exterior lighting standards, complete with routing of electrical supply and isofootcandle diagram.
7. Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information:
 - Scale;
 - All signs to be mounted on the elevations;
 - Designation of kind, color, and texture of all primary materials to be used.
8. Material samples are required for all major materials.

2005. ACTION ON APPLICATION AND PLANS

- (1) The Zoning Administrator shall record the date of the receipt of the application and plans, and may transmit copies thereof to the Planning Commission, the City Zoning Administrator, the City Engineer, the Police Chief and Fire Chief, and copies to the other affected City Departments. Applications for Appearance Code approval only, related to modification (not expansion) of an existing structure, shall be submitted only to the Chairman of the Planning Commission.
- (2) In the case of a Site Plan Review for a Special Use Permit, a hearing shall be scheduled by the Planning Commission for a review of the application and plans as well as reviewing the recommendations of the City Engineer, the Zoning Administrator and the Police Chief and Fire Chief. Members of the Planning Commission shall be delivered

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

copies of the application and plans prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than thirty (30) days following the date of the receipt of the plans and application by the Zoning Administrator.

- (3) In the case of an Appearance Code application approval related to building modification, the members of the Planning Commission shall receive copies of the application and components identified in Section 2004.(3)m prior to the scheduled hearing. The hearing shall be scheduled within not more than thirty (30) days following the date of the receipt of the plans and application by the Chairman of the Planning Commission.
- (4) The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to that date.
- (5) Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this section and the criteria contained herein. Any required modification or alteration shall be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant. The decision of the Planning Commission shall be made within thirty (30) days of receipt of the application by the Zoning Administrator.
- (6) Two (2) copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the city records for future review and/or enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated by the Chairman of the Planning Commission for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the city records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, or building design/appearance, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

2006. CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Planning Commission shall be governed by the following general standards, in addition to the applicable site requirements in Section 2103. For Appearance Code approval, the Planning Commission shall be governed by the standards in Section 1106. For landscape approval the standards of Sections 2203 through 2205 shall apply.

- (1) There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to insure the safety and convenience of pedestrian and vehicular traffic.
- (2) The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.
- (3) As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
- (4) Any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways (see applicable District requirements).
- (5) The layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
- (6) The site plan must comply with all provisions of the zoning ordinance. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

2007. CONFORMITY TO APPROVED SITE PLAN/DESIGN APPEARANCE STANDARDS

- (1) Revocation of site plan/design approval. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive

ARTICLE 20 - SITE PLAN REVIEW PROCEDURES

of any amendments, which has received the approval of the Planning Commission. Buildings and site in conformance in the Appearance Code must be constructed or modified in compliance with the design as approved by the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan or design appearance shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the premises involved and mailed to the owner at his last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan or design appearance to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan/design appearance approval provisions and with the spirit, purpose, and intent of the zoning ordinance.

- (2) Criteria for commencing construction. Approval of the site plan/design appearance shall be valid for a period of one year. If a building permit has not been obtained and on-site development actually commenced within one year, the site plan approval and/or design appearance approval shall become void and a new application for site plan/design appearance approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

2008. AMENDMENT TO SITE PLAN/DESIGN APPEARANCE

A proposed amendment, modification, or alteration to a previously approved site plan/design appearance may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

2009. PERFORMANCE BOND

The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement or a bank letter of credit in a form approved by the Zoning Administrator to ensure the development of the site in accordance with the approved site plan or design appearance, conditioned upon the proper construction and development. This agreement shall continue for the duration of the construction and development of the site.

ARTICLE 21

SPECIAL LAND USE PROCEDURES AND SITE DEVELOPMENT REQUIREMENTS



**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

2101. PURPOSE

This Ordinance is based upon the premise that the City is divided into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without considering, in each case, the impact of those uses upon neighborhood land. These include public and private uses that are of such an unusual nature that their operation may give rise to unique problems that impact upon neighboring property or public facilities.

2102. GENERAL PROVISIONS

- (1) **INITIATION OF SPECIAL LAND USE.** Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest and which is specifically enforceable, may file an application to use the land for one or more of the special uses provided for in this section in the zoning district in which the land is located.

- (2) **APPLICATION OF SPECIAL LAND USE.** An application for a special use permit for any land or structure use permitted under this article shall be submitted and processed under the following procedures:
 - (a) **Submission of Application:** Any application shall be submitted through the Building Inspector on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the City Council by resolution to cover costs of processing the application. No part of any fee shall be refundable.

 - (b) **Data Required:** Every application shall be accompanied by the following information and data:
 1. The special form supplied by the Building Inspector filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of Section Sec. 2102 (6).

 2. Site plan, plot plan, development plan, drawn to scale (preferable 1"=100'), of total property involved showing the location of all abutting streets, the

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

location and extent of all above ground development, both existing and proposed.

3. Preliminary plans and specifications of the proposed development.

(3) **NOTICE OF REQUEST.** Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall contain the following information.

- (a) Description of the nature of the special land use request.
- (b) Indication of the property which is the subject of the special land use request.
- (c) Statement of when and where the special land use request will be considered.
- (d) Indication of when and where written comments will be received concerning the request.

(4) **PUBLIC HEARING.** At the initiative of the Planning Commission, or upon the request of the applicant for special land use authorization, or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of property being considered for special land use approval (as provided in division (3) above), a public hearing (with appropriate notification as provided in division (3) above), shall be held before a decision on the special land use request shall be made. If just the applicant or

ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND SITE DEVELOPMENT REQUIREMENTS

the Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special land use request which is based on discretionary grounds shall not be made unless notification is given of the request for special land use approval as required by this section.

- (5) **AUTHORIZATION.** The Zoning Administrator shall review each application for a special land use, and make a recommendation to the Planning Commission. The Planning Commission may deny, approve, or approve with conditions any application for a special land use. The Planning Commission shall incorporate its decision in a statement of conclusions pertaining to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed. Except as provided for below, approval of a special land use shall require an affirmative vote of a majority of the members of the Planning Commission. In the event a protest petition signed by at least twenty (20) percent of the owners of property within three hundred (300) feet of the property in question is filed at or before the time of the initial public hearing, the request may be approved only by an affirmative vote of two-thirds or more of the entire membership of the Planning Commission.

- (6) **GENERAL REQUIREMENTS FOR APPROVAL.** The request for special land use approval must meet the following general standards, as well as the more specific requirements for the applicable requested land use in Section 2103. The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:
 - (a) Be harmonious with and in accordance with the general principals and objectives of the Comprehensive Plan of the City of Pinconning.
 - (b) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
 - (c) There is a proper relationship between the thoroughfares and proposed service drive, driveways, and parking areas.
 - (d) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas are such that the adverse affects of such uses will minimize for occupants of that use and the occupants of surrounding areas.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

- (e) All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access by some practical means to all sides.
 - (f) Natural resources are preserved by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes and woodlands.
 - (g) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
 - (h) Location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
 - (i) Landscaping, including trees, shrubs and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area and conform to the requirements of the relevant zoning district.
 - (j) Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
 - (k) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.
 - (l) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
 - (m) Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.
- (7) **CONDITIONS AND GUARANTEES.** Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section and Section 2103. In all

ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND SITE DEVELOPMENT REQUIREMENTS

cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the special land use are being, and will be, complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the land owner. The City Clerk shall maintain a record of changes granted in the conditions.

- (8) **PERMIT EXPIRATION.** A special use permit issued under this section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Building Inspector shall notify the applicant, Planning Commission and City Council in writing of the expiration or revocation of said permit.
- (9) **EFFECT OF DENIAL OF A SPECIAL LAND USE.** No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Zoning Administrator and the Planning Commission.
- (10) **REVOCATION.** In any case where a special land use has not been established within one year after the date of granting authorization for the use, the special land use authorization shall automatically be null and void without further action by the Planning Commission. In addition, a special land use can be revoked by the Planning Commission under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.
- (11) **APPEAL.** The decision of the Planning Commission may be appealed to the Zoning Board of Appeals by the property owner, the owner's designated agent, or any adjacent property owner within three hundred (300) feet of the property in question. Request for appeal must be made by written letter to the Zoning Administrator within ten (10) days of the action taken on the Special Use Permit by the Planning Commission.

2103. DESIGNATED SPECIAL AND PERMITTED LAND USES - SPECIFIC PROVISIONS

These Permitted Uses and Uses allowed by Special Permit enumerated in any zoning district, if included below, shall be subject to all the conditions and requirements of this Article, as well as applicable provisions in Article 17 Off-Street Parking and Loading Requirements and Article 18 - Signs.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

(a) ADULT BOOK STORE, ADULT LIVE ENTERTAINMENT ESTABLISHMENT, ADULT THEATER, MASSAGE ESTABLISHMENT. The purpose and intent of requiring the following standards for adult bookstores and entertainment facilities is to prevent conditions that would presently or ultimately lead to blight and deterioration.

1. No adult bookstore or entertainment use shall be located within one thousand (1,000) feet of a church, school, public park, noncommercial public assembly facility or public office building.
2. The site shall not be adjacent to or within three hundred (300) feet of any residential area or Residential Zone.
3. The site shall not be within one thousand (1,000) feet of any other adult entertainment use.
4. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, are limited to a single sign and all such displays shall be part of specific approvals for all the use/activity. Any alteration to the above media shall be approved by the Planning Commission.
5. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

(b) AGRICULTURE BULK COLLECTION, STORAGE, DISTRIBUTION

1. Each principal agri-business use shall have frontage upon and access to a thoroughfare having a primary or greater classification.
2. For an agricultural bulk collection, storage and distribution system, the minimum lot area shall be ninety thousand (90,000) square feet (2 acres) and the minimum lot width shall be three hundred (300) feet. For a livestock sales yard, the minimum lot area shall be five (5) acres, with adequate off-street loading/unloading facilities for at least two (2) semi-trailers at any one time.
3. A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear property line.
4. The total coverage of all main and accessory buildings shall not exceed thirty (30) percent of the lot on which they are located.

(c) ALL OTHER PERMITTED USES IN THE CC AND GB BUSINESS DISTRICTS

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

NOT SPECIFIED IN THIS ARTICLE

1. Not more than three commercial establishments, separated by common walls, or separated by a maximum distance of twenty (20) feet between each building, may retain one common dumpster for solid waste. Such dumpster is to be located within the rear yard of one of the establishments.

(d) ANIMAL (VETERINARY) HOSPITALS/CLINICS

1. Outdoor kennels or similar "holding" areas shall be at least fifty (50) feet from any adjacent dwelling or any adjacent property used by the public and shall not be located in any required front, rear or side yard setback area. Animals must be housed within an enclosed building between the hours of 6 PM and 8 AM.
2. All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local Health Department regulations.
3. Facilities and operational procedures must meet necessary licensing requirements.
4. All medical and surgical procedures must occur within a completely enclosed building.

(e) APARTMENTS LOW-DENSITY. Low-density apartments are only permitted in the R-3 Multiple-Family Residential District, under the following provisions and conditions.

1. The allowable density (lot area per dwelling unit) of the zone shall be complied with.
2. All apartment regulations and requirements of this section shall be complied with.
3. At least eight dwelling units shall be constructed.
4. All dwelling units shall be supplied with public sewer and water.
5. No building shall exceed one hundred twenty (120) feet in width or depth and all buildings shall be of substantially similar appearance as other conforming uses in the neighborhood.

(f) AUTOMOBILE SERVICE STATIONS/VEHICLE REPAIR SHOP/
QUICK OIL CHANGE

1. Minimum lot area shall be ten thousand (10,000) square feet for an automobile service station or repair garage.
2. Minimum lot width shall be not less than one hundred (100) feet.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

3. An automobile service station building shall be located not less than fifty (50) feet from any right-of-way line, not less than twenty-five (25) feet from any side or rear lot line abutting residentially zoned property, and not less than seventy (70) feet from any property used as a school, hospital, library, theater, playground, fire station or place of public congregation.
4. Ingress and egress drives shall not be less than fifteen (15) feet in width.
5. No more than one curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
6. No drive or curb opening shall be located nearer than twenty (20) feet to any intersection nor ten (10) feet to any adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
8. Underground storage tanks shall be in compliance with all applicable state laws, regulations and requirements.
9. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
10. When adjoining residentially zoned property, a six (6) foot high solid fence or chainlink fence with continuous perennial plantings of a minimum height of six (6) feet shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty (20) feet of any right-of-way line, subject to approval by the Zoning Administrator.
11. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight foot high masonry wall and shall comply with requirements for location of

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding thirty (30) days.

12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
13. Only one free-standing sign per street frontage shall be permitted, not exceeding fifty (50) square feet in area, which shall display only the name of the user or occupant of the premises.
14. On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.
15. Quick oil change shops shall comply with the applicable Off-Street Waiting Area Requirements of Article 1706.
16. Where automobile service stations contain convenience retail foot outlets and/or fast food drive through facilities, one off-street parking space per food outlet employee and one parking space per one hundred (100) square feet of retail space (also see subsection 2103(p)).

(g) **BANKS, SAVINGS AND LOANS, CREDIT UNIONS (DRIVE-THRU)**

- ✓ 1. Banks, savings and loan, credit unions, and other financial institutions with drive-thru facilities shall have a minimum lot size of twenty thousand (20,000) square feet, with a minimum lot width of one hundred (100) feet abutting the street right-of-way.
- ✓ 2. The minimum setback of the main and accessory building from any street right-of-way from which ingress and egress to and from the facility is located shall be thirty (30) feet.
- ✓ 3. A drive-thru facility shall be located on the site to accommodate the applicable requirements of Article 17.
- ✓ 4. The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
- ✓ 5. The area used for access to and from the drive-thru facility and for required off-street parking shall be paved with concrete or bituminous asphalt.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

(h) **BED AND BREAKFAST**

1. The Pinconning City Council shall have the authority for final approval or disapproval of all applications for a bed and breakfast operation. Bed and breakfast facilities are allowed in R-2 and R-3 residential zoning districts (as a special use) provided the following conditions are met:
 - a. Any such use shall be reviewed by the planning commission as a nontransferable special use. The Planning Commission shall find that at least the following conditions are met.
 - 1) Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
 - 2) Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
 - 3) No bed and breakfast sleeping rooms shall be located in a basement or attic.
 - 4) Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay.
 - 5) Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
 - 6) Bed and breakfast occupants shall be limited to four (4) in (1) room at any one (1) time.
 - 7) The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
 - 8) The operator of each facility shall keep a guest register showing the full name and address of all persons staying at the facility. The register shall be retained by the operator for a period of five (5) years and shall be made available for inspection by City officials at any time.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

- 9) A maximum of six (6) permanent sleep bed positions per each restroom will be permitted.
- 10) Every bed and breakfast bedroom shall contain a functional smoke detector. A fire extinguisher rated five (5) pounds ABC shall be located on each floor. Each bed and breakfast bedroom shall contain a diagram showing all exists with an arrow indicating "YOU ARE HERE."
- 11) Bed and breakfast facilities shall be licensed by the City. The licensing fees shall be set by the Council, which sum shall be paid annually. In addition, there shall be an inspection fee for every inspection after the initial inspection prior to licensure. The license will be renewed annually, subject to inspection and payment of fees.
- 12) A four (4) square foot sign, affixed flat against the dwelling and not illuminated, will be permitted.
- 13) Ground lighting may be allowed, providing no more than two (2) lights are used, each not exceeding 100 watts and positioned so that the surface of the source of light will reflect the light away from any adjacent property.
- 14) All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to City standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- 15) Bed and breakfast facilities will comply with all rules, regulations and ordinances of all applicable State and County regulatory agencies.
- 16) No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.
- 17) Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.
- 18) No bed and breakfast facilities shall be located within three hundred (300) feet of any other bed and breakfast building, as measured along the centerline of the street upon which such bed and breakfast facilities front.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

- 19) Nothing contained herein shall apply to the establishment and operation of hotels, motels, boardinghouses or the like.
- 20) The Treasurer shall have the authority to refuse to renew a license or to suspend or revoke a license for continued and repeated violations of the provisions of this ordinance. A decision to deny a license may be appealed to the Planning Commission by the applicant. Any license issued under the provisions of this ordinance may be revoked by the City Council for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto. In such investigation the compliance or non-compliance with the State law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.
- 21) After application is duly filed with the Treasurer for a license under this division, and in making their recommendations to the City Council, the Planning Commission shall determine whether any further license shall be issued based upon the public convenience and necessity of the people in the City. In the determination by the Planning Commission of the number of bed and breakfast operations required to provide for such public convenience and necessity, the Planning Commission shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of the issuance of additional licenses for public service.

(i) **CAMPGROUNDS/TRAVEL TRAILER PARKS**

A campground/travel trailer park is a special land use only in the GB - General Business District if it is in an approved resort or campground area. The campground must meet the following provisions and conditions.

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of fifteen (15) campsites/trailer pads.
3. Campgrounds, travel trailer parks and similar activities shall be located only in areas which contain soils that are not considered prime for agricultural production and which are otherwise suitable for recreational use.
4. All campgrounds publicly or privately owned and operated shall comply with Act 368 of the Public Acts of 1978.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

5. Minimum lot size shall be five (5) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one public telephone.
6. Minimum distance between travel trailers/recreational vehicles shall be fifteen (15) feet.
7. Appropriate vegetation and screening around the perimeter of the site shall be provided.

(j) CHURCHES/SYNAGOGUES/MOSQUES

1. Minimum lot width shall be one hundred (100 feet).
2. Minimum lot area shall be 1.5 acres.
3. The main building or space used for church functions shall be separate from the living quarters of the person or persons that function as minister and/or caretaker of the facility.

(k) CLUBS AND LODGES (FRATERNAL)

1. In the GB General Business District, minimum lot size shall be one (1) acre.
2. The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
3. All outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
4. When adjacent to a residential use, a masonry or brick wall, or fence six (6) feet in height shall be erected on the common lot line between the two properties.

(l) COMMERCIAL CLEANING PLANTS (as distinguished from dry cleaning service establishment)

1. Minimum lot size shall be 1.0 acre, the minimum side yard setback shall be twenty (20) feet.
2. Applicable performance standards shall be met.
3. All storage and disposal of chemicals used on-site in the process of commercial cleaning and laundering shall be in accordance with applicable local, state and federal regulations and requirements.
4. All storage, processing and cleaning activities shall occur within an enclosed building.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

5. A fence or year-round landscape buffer of a minimum height of six (6) feet shall separate the cleaning establishment from adjacent residential properties.
6. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

(m) COMMUNICATION TOWER

The following site development and special performance standards requirements, shall apply:

1. A minimum site of point seven five (.75) acre and one hundred twenty-five (125') feet of road frontage.
2. The use of guyed wires is strictly prohibited within Residential districts.
3. The base of the tower and wire cable supports shall be fenced with a minimum five (5') foot high fence.
4. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the City's Consultant Engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with Engineering review.
5. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
6. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
7. All bufferyard requirements applicable to the Zoning District in which the tower is to be located shall be met.
8. All towers shall be equipped with an anticlimbing device to prevent unauthorized access.
9. The plans of the tower construction, antenna mount and structure shall be certified by a registered structural engineer, and that the installation is in compliance with all applicable codes.
10. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

11. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30') feet of a property line. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
12. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
13. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
14. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
15. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
16. Towers shall be located so that they do not interfere with reception in nearby residential areas.
17. Towers shall be located so there is room for vehicles conducting maintenance to maneuver on the property owned and or leased by the applicant.
18. The base of the tower shall occupy no more than five hundred (500) square feet.
19. Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in one area.
20. Height of the tower shall not exceed one hundred and seventy five (175') feet from grade within a residential district, two hundred (200') feet from grade within a Business district, and three hundred (300') feet from grade within a Industrial district.
21. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
22. Existing on-site vegetation shall be preserved to the maximum extent practicable.
23. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes,

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

24. The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.
25. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standards or the Special Use approval will be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
26. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
27. All parking and drive areas must meet standards as provided in Article 17.
28. Where the property adjoins any residentially zoned property or land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
29. The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.

(n) **CONVALESCENT HOMES**

1. Minimum lot size shall be two (2) acres.
2. The lot location shall be such that at least fifty (50) percent of the property line abuts a paved major street. The ingress and egress for off-street parking areas for guests and patients shall be directly from said major street.
3. The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
4. The facility shall be designed to provide a minimum of one thousand five hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

(o) CHILD CARE CENTERS, DAY CARE CENTERS, NURSERY SCHOOLS

1. Such uses shall be duly licensed by the State Independent Family Agency.
2. Buildings and lots so used shall conform to all state and local code requirements, except that such uses or structures shall not be permitted in buildings and lots which are nonconforming uses or structures as defined in this ordinance.
3. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, and areas used exclusively for rest or sleep.
4. All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high.
5. The proposed use shall be served adequately by essential public facilities and services.
6. The proposed building shall not be out of harmony with the predominant type of building in the particular zone by reason of its size, character or location.
7. The proposed building shall be of a sustained desirability and stability so that the property contiguous to the development will not be unreasonably affected.
8. The proposed use shall conform to the building height, areas and yard requirements of the district in which it is located.
9. The proposed use shall not cause significant damage to the natural environment within the immediate neighborhood or the community as a whole.
10. One (1) off-street parking space shall be provided for each nonfamily employee of the child care/day care center in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.
11. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period, and activity shall be limited between the hours of 6:00 a.m. and 10:00 p.m.

(p) DRIVE-THRU (DRIVE-IN) RESTAURANTS/FAST FOOD ESTABLISHMENTS

1. The main and accessory buildings shall be set back a minimum of thirty (30) feet from any adjacent right-of-way line or residential property line.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

2. A six (6) foot high solid fence or chainlink fence with continuous landscaping of a minimum height of six (6) feet shall be provided adjacent to any residential district.
3. Applicable off-street waiting areas shall be provided in accordance with Article 17.
4. Where a drive-thru restaurant is part of a combined automobile service station/fast food establishment or a combined gas service station/convenience store/fast food establishment, the more restrictive requirements of both this subsection and subsection 2103(f).
5. A minimum of two (2) off-street parking spaces for employees and one (1) off-street parking space for each one hundred (100) square feet of retail space shall be provided for customers.

(q) EQUIPMENT RENTAL/SALES

1. Minimum lot size shall be one acre.
2. The area used for outdoor storage of equipment/materials shall be surrounded by a fence or wall of a minimum height of six (6) feet.
3. Required off-street parking areas shall be paved with concrete or asphalt.
4. Storage and loading/unloading areas shall be paved with asphalt or concrete and include appropriate stormwater drainage facilities.
5. All main and accessory structures shall be located no closer than fifty (50) feet from a residential district.
6. Adequate vehicular turning radius in the interior of the site (to accommodate a pickup truck or car and trailer) shall be provided.

(r) GOLF COURSES, COUNTRY CLUBS

1. Minimum lot size shall be fifty (50) acres.
2. The main and accessory buildings shall be set back at least 50 feet from all property lines.
3. Appropriate planting and screening shall be provided where the golf course abuts a residential lot.

(s) GOLF DRIVING RANGE

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

1. Minimum lot size shall be three (3) acres with a minimum lot depth of one thousand (1,000) feet.
 2. Main and accessory buildings shall be set back at least fifty (50) feet from all adjacent property lines.
 3. The perimeter of the driving range shall be enclosed with a chainlink fence of a minimum height of six (6) feet, if adjacent to developed residential.
 4. All outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
- (t) HOME OCCUPATIONS. Home occupations may only be permitted in all residential districts as a special land use under the following procedures and conditions.
1. The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
 2. No more than one person other than members of the immediate family occupying the dwelling shall be employed.
 3. Either one of the following - the basement, garage, or no more than fifty (50) percent of the gross floor area of one floor of a residence - shall be used for these purposes. Use of accessory buildings for these purposes is prohibited, except the garage.
 4. There shall be no outside storage of any kind related to any home occupation.
 5. The use may not increase vehicular traffic flow and parking by more than one additional vehicle at a time.
 6. Mechanical or electric equipment employed by the home occupation shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
 7. Only one nameplate shall be allowed, in accordance with the sign regulations at one hundred forty-four (144) square inches. It may display the name of the home occupation, for example, John Doe, Realtor, and must be attached to the principal building.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

8. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

(u) KENNELS (COMMERCIAL)

1. All kennels shall be operated in conformance with all county and state regulations, permits being valid no longer than one year.
2. For dog kennels, the minimum lot size shall be one-half acre for the first three dogs and an additional one-half acre for each five additional animals.
3. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than thirty (30) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
4. The building(s) in which animals are housed shall be constructed so as to minimize noises emanating from within the building. Such construction should include poured concrete floors and poured concrete/block walls of a minimum thickness of twelve (12) inches or other appropriate materials that will produce a similar result.

(v) LABORATORIES

1. All operations shall be within an enclosed building.
2. Solid and liquid wastes shall be contained and disposed of according to applicable state and federal requirements.
3. All applicable federal, state and local health requirements shall be adhered to.
4. Applicable performance standards shall be met.

(w) LUMBER YARDS

1. Minimum lot size shall be two acres.
2. The perimeter of the site used for storage, fabrication or assembly of materials shall be bounded by a chain link, wire or wood fence, concrete block or brick wall of a minimum height of five (5) feet.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

3. All required off-street parking spaces shall be paved with concrete or asphalt.
4. Loading and unloading facilities shall be located at the rear or side of the main building or at other sites behind the main building.

(x) MANUFACTURING, PROCESSING AND ASSEMBLY PLANTS

1. Minimum lot size shall be one (1) acre.
2. All manufacturing, processing, assembly shall take place within an enclosed structure.
3. There shall be a distance of at least one hundred (100) feet between the perimeter of the property on which the activity is located and the nearest residential dwelling.
4. Applicable performance standards must be met.
5. Outdoor lighting shall be provided for parking and security and shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
6. All parking, loading and unloading areas shall be paved with concrete or asphalt and designed and constructed with appropriate storm water runoff facilities.
7. Outdoor storage shall be allowed only at the rear of the main building(s); the storage area shall be surrounded by a chainlink or solid wood fence, or block or brick wall of a minimum height of eight (8) feet and a maximum height of ten (10) feet.

(y) MORTUARIES/FUNERAL HOMES

1. Minimum lot area shall be 1.0 acre.
2. The space in the main building used for mortuary functions shall be separate from the living quarters of the person or persons owning, managing, or maintaining the mortuary.
3. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.
4. Adequate off-street parking shall be provided in accordance with Article 17.

(z) MOTEL OR MOTOR COURT

1. Each unit of commercial occupancy shall contain a minimum of two hundred (200) square feet of gross floor area.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

2. When adjacent to a residential district, a masonry wall, six (6) feet in height, shall be erected at the common property line.
3. Outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

(aa) NURSERIES FOR PLANTS AND FLOWERS (GREENHOUSE)

1. Minimum lot size shall be 2.5 acres.
2. Storage or material display areas shall meet all the yard setback requirements applicable to any building in the district.
4. The storage of soil, fertilizer or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse affect upon adjacent properties.

(bb) OPEN-AIR BUSINESS

1. Minimum lot area shall be ten thousand (10,000) square feet.
2. Minimum lot width shall be one hundred (100) feet.
3. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
4. Storage or material display areas shall meet all the yard setback requirements applicable to any buildings in this district.
5. In the case of car or recreational vehicle sales lots:
 - a. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
 - b. Lighted parking areas shall not create a nuisance for nearby properties including, but not limited to: agricultural machinery sales and service, new and used car sales, lawn and garden sales and service.
6. The off-street parking requirements of Article 17 shall be met.

(cc) OUTDOOR AMUSEMENT FACILITIES

1. Minimum lot size shall be one acre.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

2. A front yard setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
3. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two streets.
4. All lighting shall be shielded from adjacent residential districts.
 - a. A four foot, six inch (4' 6") obscuring wall or fence must be provided around the perimeter of the site.

(dd) PARKS, RECREATIONAL FACILITIES

1. The minimum area for a park shall be one-half acre.
2. A natural vegetation strip at least ten (10) feet wide shall be maintained between the park area and all other adjacent land uses.
3. Any outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

(ee) PUBLIC UTILITY SERVICE BUILDINGS/STATIONS (ESSENTIAL)

Buildings and facilities associated with essential services, as defined in Article 3, shall be permitted as authorized by law and other ordinances in any use district. The construction, erection, alteration and maintenance of essential public utilities service buildings/stations shall be exempt from the application of this ordinance. Fees will be charged for substations, regulator buildings and auxiliary buildings, but not for those elements directly associated with distribution or transmission systems.

(ff) RADIO AND TELEVISION TOWERS

1. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one and one-half times the height of each tower above the ground.
2. Unless specifically waived by the Planning Commission, an open weave wire fence eight (8) feet in height shall be constructed on the boundary property line.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

(gg) JUNK YARDS/RESOURCE RECOVERY FACILITIES

Salvage yards and resource recovery facilities may be permitted as a special land use only in the GI General Industrial District, providing that the following requirements are complied with:

1. Plans and specifications shall be submitted to the Planning Commission and shall include the following.
 - a. Specific location of the facility shown on a vicinity map.
 - b. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
 - c. Legal description and site boundaries.
 - d. Means of limiting access including fencing, gates, natural barriers, or other methods.
 - e. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the city's waste water treatment facility.
 - f. The location of all structures and equipment.
 - g. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
 - h. The location of existing proposed utilities available to the site.
 - i. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
 - j. Daily clean-up procedures.
 - k. Other details necessary as required by the Planning Commission.
2. A facility shall be located not less than five hundred (500) feet from the nearest residential zone and must be screened by a fence of not less than eight feet in height and not less than ninety (90) percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
3. The site must be located on major arterial roads and not on residential-or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

4. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
 5. Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.
 6. In addition to (4) and (5) above, the applicable performance standards shall be met.
 7. The salvage yard site shall not be less than five (5) acres in size.
 8. Open burning shall not be carried on in a salvage area facility.
 9. The salvage yard area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
 10. Necessary operations of the salvage yard shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
 11. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances
 12. All tires shall be stored inside an enclosed structure(s).
 13. All processing must be done within an enclosed buildings.
 14. Uniform fencing shall be provided around the perimeter of the site. Such fencing or wall shall be opaque and have a minimum height of eight (8) feet.
 15. All access roads on the site shall be paved with asphalt or similar materials.
 16. Stormwater drainage shall be required and shall be self-contained on the site.
- (hh) SCHOOLS, CIVIC BUILDINGS, POST OFFICES, FIRE STATIONS AND OTHER SIMILAR PUBLIC AND QUASI-PUBLIC AND PRIVATE STRUCTURES AND FACILITIES
1. Schools must provide adequate space for loading/unloading of students and temporary or permanent parking of buses.
 2. The minimum setbacks for main and accessory school structures shall be fifty (50) feet.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

3. The minimum distance between main and accessory school structures and residential property or residential districts shall be one hundred (100) feet.
4. Main and accessory structures associated with fire stations shall be located no closer than one hundred (100) feet from a residential district or residential property.
5. Adequate warning signs shall be provided at appropriate locations on both sides of the street on which emergency vehicles enter and exit.

(ii) SELF (MINI) STORAGE FACILITIES

1. Minimum lot size shall be one (1) acre. Minimum lot width shall be one hundred (100) feet.
2. A chain-link fence of a minimum height of eight (8) feet shall be located on the perimeter of the site. An entrance gate shall be provided with a minimum access width of twelve (12) feet, with either electronic or manual control.
3. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15) feet, as measured from building front to building front.
4. All items shall be stored inside an enclosed facility.
5. Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
6. Aisle ways and driveways shall be paved with asphalt and contain adequate storm water drainage.
7. A residence for the caretaker, owner, or manager shall be required to be located on the premises.

(jj) SHOPS FOR BUILDING CONTRACTORS

1. Minimum lot size shall be thirty thousand (30,000) square feet.
2. The applicable performance standards shall be met.
3. Areas used for storage, milling and/or fabrication shall be surrounded by a fence or wall of a minimum height of six (6) feet and shall be located at the rear of the main building.
4. Vehicles and equipment used in construction shall be parked or stored in the rear, or on the side, of the main building.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

5. The minimum distance between the perimeter of the lot on which construction or fabrication activity occurs as a function of the business shall be no closer than one hundred (100) feet from a residential dwelling.

(kk) STORAGE OF WASTE DISPOSAL VEHICLES AND RESOURCE RECOVERY VEHICLES

1. Storage of waste disposal vehicles and resource recovery facilities may be permitted by Special Use in the GI General Industrial District, but with no outside storage of waste hauling vehicles. All such vehicles must be regularly washed and maintained.

(ll) SWIMMING POOLS

1. For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twenty-four (24) feet or an area exceeding two hundred (200) square feet, a permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for a below ground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the City or the County Health Department shall also be submitted. Any swimming pool of a depth of twenty-four (24) inches or more shall be considered an accessory structure and be subject to the requirements of Sections 423 and 424.
2. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
3. Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard of a required corner lot side yard. Rear or side yard setback shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, or less than five (5) feet between pool wall and any building on the lot.
4. All swimming pools shall be completely enclosed by a chainlink fence or a fence of comparable safety not less than six (6) feet nor more than eight (8) feet in height, and set at a distance of not less than six (6) feet from the outside perimeter of the pool wall, except for swimming pools above grade (i.e., portable) which have a side wall with a smooth

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

surface of not less than four (4) feet in height and with all means of access being secured, raised and/or locked to prevent unauthorized use. Except, that if a building is located on a lot not leaving any means of public access, a fence shall not be required on any such side. 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 tamper-proof lock when the pool is not in use, provided, that if the entire premises is enclosed by fence or wall, the fence requirement may be waived by zoning officer, after due inspection and approval.

5. All electrical installations or wiring in connection with below ground swimming pools shall conform to the provisions of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

(mm) TIRE SHOPS

1. All processing, fabrication, retreading and similar activity shall occur within an enclosed building.
2. The applicable performance standards shall be met.
3. New, used and retread tires shall be stored in an enclosed building.
4. Off-street parking for customers shall be paved with concrete or asphalt.

(nn) TRAILER SALES YARDS

1. Trailer sales yards shall adhere to the requirements of Section 2103 (cc) Open Air Business.

(oo) VEHICLE SALES AREA

1. Vehicle sales areas may only be permitted in the GB General Business District. No vehicle sales area may be accessory to a service station. The plot plan for proposed vehicle sales area shall show the following requirements:
 - a. The provisions of divisions (bb-1) through (bb-6) above must be complied with, provided that no vehicles or equipment shall be located closer than ten feet to any side or rear property line nor closer than twenty-five (25) feet to any front street right-of-way.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

2. All areas used for the parking or storage of vehicles shall be paved and constructed in accordance with Article 17.
3. Outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

(pp) VEHICLE WASH ESTABLISHMENTS

1. Minimum lot size shall be twelve thousand (12,000) square feet, minimum lot width shall be one hundred (100) feet.
2. All washing activities must be carried on within a building.
3. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking space for vehicles to be serviced by the subject facility.
4. A six (6) foot high solid wood fence or chainlink fence with perennial landscaping materials of a minimum height of six (6) feet shall be required where the lot line abuts a residential dwelling.
5. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or fraction thereof) along any adjacent street.
6. Ingress and egress drives shall not be less than fifteen (15) feet wide.
7. No drive or curb opening shall be located nearer than thirty (30) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrians or vehicular traffic.
8. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
9. Adequate "holding" space shall be provided as required in Section 17.

**ARTICLE 21 - SPECIAL LAND USE PROCEDURES AND
SITE DEVELOPMENT REQUIREMENTS**

(qq) WAREHOUSING OF WHOLESALE AND RETAIL MERCHANDISE

1. Adequate ingress and egress to the site shall be provided.
2. Outdoor lighting shall be provided for parking and security and shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
3. Where a parcel on which a warehouse is located is adjacent to a residential use, a solid wall or fence six (6) feet in height shall be located on the common property line.
4. Outdoor storage areas shall be surrounded by a chainlink fence, solid fence, or wall of a minimum height of eight (8) feet and a maximum height of ten (10) feet.
5. All parking, loading and unloading areas shall be paved with concrete or asphalt and designed and constructed with appropriate stormwater runoff facilities.

ARTICLE 22

LANDSCAPING



2201. PURPOSE

The purpose and intent of this section is: (i) to improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way; (ii) to protect and preserve the appearance, character and value of surrounding neighborhoods, thereby promoting the public health safety and general welfare; (iii) to reduce soil erosion and depletion; and (iv) to increase soil water retention thereby helping to prevent flooding.

2202. GENERAL

a. Scope of Application

The provisions of this Section shall apply to all lots, sites or parcels of land which are developed, redeveloped or upon which existing improvements are expanded when submission of a site plan to the City is required by this or any other ordinance of the City after the effective date of this Zoning Ordinance.

b. Compliance Required

No site plan shall be approved on or after the effective date of this Ordinance unless it complies with the requirements of this Section.

c. New Site Development

No building, structure or parking area shall hereafter be constructed on any lot or parcel of land unless that lot or parcel of land is landscaped to comply with the provisions of this Section.

d. Site Alterations

If any buildings, structure or parking area located on any lot or parcel of land shall hereafter be altered or enlarged and the alteration or enlargement requires the acquisition of a building permit, no such permit shall be issued until the lot or parcel of land is landscaped or a cash deposit, certified check or surety bond is posted to comply with the provisions of this Section.

e. Change in Classification

If the zoning or use classification of any lot or parcel of land upon which any building, structure or parking area exists is changed at the request of the owner or his

representative, such lot or parcel of land shall be landscaped to comply with the provisions of this Section as it relates to the new zoning or use classification, and such landscaping shall be completed prior to the effective date of the new zoning or use classification.

2203. INSTALLATION AND MAINTENANCE

a. Installation

Landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. If any building or paving construction is completed during a planting season, no certificate of occupancy shall be issued until the landscaping complies with the requirements contained in this Section. If building or paving construction is completed in an off-planting season, the certificate of occupancy shall be issued only after the owner provides a performance bond naming such owner as the obligor and the City Clerk as the obligee, in an amount deemed sufficient by the Building Department to ensure installation of required landscaping during the next planting season.

b. Maintenance

The owner of the lot or parcel for which landscaping is required by this Section shall maintain all landscaping material in good condition so as to present a healthy, trimmed, neat and orderly appearance, free from refuse and debris. All unhealthy and dead landscaping material shall be replaced immediately, unless it is an off-planting season, in which event such landscaping material shall be replaced during the next planting season. All landscaped areas shall be provided with a readily available and acceptable water supply with at least one outlet located within three hundred (300) feet of all plant material to be established and maintained.

2204. LANDSCAPING REQUIREMENTS

a. Commercial Districts

All lots or parcels of land located in a district zoned for commercial or office use shall meet the following landscaping requirements.

- (i) For each thirty (30) feet of frontage along any public right-of-way or any fraction thereof, at least one tree shall be installed and maintained. Shrubs or hedges shall be

ARTICLE 22 - LANDSCAPING

installed and maintained and shall cover at least fifty (50) percent of the length of the frontage. For each one hundred (100) feet of frontage along any public right-of-way, or fraction thereof, at least one ornamental spring flowering tree at least five (5) feet in height shall be installed and maintained. All remaining ground surface area shall be covered with grass and ground cover. The Planning Commission at its discretion may recommend approval of unique landscaping designs that meet the intention of this Section.

- (ii) Garbage and refuse collection areas, if visible from any public right-of-way, shall be screened with a wall. Plant material as defined in Section 2205 shall be planted along the screening wall. Such screen shall in no way impede garbage or refuse pick-up and collection.
- b. All lots or parcels of land located in a district zoned for multiple family residential shall meet the following landscaping requirements.
- (i) There shall be at least two (2) deciduous or evergreen trees for each multiple dwelling unit. Deciduous trees may be planted in the five (5) foot strip between a curb and a sidewalk or in any other unpaved area. Trees installed for buffer or greenbelt purposes or that are otherwise required by this Section shall not be included for purposes of complying with the requirements set forth in this subsection.
 - (ii) Areas between or surrounding multiple housing structures and all other open areas shall be covered with grass or living ground cover and landscaped with trees and shrubs. Any landscaping material used to satisfy the requirements of this subsection may be included in satisfying the requirements of subsection (i) immediately above.
 - (iii) Garbage and refuse collection areas shall be screened with plant material. Wood fencing may be substituted for plant material provided vine which adheres to wood shall be planted every ten (10) lineal feet of such wood fencing.

c. Industrial District

All lots or parcel of land located in a district zoned for industrial uses shall meet the buffering material requirements in Section 2205 regarding protective screening, and shall also meet the following landscaping requirements:

- (i) Garbage and refuse collection areas and any open storage areas, if visible from any public right-of-way, shall be screened by a six (6) foot wood fence or with plant

materials. The landscape screen shall in no way impede garbage or refuse pick-up and collection.

2205. PLANT MATERIAL

If healthy landscaping material exists on a site prior to its development, all such landscaping material that remains on the lot or parcel of land after development may be credited to the lot or parcel of land and the regulations under this Section shall be adjusted to allow credit for such existing landscaping material.

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

a. Plant Material Spacing

(i) Plant materials shall not be placed closer than four (4) feet from the fence line or property line.

(ii) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.

Evergreen trees shall be planted not more than thirty (30) feet on centers, and shall be not less than five (5) feet in height.

(iii) Narrow evergreens shall be planted not more than six (6) feet on centers, and shall be not less than three (3) feet in height.

(iv) Tree-like shrubs shall be planted not more than ten (10) feet on centers, and shall be not less than four (4) feet in height.

(v) Large deciduous shrubs shall be planted not more than four (4) feet on centers, and shall not be less than six (6) feet in height.

(vi) Large deciduous trees shall be planted not more than thirty (30) feet on centers, and shall have a minimum caliper of two and one-half (2 1/2) inches at ground level when installed.

b. Trees Not Permitted

Box Elder
Soft Maples (Red-Silver)
Elms
Poplars
Willows
Horse Chestnut (nut bearing)
Tree of Heaven
Catalpa

c. Suggested Plant Materials

Evergreen Trees - Minimum five (5) feet in height

Juniper
Fir
Spruce
Hemlock
Pine
Douglas - Fir

Narrow Evergreens - Minimum three (3) feet in height

Column Hinoki Cypress
Blue Columnar Chinese Juniper
Pyramidal Red-Cedar
Swiss Stone Pine Pyramidal
White Pine
Irish Yew
Douglas Arbor-Vitae
Columnar Giant Arbor-Vitae

Tree like Shrubs - Minimum four (4) feet in height

Flowering Grab
Mountain Ash
Redbud
Hornbeam
Magnolia
Russian Olive
Dogwood
Rose of Sharon
Hawthorn

Large Deciduous Shrubs - Minimum six (6) feet in height

Honeysuckle
Mock-Orange
Lilac
Contoneaster
Evonymus
Buckthorn
Viburnum
Forsythia
Ninebark
Hazelnut
Privet
Sumac

Large Deciduous Trees - Minimum caliper of two and one-half (2 1/2) inches at ground level when installed.

Oak
Hackberry
Planetree (Sycamore)
Ginkgo
Sweet-Gum
Linden
Hard Maple
Birch
Beech
Honeylocust
Hop Hornbeam

ARTICLE 23

PLANNED RESIDENTIAL DEVELOPMENT (PRD)



ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

2301. INTENT AND PURPOSE

It is the purpose of this Section to encourage more imaginative and livable housing environments within the City of Pinconning through a planned reduction, or averaging, of the individual lot area requirements for the R-1 and R-3 Districts, PROVIDING the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a Special Use Permit may be issued for the construction and occupancy of a Planned Residential Development PROVIDING the standards, procedure, and requirements set forth in this Article can be complied with.

2302. OBJECTIVES

The following objectives shall be considered in reviewing any application for a Special Use Permit for Planned Residential Development.

- (1) To provide a more desirable living environment by preserving the natural amenities of the site.
- (2) To encourage the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- (3) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- (4) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
- (5) To encourage variety in the physical development pattern of the City by providing a mixture of housing types.

2303. QUALIFYING CONDITIONS

Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as Planned Residential Development:

- (1) The Planned Residential Development site shall be not less than five (5) acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.
- (2) The Planned Residential Development shall meet or exceed all of the standards and requirements of the City of Pinconning Subdivision Control Ordinance or the requirements of Article 24 - Site Condominium Development.
- (3) The Planned Residential Development site shall be located within zoned residential districts.
- (4) The proposed population density of the Planned Residential Development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.
- (5) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the City of Pinconning or be set aside for the common use of home or lot owners within the Planned Residential Development under legal procedures which shall also give the City of Pinconning a covenant or interest therein, so that there are assurances that the required open space shall remain open.
- (6) The proposed Planned Residential Development shall meet all of the general standards outlined in this Article, including the Design Standards of Section 2312.

2304. PERMITTED USES

The following uses of land and structures may be permitted within Planned Residential Developments:

- (1) All uses permitted by right, or by Special Use Permit in the R-1 and R-3 Districts, subject to all applicable specified restrictions.
- (2) Two-family dwellings.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

- (3) Group housing, row houses, garden apartments, town houses, or other similar housing types which can be defined as a single family dwelling with no side yards between adjacent dwelling units, PROVIDED that there shall be no more than twelve (12) dwelling units in any building or contiguous group of buildings.
- (4) Recreation and open space, PROVIDED that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section:
 - (a) Private recreation facilities, such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned residential development.
 - (b) Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - (c) Customary accessory uses as permitted in residential districts.
 - (d) Group laundry facilities so long as they have been designed and located in such a manner as to serve only inhabitants of the site of the planned residential districts. No advertising of any type shall be permitted with such facilities.
 - (e) Off-street parking at the rate of two spaces per dwelling unit.
 - (f) Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for proper maintenance of the development.

2305. APPLICATION AND REVIEW PROCEDURES

Planned Residential Developments shall follow the application and review procedures outlined in this Section. The review procedures are intended to explicitly state the requirements at each stage of the review process. The applicant shall have the option to submit an application for approval of the Planned Residential Development at the outline stage and shall be required to submit the application at the preliminary and final development plan stages, providing the requirements at each stage are fulfilled according to this ordinance.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

- (1) Pre-Application Conference: Before submitting an application for a Planned Residential Development, an applicant at his option may confer with the Zoning Administrator to obtain procedural information.

- (2) Outline Development Plan: An applicant may, when making application for the approval of a Planned Residential Development, submit an outline development plan as specified below. While this submittal is not mandatory, it is encouraged, to facilitate early communication and concurrence between the City and the developer.
 - (a) An outline development plan should include both maps and a written statement and must show enough of the area surrounding the proposed Planned Residential Development to demonstrate the relationship of the Planned Residential Development to adjoining uses, both existing and proposed.

 - (b) The maps which are part of the outline development plan may be in general schematic form, at a scale of one hundred (100) feet to one (1) inch and shall contain the following information:
 1. The existing topographic character of the land with contours shown at intervals not greater than five (5) foot intervals, except that, where the land slope is less than five (5) percent, the contour interval shall be two (2) feet;
 2. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
 3. The character, type, number, and density of dwelling units proposed;
 4. The approximate location of major arterial and collector streets;
 5. The location and tabulation of all public or common open space, and;
 6. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, and telephone lines and street lighting.

 - (c) The written statement to accompany the outline development plan shall contain the following information:

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

1. An explanation of the character of the Planned Residential Development and the manner in which it has been planned to take advantage of the Planned Residential Development regulations;
2. A statement and legal description of the present ownership of all of the land included within the Planned Residential Development, and
3. A general indication of the expected schedule and/or phase of development.
4. A written environmental analysis statement which technically discusses impact or impacts of the proposed project on existing adjacent land uses and values, traffic, school enrollment, sanitary and storm sewers, natural drainage systems, water systems, subsurface water tables, soils, natural vegetation, air qualities, visual qualities, and energy supplies, as well as any other factors the project will affect.

(3) Approval of Outline Development Plan:

- (a) Within a maximum of sixty (60) days after the receiving of the outline development plan, the Planning Commission shall forward the plan to the City Council with a written report recommending that the outline plan be approved or disapproved or approved with modifications, and giving the reasons for these recommendations.
- (b) The City Council shall give notice of a public hearing to be held on the plan before the City Council, the hearing to be held not more than sixty (60) days after the receipt of the Planning Commission's report. After the hearing, the City Council shall approve, disapprove or approve with modifications the outline development plan subject to the submission of a final development plan as required by this article.
- (c) Although the outline development plan is approved or approved subject to modifications, no building permits may be issued on land within the Planned Residential Development until the final development plans for the total project area have been approved by the Planning Commission under the procedures required by this article.
- (d) Concurrent Application: An application for a Planned Residential Development may be processed, noticed and heard by the Planning Commission concurrently

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

with an application for a proposed subdivision or resubdivisions of the same property pursuant to the Subdivision Control Ordinance of the City of Pinconning and the Michigan Land Division Act.

(4) Preliminary Development Plan:

- (a) An applicant seeking approval of the Planned Residential Development shall submit a preliminary development plan at either of the following times:
1. If no outline development plan has been submitted and approved, at the time of application; or
 2. If an outline development plan has been approved, within six (6) months following its approval. However, the Planning Commission may, upon written request of the applicant, extend for three (3) months the period for the filing of the preliminary development plan.
- (b) The preliminary development plan shall include all the following required information.
1. A map showing the entire street system of arterial, collectors and local streets and their proposed construction standards and if they are publicly dedicated or privately owned and its related walkways.
 2. A map showing the entire location of the utility system of sanitary sewer, storm sewer, water, electric, gas, cable and telephone lines.
 3. Statistical calculations of areas dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.
 4. A lot plan and statistical tabulation for the entire Planned Residential Development of all the land uses proposed and showing the approximate size and location of all lot lines, building, structures, parking areas, and improvements both existing and proposed.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

5. A map indicating the areas allocated for common open spaces and allocated for usable open spaces per building at grade level or above grade, whichever applies.
 6. Preliminary elevation and/or perspective drawings of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details. A development model of the entire project area may be substituted for any elevation and/or perspective drawings.
 7. A plan showing the general location of trees and plantings in accordance with the landscape standards of Article 22.
 8. A development schedule indicating (1) the approximate date when construction of the project can be expected to begin, (2) the stages in which the project will be built and the approximate date when construction of each anticipated stage of development will begin, (3) the approximate dates when the development of each of the stages in the development will be completed, and (4) the area and location of common open space that will be provided at each stage.
 9. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common and usable open space areas.
 10. Any additional statements, plans and diagrams may be required insofar as the Planning Commission finds that the planned development creates special problems of traffic, parking, landscaping, utilities, including sewer and water facilities, or any other factors; and
 11. If no outline development plan has been filed, the preliminary plan must contain the written statement required by Section 2305(2)(c) and must include enough of the area surrounding the proposed Planned Residential Development to show the relationship of the Planned Residential Development to adjacent uses, both existing and proposed.
- (5) Approval of Preliminary Development Plan: The Planning Commission shall review the preliminary development plan to determine if it is in substantial compliance with the

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

submitted and approved outline development plan and to determine if it complies with all other standards required under this Ordinance for Site Plan Review and Special Land Use.

- (a) If no outline development plan has been submitted and approved, the preliminary development plan shall be considered for approval under the procedures provided within this Ordinance for Site Plan Review and Special Land Use.
- (b) If an outline plan has been submitted and approved, the applicant shall file the preliminary development plan with the Planning Commission. The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard to each of the following:
 - 1. Any person who is on record as having appeared at the hearing on the outline development plan; and
 - 2. Any other person who has indicated to the Planning Commission in writing that he/she desires to be notified.
- (c) An additional public hearing may be called on the Planned Residential Development at this time, if the Planning Commission considers that the preliminary development plan is not in substantial compliance with the submitted and approved outline development plan. The preliminary development plan shall be deemed in substantial compliance with the approved outline plan, provided any modification by the preliminary application of the Planned Residential Development does not involve a change of one or more of the following:
 - 1. Violate any provision of this Article;
 - 2. Vary the lot area requirement by more than ten (10) percent;
 - 3. Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space; and
 - 4. Increase the total ground area covered by buildings by more than five (5) percent.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

(6) Approval of Final Development Plan:

(a) Within a maximum of six (6) months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final detailed form the information required under this Ordinance for Site Plan Review and Special Land Use. At its discretion and for good cause, the Planning Commission may extend for six (6) months the period for filing of the final development plan.

(b) The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard on the final development plan to:

1. Any person who is on record as having appeared at the hearing on the preliminary development plan or at the hearing on the outline development plan, and
2. Any other person who has indicated to the Planning Commission in writing that they desire to be notified.

(c) An additional public hearing may be called on the Planned Residential Development at this time, if the Planning Commission considers that the final development plan is not in substantial compliance with the submitted and approved preliminary development plan. The final development plan shall be deemed in substantial compliance with the approved preliminary plan, provided any modification by the applicant of the Planned Residential Development does not involve a change of one or more of the following:

1. Violate any provision of this Article;
2. Vary the lot area requirement by more than ten (10) percent;
3. Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space;
4. Increase the total ground area covered by buildings by more than five (5) percent.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

- (d) The Planning Commission shall review the final development plan, and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The Clerk of the City shall record the final development plan in the manner provided for recording plats or subdivisions.
- (e) The Planning Commission shall delay final approval for a specified period of time until the applicant has taken title to, or executed a binding sales contract for, all the property so that the acquisition of title to the land can then be coordinated with the approval of project stages.
- (f) Prior to the granting of any Planned Residential Development, the Planning Commission may recommend, and the City Council may adopt, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the Planned Residential Development as the City Council deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this ordinance. The Planning Commission may recommend that the City Council require a performance bond be furnished and filed with the City Clerk for private improvements. An escrow agreement and account approved by the City Attorney as to form and content and by the Planning Commission, shall be required in the amount of one hundred and twenty-five (125) percent of the estimated construction cost and engineering. These funds may be dispersed upon certification by the Project Engineer and the City of Pinconning acting through the City Manager. The escrow shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings, screenings, etc.

2306. CONTROL OF PLANNED RESIDENTIAL DEVELOPMENT FOLLOWING FINAL APPROVAL

- (1) The City Council shall issue a certificate certifying the approval of the Planned Residential Development, and the clerk of the City Council shall note the issuance of the certificate on the recorded final development plan.
- (2) After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the Planned Residential Development will be governed by the approved final development plan rather than by any other provisions of the Zoning Ordinance.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

- (3) After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the Planning Commission under the procedures provided below:
 - (a) Minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cube content of any building or structure by more than ten (10) percent;
 - (b) Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
 - (c) Changes in the use of common open space may be authorized by an amendment to the final development plan.
- (4) No changes in the final development plan which are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the Planned Residential Development, and all rights to enforce these covenants against any changes permitted by this Ordinance are expressly reserved.

2307. LOT SIZE VARIATION PROCEDURE

The lot area for a Planned Residential Development within the R-1 and R-3 residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following procedures:

- (1) Site Acreage Computation: The gross acreage proposed for a Planned Residential Development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed Planned Residential Development is located. In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

- (2) Maximum Number of Lots and Dwelling Units: After the total gross area is determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a Planned Residential Development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the Planned Residential Development is located.
- (a) The fixed percentage for street right-of-way purposes to be subtracted from the total gross area available for development shall be twenty (20) percent. This percentage shall apply regardless of the amount of land actually required for street right-of-way.
- (b) Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned residential development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.
- (3) Permissive Minimum Lot Area: Notwithstanding other procedures set forth in the Section, lot areas within Planned Residential Developments shall not be varied or reduced on a per unit basis below the following minimum standards:
- (a) One Family Detached Dwelling Units: Eight thousand six hundred forty (8,640) square feet within the R-1 District, and six thousand four hundred eighty (6,480) square feet within the R-3 Districts.
- (b) Two-Family Dwellings: Three thousand two hundred forty (3,240) square feet per unit (or 6,480 sq. ft. for both units combined) within the R-3 District.
- (c) Townhouse, Row House, or Other Similar Dwelling Types: Three thousand five hundred (3,500) square feet of lot area for each dwelling unit in the R-3 District.
- (4) Permissive Minimum Yard Requirements: Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

- (a) Front Yard: Twenty (20) feet for all dwellings PROVIDED that front yard requirements may be varied under consideration of common greens or other common open space if such space provides an average of twenty-five (25) feet of front yard area per dwelling unit.
- (b) Side Yard: Eight (8) feet on each side for all one and two-family dwellings; none for town houses or row houses, PROVIDED that there shall be minimum of fifteen (15) feet between ends of contiguous groups of dwelling units.
- (c) Rear Yard: Twenty (20) feet for all dwellings, PROVIDED that rear yard requirements may be varied after consideration of common open space lands or parks or water-front areas which abut the rear yard area.
- (5) Maximum Permissible Building Height: Two and a half (2 ½) stories, but not exceeding thirty (30) feet. Accessory building shall not exceed a height of fifteen (15) feet.

2308. OPEN SPACE REQUIREMENTS

For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this Section, equal amounts of land shall be provided in open space. All open space, tree cover, recreational area, scenic vista, or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to the City of Pinconning as park land for the use of the general public. The Planning Commission shall utilize one of the following options most appropriate as part of its approval of a Special Use Permit for a Planned Residential Development:

- (1) That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER than an open space easement for said land shall be conveyed to the City of Pinconning to assure that open space land shall remain open.
- (2) That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of park or recreation land conforms in intent to the Comprehensive Development Plan of the

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

City of Pinconning and PROVIDED further that the access to and the characteristics of the open space land is such that it will be readily available to and desirable for public use, development and maintenance.

- (3) It is the intent of this Section that in cases where option (2) above is determined to be in the best interest of the community, that the owners or developers of the Planned Residential Development shall not be compelled or required to improve the natural condition of the open space land.

2309. PLANNED RESIDENTIAL DEVELOPMENT IN MORE THAN ONE ZONING DISTRICT

Where a Planned Residential Development is to be located in more than one zoning district, the lot sizes and the number of allowable dwelling units must be separately calculated and separately distributed in each individual zone in the Planned Residential Development.

2310. PERIMETER SETBACK REQUIREMENTS

In all Planned Residential Developments that abut property that permits developments of less intensity than permitted by the Planned Residential Development, a peripheral transition area shall be incorporated in the Planned Residential Development that provides development similar in density and character as that existing or permitted on the abutting land. For the purpose of the Section, the Planning Commission and City Council shall have the authority to determine the extent and development of the transition area.

2311. SUBDIVISION AND RESALE

- (1) If the subdivision or resubdivision of an approved Planned Residential Development will create a new plat line, the applicant shall make application to the Planning Commission for the approval of the subdivision or resubdivision plat. The Planning Commission and City Council shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided Planned Residential Development meets the provisions of this ordinance, governing density, common and usable open space, and dimensional requirements and if it is in compliance with requirements contained within the Michigan Land Division Act:
- (2) All lots of a subdivided or resubdivided Planned Residential Development are to be controlled by the final development plan rather than by the provisions of the Zoning Ordinance that otherwise would be applicable. The provisions of Sections 2305 (6) and 2306 covering changes in the final development plan will apply.

2312. DEVELOPMENT STANDARDS

The following standards are intended to supplement the requirements of the City of Pinconning Subdivision Control Ordinance. Where conflicts or discrepancies may occur, the more stringent requirements shall take precedence.

(1) Streets

- (a) The arrangements, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways, and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.
- (b) Where a subdivision abuts or contains an existing or proposed primary road, or other major street, the Council may require marginal access streets, a reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (c) All road construction shall be completed at least to the applicable road specifications and shall comply with such additional specifications as are set forth in these regulations.
- (d) If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This provision shall not prevent the establishment of cul-de-sacs within the subdivision.
- (e) No street names shall be used which will duplicate or be confused with the names of existing streets.
- (f) Local streets shall have a 66' right-of-way
Collector streets shall have a 80' right-of-way
Major streets shall have a 100' right-of-way.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

The Council may determine the necessity for declaring some streets in the Plat to be collector or major streets.

- (g) Permanent cul-de-sac streets shall not be longer than eight hundred (800) feet in length and shall be provided at the closed end with a paved circular turnaround area having an outside diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet in residential districts. The Council may require larger rights-of-ways in industrial or commercial districts, depending upon anticipated uses. Temporary dead end streets shall be provided at the closed end with a turnaround constructed to the full width of the right-of-way and in accordance with applicable specifications.
- (h) Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall be avoided.
- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.
- (j) Minor streets shall be so laid out that their use by through traffic will be discouraged.
- (k) Half streets, except where it is essential to the reasonable development of the subdivision, are prohibited.

(2) Blocks

- (a) The maximum lengths of blocks shall be fifteen hundred (1,500) feet measured between the center lines of intersections, except as follows:
 - 1. In subdivisions where the width of lot at the building line is two hundred (200) feet or more, the block length may be up to two thousand (2,000) feet.
 - 2. Under extreme topographical conditions, the Council may approve blocks exceeding the fifteen hundred (1,500) foot maximum length, but in no case shall the length exceed two thousand (2,000) feet.
- (b) Where blocks exceed nine hundred (900) feet in length, an easement for a sidewalk or pedestrian way of at least eight (8) feet in width, and paved not less than five (5)

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

feet in width, may be required, extending entirely through the block, when necessary to obtain satisfactory pedestrian circulation, as determined by the governing body.

(3) Easements

- (a) Easements across lots or centered on rear or side lot lines shall be provided for utilities where considered necessary by the Council, and shall have a minimum total width of twelve (12) feet.
- (b) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with the easement.

(4) Lots

- (a) The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Lot dimensions shall conform to the requirements of this Zoning Ordinance, including lot size variations as permitted in Section 2307. In addition,
 - 1. Residential lots where not served by a public water system but served by public sanitary sewer service, shall not be less than ninety (90) feet wide at the building line, nor less than twelve thousand (12,000) square feet in area.
 - 2. Residential lots served by neither public water nor a public sewer system shall not be less than one hundred (100) feet wide nor less than fifteen thousand (15,000) square feet in area.
 - 3. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - 4. Where a "cluster" residential development is proposed, minimum lot widths and minimum lot sizes may be reduced by up to twenty (20) percent, provided the

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

amount of land representing the difference between the required lot sizes and the reduced lot sizes is allocated to common open space or parkland.

- (c) Corner lots for residential use shall have sufficient width to permit appropriate building setback from, and orientation to, both streets.
- (d) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to all existing public streets.
- (e) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. See Article 22 for specific landscaping details.
- (f) Side lot lines shall be substantially at right angles or radial to street lines, except where conditions of topography or more efficient layout warrants otherwise.
- (g) If, by necessity, a lot is irregular in shape, the lot shall have frontage equal to not less than one-half ($\frac{1}{2}$) of the minimum required lot width at the building line on an existing or an approved dedicated public road.
- (h) A plat having riverfront or streamfront lots should include a statement that the lot lines extend to the water's edge regardless of the fluctuation in the water level.

(5) Utility and Street Improvements

- (a) The proprietor shall provide the following public improvements in connection with the subdivision. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable codes, ordinances or regulations of the City.
 1. Roads, including such related improvements as are required in this Ordinance.
 2. Storm water drainage as required in this Ordinance. If storm sewers are not feasible, then leaching basins must be installed. The installation of either storm sewers or leaching basins must be done in accordance with the plans and specifications of the City and well established engineering practices and approved by the City Engineer.

ARTICLE 23 - PLANNED RESIDENTIAL DEVELOPMENT

3. Water supply and sanitary sewerage. Every portion of a subdivision shall be supplied with adequate water and sanitary sewerage facilities. Public water and sanitary sewerage facilities shall be provided in all plats to which such facilities are determined reasonably available by the Council.
4. Sidewalks may be provided as required in Subsection (2)(b).
5. Pedestrian ways may be required within public easements, as determined by the Planning Commission.
6. Street and/or pedestrian scale lighting, of a type and location approved by the City Engineer, shall be provided.



ARTICLE 24

SITE CONDOMINIUM DEVELOPMENT



ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

2401. INTENT

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the City Council. This Article is not intended to regulate condominium projects that will not include one-family detached dwellings.

2402. PURPOSE

The purposes of these condominium regulations are to:

- (1) Provide for the orderly growth and harmonious development of the community;
- (2) Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities;
- (3) Achieve individual property sites of maximum utility and liability;
- (4) Secure adequate provisions for water supply, drainage and sanitary sewerage and other health requirements.
- (5) Secure adequate provisions for recreational areas, school sites and other public facilities.

2403. DEFINITIONS

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

- (1) Administrator refers to the Building and Zoning Administrator of the City of Pinconning.
- (2) "Condominium Act" means Act 59 of 1978, as amended.
- (3) "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- (4) "Condominiums subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

- (5) "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- (6) "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- (7) "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (8) "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- (9) "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (10) "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- (11) "Front yard setback" shall be equal to the distance between the front yard area line and the condominium dwelling.
- (12) "Lot" shall mean the same as "Homesite" and "Condominium Unit."

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (13) "Master deed" means the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- (14) "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
- (15) "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

2404. REVIEW PROCESS

(1) Preliminary Investigation.

- (a) Prior to the preparation of the condominium subdivision plan, the condominium project developer may wish to meet informally with the Administrator to investigate the procedures and standards of the City with reference to the condominium project, the provisions of the City Comprehensive Plan, Zoning Code regulations which affect the area in which the proposed condominium project is located. A condominium project shall be subject to all requirements and standards of the applicable zoning district in which it is located.
- (b) It is the responsibility of the condominium project developer to:
 - 1. Be familiar with all applicable provisions of these Codified Ordinances and the City construction standards;
 - 2. Investigate the adequacy of existing schools and public open spaces; including parks and playgrounds, to serve the proposed project;
 - 3. Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;
 - 4. Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the City and the health standards of the County and the State; and

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

5. Review the applicable State laws.

(2) Review Procedure

- (a) *Planning Commission recommendation.* The first step of the review process consists of a review of the condominium subdivision plan and a recommendation by the Planning Commission after an administrative review has been accomplished by the appropriate departments of the City. This procedure is intended to survey all existing and proposed conditions pertaining to the development of the property.
- (b) *Council review and tentative approval.* The second step of the review process consists of a review and approval by Council, after receiving the recommendation from the Planning Commission and the City Manager's report as specified under Section 2406.(3), including staff recommendations. This stage is intended to provide the developer with an assurance that the preliminary concepts of the plan are acceptable and that detailed engineering may proceed.
- (c) *Final approval and acceptance of detailed engineering plans by Council.* Final approval of the condominium subdivision plan may be granted by Council. This step consists of final acceptance of the detailed plans for all improvements within the proposed project. Upon the granting of such approval by Council, construction of the project may begin. Approval of the project engineering plans shall be effective for a period of two (2) years from the date of approval.
- (d) *Final condominium project; acceptance of dedicated improvements by Council.* This is the actual acceptance of the constructed improvements within the project by Council. Upon the approval of the final plan by Council, subsequent approval shall follow the procedures set forth in this Article and applicable State laws.

- (3) Initial Information: Concurrently with notice required to be given the City of Pinconning pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (a) Seven (7) copies of the condominium subdivision plan pursuant to Section 66 of the Act together with an 11" x 17" reduced reproduction of the site plan and a written application shall be submitted to the Administrator for processing. Planning review fees are due and payable with the submission.
- (b) The condominium subdivision plan should include, in addition to the contents required in Section 2405.:
 1. The proposed name of the condominium.
 2. The name, address and telephone number of:
 - a. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - b. All engineers, attorneys, architects or registered land surveyors associated with the project.
 3. The developer or proprietor of the condominium project.
 4. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
 5. The acreage content of the land on which the condominium project will be developed.
 6. The purpose of the project (for example, residential, commercial, industrial, etc.).
 7. Approximate number of condominium units to be developed on the subject parcel.
- (4) Information to be Kept Current: The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (5) Site Plans - New Projects Master Deed, and Engineering and Inspections:
- (a) Prior to recording the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Sections 2406. through 2408. of this Ordinance.
 - (b) In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, City Attorney and City Engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

2405. CONDOMINIUM SUBDIVISION PLAN - REQUIRED CONTENTS

All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act and the following:

- (1) Existing conditions. The condominium subdivision plan shall include:
- (a) An overall area map showing the relationship of the condominium project to surrounding areas within one-quarter (1/4) mile. Information on the area map shall include such things as section lines and/or major streets or collector streets. The minimum acceptable scale for such map is one inch equals two hundred (200) feet.
 - (b) The boundary line of the proposed condominium project, section or corporation lines within or adjacent to the tract and the overall property dimensions;
 - (c) Property lines of adjacent tracts of land shown in relation to the tract being proposed for condominium project, including those of areas across abutting roads;
 - (d) The locations, widths and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the tract being proposed for condominium project, including those located across abutting roads;
 - (e) The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for condominium project;

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (f) The topography drawn as contours with an interval of not more than two (2) feet. Elevations shall be based on United States Geological Survey data; and
 - (g) Base flood elevation data, for a condominium proposal that is lying within a flood hazard area as identified by the Flood Insurance Study for the City. Base flood elevation shall indicate the anticipated high water level during a flood having a one percent chance of being equaled or exceeded in any given year;
 - (h) Significant natural and man-made features which could influence the layout and design of the condominium proposal;
 - (i) The school board or school board superintendent shall be informed and made known of the proposed condominium project by the proprietor and/or City.
- (2) Proposed conditions. The condominium subdivision plan shall include:
- (a) The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets and also the widths and location of alleys, easements and public walkways. Street names shall be indicated as approved by the City Engineer and the County Road Commission;
 - (b) The layout, numbers, area and dimensions of condominium units, including building set-back lines showing dimensions;
 - (c) An indication of parcels of land intended to be dedicated or set aside for public or common use or for the use of property owners in the condominium project;
 - (d) An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the plan. If the developer has an interest in or owns any parcel so identified as "excepted," the plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed condominium project;
 - (e) An indication of the system proposed for sewage by a method meeting the requirements of the Council and the Michigan Department of Environmental Quality.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (f) An indication of the system proposed for water supply by a method meeting the requirements of Council and the Michigan Department of Health; and
- (g) An indication of the storm drainage method and the disposal area;
- (h) In a case where the developer wishes to develop a given area but wishes to begin with only a portion of the total area, the plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly super-imposed upon the overall plan in order to illustrate clearly the method of development which the developer intends to follow.

2406. REVIEW BY PLANNING COMMISSION

- (1) The City Clerk shall send a notice to the developer and the owners of property abutting the property to be developed, including the land across adjacent streets, of the receipt of the plan and the time and place of the meeting of the planning commission to consider such plan. Such notice shall be sent by first class mail not less than five days before the date fixed for the meeting.
- (2) The Administrator shall transmit copies of the condominium subdivision plan to the City Manager, the Department of Public Works, the Police Department and the Fire Department, for technical review and recommendation. Each Department shall prepare comments and recommendations in writing.
- (3) A written report shall be prepared which shall include the recommendations from the Zoning Administrator and the individuals and departments listed in (2) above. This report shall be submitted to the Planning Commission for its deliberation.
- (4) The Commission shall review all details of the plan within the framework of this Zoning Ordinance, within the various elements of the City Comprehensive Plan and within the standards of this Article and other applicable ordinances and regulations. All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of Article 21 and Sections 2307 through 2312. Nothing in this Article shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (5) The Commission shall recommend to Council approval or disapproval of the plan, and a copy of the minutes containing the Commission's recommendation and all accompanying material shall be forwarded to the developer and the Council.

2407. COUNCIL REVIEW AND TENTATIVE APPROVAL

The procedure for Council review and tentative approval is as follows:

- (1) Review.
 - (a) Council shall not review a condominium subdivision plan until it has received the recommendation of the Planning Commission. Following the receipt of such recommendation, Council shall consider the plan at the meeting at which the matter is placed on the regularly scheduled agenda.
 - (b) Preliminary approval of the plan shall not constitute final approval.
- (2) Approval
 - (a) Tentative approval by Council of the plan shall be effective for twelve (12) months. Should the condominium subdivision plan in whole or in part not be submitted for final approval within this time period, an extension must be applied for by the developer and the request granted in writing by Council.
 - (3) If Council approves the plan, it shall make a notation to that effect on each copy of the plan, and the Director shall distribute copies of the same as follows:
 - (a) Return one copy to the developer.
 - (b) Return one copy to the Commission, which copy shall become a matter of permanent record in the Department of Building and Zoning.
 - (c) Return one copy to the developer's surveyor.
 - (d) Return remaining copies to the Department of Public Works, Police Department, Fire Department and the Bay County Department of Public Health.
- (4) If Council approves the condominium subdivision plan, the Administrator shall inform:

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (a) The developer of the name and address of the permit holder operating cable communications system in the vicinity of the proposed condominium project.
 - (b) The cable communications system permit holder in the City of the proposed condominium project submitted by the developer.
- (5) If the condominium subdivision plan is disapproved by Council, the reasons shall be given to the developer with recommendations, if any.

2408. SITE PLANS - EXPANDABLE OR CONVERTIBLE PROJECTS

The procedure for submittal and final approval of the condominium subdivision plan that is an expandable or convertible condominium project, and final approval of the detailed plans for all improvements within the proposed expandable/convertible condominium project shall be:

(1) Filing

- (a) Nine (9) copies of the condominium subdivision plan, containing all of the information of Section 66 of the Act as well as conforming to the requirements of the Department of Commerce Corporation and Securities Bureau Condominium Regulations, together with an 11 " x 17" reduced reproduction of the plan and a written application shall be submitted to the Administrator at least ten (10) working days prior to the regular Council meeting, which meeting shall be considered as the date of filing. The Administrator shall transmit copies to the Pinconning Fire Department and the Department of Public Works. Review fees are payable with such submission. Such fees may include the City's cost to retain a consulting engineer for final inspection of public improvements as identified in Section 2412.
- (b) The developer shall also submit five sets of detailed working drawings and calculations, showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), road construction plans (including traffic control devices) for roads within and adjoining the project and soil erosion and sedimentation measures. These shall be distributed to the Pinconning Fire Department and the Department of Public Works.
- (c) The plan submitted for final approval shall conform substantially to the condominium subdivision plan as tentatively approved, and it may constitute only

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

that portion of the approved plan which the developer proposed to record and develop at the time. However, such portion shall conform to all applicable State laws.

- (d) When the complete set of plans is approved, one (1) set of plans shall be provided to the City before construction may begin.
- (e) Plans submitted shall be on twenty-four-inch by thirty-six-inch white prints having blue or black lines.
- (f) For projects having more than one sheet of plans, a general plan having a scale of one inch equals one hundred (100) feet shall be provided showing the overall project and indicating the location of all improvements shown in the detailed plans. Street names, street and easement widths, lot lines, lot dimensions and lot numbers shall be shown on all plans. Superimposed on this general plan shall be two-foot contours of the area outside the boundaries of the proposed project to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at a scale of one inch equals forty (40) feet.
- (g) All sewers shall be shown in the plan and profile. Profiles of sewers shall indicate the size, class of pipe, invert and slope of the sewer and shall indicate the existing ground along the route of the sewer and the proposed easement grade or the existing or proposed top of curb or centerline of pavement grade. The location of required compacted granular backfill shall be indicated on the profile, together with other intersecting, existing or proposed utilities.
- (h) Elevation shall be based on United States Geological Survey data. There shall be at least one (1) bench marks established within the site and which shall be shown on each plan sheet.
- (i) Finished grades of utility structures shall be indicated on the plan or profiled for all utilities.
- (j) When construction plans are submitted to the City for approval, they shall include all proposed construction within the project. All required improvements shall be shown to the boundaries of the project, unless otherwise approved by the Administrator. A complete plan shall generally include sanitary sewers, water mains,

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

storm sewers and paving. A single plan submittal cannot be approved without all other utilities shown.

- (k) When the complete set of plans is approved, one (1) set of plans shall be provided to the City before construction may begin.

(2) Review

- (a) The detailed working drawings and calculations shall be reviewed by the Pinconning Police Department, the Fire Department and the Department of Public Works for compliance with the City Ordinances, the City construction standards and any other applicable codes and ordinances.
- (b) The condominium subdivision plan shall be reviewed by the Building and Zoning Administrator for compliance with the tentatively approved plan, the City Comprehensive Plan, this Zoning Ordinance and any other applicable regulations.
- (c) A report shall be prepared and submitted to Council by the Administrator, which report shall include final Department comments and recommendations on the drawings/plans.

(3) Final approval and acceptance of engineering plan.

- (a) Council shall take action on the condominium subdivision plan upon receipt of the Engineer's report and staff recommendations, within twenty (20) days of the submission of all necessary approved documents.
- (b) If the plan conforms substantially to the plan tentatively approved by Council, meets all conditions laid down for final approval and has been approved by the necessary agencies, Council shall approve the engineering plans.
- (c) Council shall instruct the City Clerk to record all proceedings and the minutes of the meeting which record shall be open for public inspection.
- (d) The City Clerk shall promptly notify the developer of approval or rejection of the condominium subdivision plan in writing. If rejected, reasons shall be given.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (e) Approval of the plan shall be effective for a period of two (2) years from the date of approval. The two (2) year period may be extended if applied for by the developer and granted by Council in writing.
- (f) No installation or construction of any improvement shall be made before the plan has received final approval by Council and before the engineering plans have been certified to conform to City construction standards. The developer shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.

2409. MONUMENTS REQUIRED - SITE CONDOMINIUM PROJECTS

All condominium projects which consist in whole or in part of condominium units which are building sites, or recreational sites shall be marked with monuments as provided in this subsection:

- (1) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- (2) Monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- (3) Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- (4) If the required location of monument is 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 be clearly indicated on the plans and referenced to the true point.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (5) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- (6) All required monuments shall be placed flush with the ground where practicable.
- (7) All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- (8) City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City of Pinconning, whichever the proprietor selects, in an amount to be determined by the City Council. Such fee shall be assessed on a "per monument" basis and include a "not to exceed" amount for the total number of monuments. 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.

2410. FINAL CONDOMINIUM PROJECT; ACCEPTANCE OF PUBLIC IMPROVEMENTS BY COUNCIL

The procedure for submittal, approval and acceptance of improvements in the project is as follows:

- (1) Filing
 - (a) One mylar copy and three prints of the final condominium plan and 11" x 17" reduced reproduction of the condominium subdivision plan shall be filed by the developer with the Administrator.
 - (b) One mylar copy and a paper print of "as-built plans" for utilities and other improvements shall be filed by the developer with the Administrator.
 - (c) The project shall comply with provisions of any applicable State laws and this Article.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (d) The developer shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have conveyed the improvements.
- (e) The developer shall submit copies of receipts from the City Treasurer indicating that all fees and charges and other charges required by any regulations and other ordinances have been paid.
- (f) Submission of the plan shall constitute an offer of all public improvements for City Council acceptance.
- (g) Council shall review all recommendations and take action on the approval and acceptance of all public improvements within twenty (20) days of its date of filing. The date of filing shall be that date on which all required information has been provided.
- (h) Developer shall submit copies of lien waivers from all contractors and sub-contractors, approved bill of sales for materials used in construction of public utilities, warranty deed for all public road right-of-way and easements for all public utilities not located within the right-of-way, if any.
- (i) Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
- (j) The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and records as part of the master deed.
- (k) All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

(2) Review

- (a) The improvements shall be reviewed by the Administrator as to compliance with the approved condominium subdivision plan and approved Engineering plans for utilities and other improvements.
- (b) The project and public improvements shall conform substantially to the plan as approved.
- (c) The Administrator shall certify that inspection during construction has been conducted in accordance with the requirements of Section 2412.
- (d) A report shall be prepared by the City Manager and Building Inspector, including recommendations for either approval or rejection of the project.

(3) Approval

- (a) Upon the approval and acceptance of public improvements by Council the City Clerk shall inform the developer.
- (b) Council shall instruct the City Clerk to record all proceedings and the minutes of the meeting, which shall be open for inspection, and to certify on the approved condominium plan on behalf of Council, Council's approval and the date of the approval.
- (c) A mylar copy of the condominium subdivision plan and as-built plans shall be filed with the City as record.

2411. COMPLETION OF IMPROVEMENTS

- (1) Before the acceptance of public improvements by the City Council, the developer of the condominium project shall complete all the street, sanitary and other improvements, including condominium unit improvement. The developer shall also convey such improvements to the City of Pinconning free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (2) In lieu of completion of all improvements and with specific consent of the Council, acceptance of the public improvements may be authorized. As a condition of such

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

acceptance, prior to the undertaking of any improvement, the developer shall deposit with the City a true copy of an acceptable agreement showing that the developer has deposited with the bank or other agent acceptable to the City, cash, a certified check, an irrevocable bank letter of credit or surety bond, in an amount estimated by the City as sufficient to secure to the City the satisfactory construction, installation and dedication of the required improvements. The amount of deposit shall also secure any public improvements on the individual units of the project. The amount of the deposit shall represent one hundred twenty-five (125) percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these Ordinances.

- (3) The developer shall build and pay for all costs of temporary improvements required by Council and shall maintain the same for the period specified by Council.
- (4) All required improvements shall be made by the developer at his or her expense without reimbursement by the City.
- (5) If the required improvements are not completed within the time period specified by Council, the City may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time the guaranty.

2412. INSPECTION OF PUBLIC IMPROVEMENTS

- (1) The City may retain an Engineer who shall be responsible for the inspection of the construction of all public improvements and shall certify that such construction shall be satisfactorily completed. The cost of such engineering services shall be paid by the developer/applicant and be included in the filing fees in Section 2408. If the Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved plan, the City construction standards or the requirements of Council, the developer shall be responsible for completing or modifying the public improvements. Wherever the cost of public improvements is covered by a guaranty or surety, the developer and the bank, bond company or other agent shall be severally and jointly liable for completing the public improvements according to specifications.
- (2) Certification required, reduction of surety.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

- (a) Council shall not accept the conveyance of the required public improvements or release or reduce the guaranty or surety until the developer has certified, in a manner approved by the City Attorney, that the public improvements have been completed and are free and clear of any and all liens and encumbrances; until the City's Engineer (if one has been retained) has certified that the required public improvements have been completed; and until the developer's engineer has certified to the City, through submission of reproducible "as-built" plans, that the layout and design of the public improvements are in accordance with approved construction plans for the project. Upon such approval and recommendation, Council may accept the public improvements for conveyance in accordance with the established procedure.
- (b) The surety shall be reduced upon actual completion of the public improvements, but only to the ratio that the completed public improvements bear to the total public improvements for the subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all public improvements by Council.

2413. LATE COMPLETION OF IMPROVEMENT/TEMPORARY OCCUPANCY

- (1) Whenever, by reason of the season of the year, any improvement required cannot be performed, the Administrator may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the City for the cost of such improvement. Such funds shall be deposited with the City. The surety covering such lot improvement shall remain in full force and effect.
- (2) All required improvements for which a bond has been accepted by the City at the time of issuance of the certificate of occupancy, shall be installed by the developer within one year. If the improvement has not been properly installed at the end of such time period, the Building Inspector shall give two (2) weeks written notice to the developer requiring installation of the same. If the improvement is not installed within such a two-week period, the Building Inspector may then request Council to authorize the City to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the City, the developer shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the public improvement at the end of the one year if the same has not been duly installed by the developer.

ARTICLE 24 - SITE CONDOMINIUM DEVELOPMENT

2414. ISSUANCE OF ZONING CODE BUILDING PERMITS

- (1) No building permit shall be issued for more than ten (10) percent of the condominium units in a project until all public improvements required by Council have been fully completed and conveyed to the City and accepted by Council.
- (2) No certificate of occupancy for any building in a project shall be issued prior to the completion of the improvements, conveyance of those improvements to the City and acceptance of the improvements by Council, except as provided in Section 2413.

2415. MAINTENANCE OF PUBLIC IMPROVEMENTS

- (1) The developer shall file a maintenance bond with the City prior to dedication, in an amount equal to twenty-five (25) percent of the construction cost of the required public improvements, and in a form satisfactory to the City Attorney, in order to assure the condition and operation of such public improvements, including all public improvements on the individual condominium units, for a period of two years after the date of their acceptance by Council.
- (2) The applicant shall maintain all public improvements within the project until acceptance of such public improvements by Council.



ARTICLE 25

BOARD OF APPEALS



ARTICLE 25 - BOARD OF APPEALS

2501. CREATION OF BOARD OF APPEALS

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 207, of the Public Acts of 1921, as amended, in such a way that the objectives of this Ordinance shall be observed public safety secured, and substantial justice done.

The Board shall consist of five (5) members appointed by the City Council. The first member of which shall be a member of the City Planning Commission. Appointments shall be as follows: One (1) member appointed for a period of one (1) year; two (2) members appointed for a period of two (2) years; and two (2) members appointed for a period of three (3) years. respectively; thereafter, each member to hold office for a full three (3) year term. Any vacancies in the Board shall be filled by appointment by the Council for the remainder of the unexpired term. The Board of Appeals shall annually elect its own Chairman, Vice Chairman, and Secretary. The compensation of the appointed members of the Board of Appeals shall be that permitted by law and confirmed by the City Council.

The City Council shall appoint two alternate members of the Board of Appeals. Appointments shall be as follows: One alternate member shall be appointed for a period of two (2) years and the second alternate shall be appointed for a period of three (3) years; thereafter, each alternate member shall hold office for a full three (3) year term. Any vacancies in the alternative membership of the Board shall be filled by appointment by the Council for the remainder of the unexpired term. The alternate members shall:

1. Sit as regular members of the Board of Appeals in the absence of a regular member, if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Board of Appeals or for a period of more than thirty (30) consecutive days.
2. Be called to serve in the place of a regular member for the purpose of reaching a decision in a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made.

Alternate members shall have the same voting rights as a regular member of the Board of Appeals. Alternate members shall receive equal compensation for the meetings attended as does a regular member. Alternate members shall be appointed by the Board of Appeals Chairman to sit on the Board of Appeals. Whenever possible, these two alternates should be provided the opportunity to rotate as members of the Board of Appeals.

ARTICLE 25 - BOARD OF APPEALS

2502. MEETINGS

All meetings of the Board of Appeals shall be held at the call of the Chairman, and at such times as its rules of procedure may specify. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or if failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings and other official actions, all of which be immediately filed in the office of City Clerk and shall be a public record.

The Board of Appeals shall have the power to require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

2503. APPEALS

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any officer, department, board or bureau affected by a decision of the Enforcement Officer or other agency charged with the enforcement of this Ordinance. Such appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Enforcement Officer, and with the Board of Appeals, a Notice of Appeal, specifying the grounds thereof. The Enforcement Officer shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Enforcement Officer certifies to the Board of Appeals after the Notice of Appeals shall have 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 the Board of Appeals or by the Circuit Court, on application, on notice of the Enforcement Officer, and on due cause shown.

The power of authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the City Council, as is provided by law.

The Board of Appeals shall select a reasonable time and place for the appeal and give due notice thereof to the parties and shall render a decision on the appeal without reasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

ARTICLE 25 - BOARD OF APPEALS

No appeal shall be taken to the Board of Appeals from a decision of the City Planning Commission in connection with a Special Approval Land Use.

No appeal shall be taken to the Board of Appeals from a decision of the City 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.

2504. NOTICE OF HEARING

Notice of the hearing of the appeal shall be given to all owners of record of property and occupants within a radius of three hundred (300) feet of the premises involved, such notice to be delivered personally or by mail addressed to the respective owners or occupants at the addresses given in the latest assessment roll. If the tenant's name is not known, the term occupant may be used. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act 267 of the Public Act of 1976. A person appealing shall pay a fee as established by the City Council to defray cost of such notice of hearing and mailing to the City Treasurer at the time notice of appeal or request for special approval is filed.

2505. POWERS OF BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of this Ordinance nor to grant a variance on any special approval use, but does have the power to act on those matters where this Ordinance provides for an administrative review, or interpretation, and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

1. Purpose: To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or determination made by the Enforcement Officer or other agency in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
2. Authorization: In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare are secured, and substantial justice done, and may:

ARTICLE 25 - BOARD OF APPEALS

- a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
- b. The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established.
- c. Permit the modification of the off-street motor vehicle parking space or loading space requirements wherein, in the particular instance, such modifiers will not be inconsistent with the purpose and intent of such requirements.
- d. Permit such modification of the height, lot area, yard setbacks, floor area, and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that cannot otherwise be appropriately improved without such modification, provided that modification of the lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for fire protection, safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.
- e. Permit temporary buildings and uses for period not to exceed ninety (90) days.

The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (i) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
- (ii) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.

ARTICLE 25 - BOARD OF APPEALS

- (iii) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Municipality shall be made at the discretion of the Board of Appeals.
 - (iv) In classifying uses as not requiring substantial capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to, golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
 - (v) The use shall be in harmony with the general character of the district.
 - (vi) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
3. Conditions: The Board of Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken. The decision of the Board of Appeals shall not be final, and any person having an interest affected by any such ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

2506. STANDARDS

In consideration of all appeals for variances, the Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance:

1. Will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
2. Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements

ARTICLE 25 - BOARD OF APPEALS

in relation to routes of traffic flow, proximity, and relationship to intersections, adequacy of sight distances, location, and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.

3. Will be designed as to location, size, intensity, site layout, and periods of operation of any such proposed use to eliminate any possible nuisance emanation therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. Will be sure that the proposed location and height of buildings or structures and location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the City.
6. Is necessary for the public convenience at that location. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.
7. Will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

2507. APPROVAL PERIOD

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

ARTICLE 26

INTERPRETATION AND REPEAL OF PRIOR ORDINANCE



ARTICLE 26 - INTERPRETATION AND REPEAL OF PRIOR ORDINANCE

2601. INTERPRETATION AND REPEAL

The provisions of this Ordinance shall be interpreted to be the minimum requirements for the public safety, health, convenience, comfort, and general welfare. If the provisions of this Ordinance impose a greater restriction upon the use of a building, structure, or premises, or require larger open spaces, lot areas, or population density than are imposed by other ordinances, the provisions of this Ordinance shall, in such cases, be paramount; conversely, if the provisions of other ordinances impose a greater restriction upon the use of a building, structure, or premises, or require larger open spaces, lot areas, or population density than are imposed by this Ordinance, the provisions of other ordinances shall in such case be paramount. All prior ordinances enacted pursuant to Act 207 of the Public Acts of 1921, as amended, are hereby repealed. Such portions of other ordinances as previously adopted are irreconcilable or inconsistent with the terms of this Ordinance and such portions, are hereby repealed.



ARTICLE 27
AMENDMENTS



2701. AMENDMENTS

The City Council may, with or without recommendations from the City Planning Commission amend, supplement, or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedures set forth in Act 207, of the Public Acts of 1921, as amended. Whenever a petitioner requests a zoning amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to this petition and shall submit a petition for rezoning to the City Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit a fee as established by the City Council with the City Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs of said change.

A period of not less than one (1) year shall expire between presentation of a second or subsequent petition for any specific change or amendment applying to a specific piece of property, where a prior petition was denied by the Council or Planning Commission.



ARTICLE 28

VESTED RIGHT



2801. VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendments, changes or modifications as may be necessary to the preservation or protection of public health, safety, and welfare.



ARTICLE 29

VALIDITY



2901. VALIDITY

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.



ARTICLE 30

ENACTMENT AND EFFECTIVE DATE



ARTICLE 30 - ENACTMENT AND EFFECTIVE DATE

3001. ENACTMENT AND EFFECTIVE DATE

This Ordinance is hereby declared to have been adopted by the City Council of the City of Pinconning, Bay County, Michigan, at a meeting thereof, duly called and held on December 18, 2000, in order to be given publication in the manner prescribed by law and shall be given immediate effect.



