



Date: February 19, 2010

STAFF MEMO TO THE PLANNING COMMISSION

SUBJECT: 2010 ANNUAL ZONING ORDINANCE TEXT AMENDMENT
APPLICANT: City of Midland
PROPOSED: Text amendment for various sections of the City of Midland Zoning Ordinance.

MEMO

The 2010 Annual Zoning Ordinance Text Amendment Update has been initiated by the City of Midland Planning Department. The request is to consider amending the City of Midland Zoning Ordinance to add language as outlined in the attached pages to Sections 2, 3, 13, 15, 16, 19, 20, 22, 27 & 29 of the code.

In the packet of material this month you will find a copy of each of the pages from the city's zoning ordinance that have proposed amendments. Added text is highlighted in **bold italics**. Text to be deleted or removed is identified with a ~~strikethrough~~. Staff will review each of the proposed amendments in detail and provide an opportunity for the Planning Commission to discuss each item.

The proposed amendments as outlined to the Planning Commission at the meeting on February 9, 2010 were advertised for public hearing to be conducted at the February 23, 2010 meeting.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will formulate a recommendation to City Council during its regular meeting of March 9, 2010. We further anticipate that on March 22, 2010 the City Council will set a public hearing on this matter. Given the statutory notification and publication requirements, the City Council hearing will likely be scheduled for April 12, 2010. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

Keith Baker, AICP, Director of Planning & Community Development

open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

- i. **Specified Anatomical Areas:** Portions of the human body defined as follows:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
 - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- j. **Specified Sexual Activities:** The explicit display of one or more of the following:
 - 1. Human genitals in a state of sexual stimulation or arousal.
 - 2. Acts of human masturbation, sexual intercourse, or sodomy.
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

AGENT: *Authorization provided by the principal naming agent to prove a proper agency and level of authority granted and signed by the principal. Examples include but are not limited to an affidavit, power of attorney, petition, etc.*

AGRICULTURE: The art and science of cultivating the soil, producing crops or raising livestock, and the processing of crops or livestock, or milk produced on the same premises. Not included in this definition are riding stables, fur farms, hog or poultry farms using garbage as a principal source of feed, dairy processing operations, or the sale of nursery stock not produced on the premises.

AIRPORT: A cleared and leveled area where aircraft can take off and land. Airports may include hard-surfaced or grass landing strips, a control tower, hangars, passenger terminals, and accommodations for cargo.

ALLEY: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on another street. An alley is not intended for general traffic circulation.

ALTERATION: Any construction or renovation to an existing structure other than repair or addition.

ANIMAL, DOMESTIC: *Any animal normally and customarily kept by a domestic household for pleasure and companionship. Examples of domestic animals include domestic breeds of dogs, cats and animals confined to cages throughout their lifetime. A domestic animal excludes exotic, farm and service animals as defined by this ordinance. Any animal normally and customarily kept by domestic households for pleasure and companionship, such as dogs or cats, excluding farm animals.*

ANIMAL, EXOTIC: *Any of the following class or classes of animals; all marsupials (such as kangaroos and opossums); all non-human primates (such as gorillas and monkeys); all feline, except the domestic cat; all canine, except the domestic dog; all viverrine (such as mongooses and civets); all musteline (such as minks, weasels, otters and badgers but excluding a domesticated ferret); all ursine (bears); all ungulate artiodactyla and perissodactyla, except goats, sheep, pigs and cattle (such as deer, camels, hippopotamuses and elephants); all hyaena all pinniped (such as seals and walruses); all venomous snakes and all snakes of the families Boidae and Pythonidae; all venomous lizards; all ratite birds (such as ostriches); all diurnal and nocturnal raptorial birds (such as eagles, hawks and owls); all edentates (such as anteaters, sloths and armadillos); all bats; all crocodilian (such as alligators and crocodiles); and all venomous arachnids and spiders (such as tarantulas, scorpions and mites); all turtles in the families Chelydridae, Dermochelyidae, and Cheloniidae; wild or non-domesticated*

animals, whether or not raised or kept in captivity, and includes, but is not limited to, wolf, bobcat or mountain lion, fox, cougar, skunk, and all birds, the keeping of which is prohibited in the Migratory Birds Convention Act, 1994, c.22, and regulations thereto, and all animals, the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997, c.41, and regulations .

ANIMAL, FARM: *Any animal customarily found in farming operations such as but not limited to all breeds of horses, cows, goats, pheasants, chickens, ducks, geese, sheep, swine, or any other type of poultry or fowl. A farm animal shall also include all animals classified as livestock by the State of Michigan. A farm animal shall not include fish.*

ANIMAL, SERVICE: *Animals that assist persons with disabilities and are considered to be auxiliary aids. Examples include guide dogs for the vision impaired, hearing dogs for the hearing impaired and emotional assistance animals for persons with chronic mental illness.*

~~**ANIMAL, FARM:** Any animal normally and customarily used in farming operations, such as horses, cows, goats, pheasants, chickens, ducks, geese, sheep, hogs, potbellied pigs or other poultry or fowl, and any other non domestic animal.~~

ANIMAL HOSPITAL: See CLINIC, VETERINARY.

ANIMAL SHELTER: A building supported by a governmental unit or agency, or a nonprofit organization where dogs, cats, or other animals are kept because of requirements of local health officials, loss of owner, neglect, or violation of local ordinances or State statutes.

APARTMENT: See DWELLING, MULTIPLE-FAMILY.

ARCADE: Any establishment which provides on its premises three (3) or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

ARCHITECTURAL FEATURES: The features of a building, including cornices, eaves, gutters, belt courses, sills, lintels, chimneys, and decorative ornaments.

AUTOMOBILE: Unless specifically indicated otherwise, "automobile" shall mean any motorized vehicle including by way of example, cars, trucks, vans, motorcycles, and other motorized vehicles.

AUTOMOBILE FILLING STATION: A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted.

AUTOMOBILE REPAIR: Major or minor repair of automobiles defined as follows:

- a. **Minor Repair:** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- b. **Major Repair:** Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust proofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

For the purposes of this definition, the "street" lot line shall be the line separating the lot from the street or road right-of-way (see Open Space Terms illustration on page 2-37).

LOT DEPTH: The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines (See Open Space Terms illustration on page 2-37).

LOT, DOUBLE FRONTAGE (OR THROUGH LOT): A lot, other than a corner lot, that fronts upon two (2) more-or-less parallel streets or upon two (2) streets that do not intersect at the boundaries of the lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit.

LOT, FLAG: A lot which is located behind other parcels or lots fronting on a public or private road and /or drive, but which has a narrow extension to provide access to the road. The extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

LOT FRONTAGE: The length of the front lot line measured along the street right-of-way or easement line.

LOT, INTERIOR: Any lot other than a corner lot with only one (1) lot line fronting on a street.

LOT LINES: The lines bounding a lot as follows (See illustration on page 2-37):

- a. **Front Lot Line:** The lot line separating said lot from the street. In the case of a corner lot, the line separating the narrowest side of a lot from the street. *The orientation of the structure on the lot does not impact the front lot line definition.*
- b. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- c. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot or lots is an interior side lot line.
- d. **Side Street Lot Line:** A side lot line separating a lot from a road right-of-way.
- e. **Interior Lot Line:** Any lot line which does not abut upon a street.

LOT OF RECORD: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Midland or Bay County Register of Deeds, or a lot or parcel described by metes and bounds.

LOT SPLIT AND CONSOLIDATION: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Midland or Bay County Register of Deeds.

LOT WIDTH: The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines (see illustration on page 2-21).

LOT, ZONING: A tract of land consisting of a group of adjacent lots located within a single block, which, at the time of filing for a building permit, is designated by the owner or developer as a tract to be used, developed or build upon as a unit, under single ownership or control. A zoning lot is considered as a single lot for the purpose of this chapter. In such case, the outside perimeter of the such group of lots shall constitute the front, rear, and side lots thereof.

MAIN ACCESS DRIVE: A private access drive from a public or private street or road to a mobile home park, apartment or condominium complex, or commercial development.

NURSING HOME, CONVALESCENT HOME, or REST HOME: A facility, other than a hospital, for the care of the aged, infirm, or those suffering from bodily disorders, wherein seven (7) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with Michigan Public Acts 368 of 1978, as amended. This definition does not include a unit in a state correctional facility, a hospital, a veterans facility created under Michigan Public Acts 152 of 1885, as amended, or a hospice residence.

OBSCURING WALL: See WALL, OBSCURING.

OCCUPANCY, CHANGE OF: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

OCCUPIED: Used in any way at the time in question.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFFSET: The distance between the centerline of the subject driveway and the centerline of driveways on the opposite side of the street.

ONE FAMILY DWELLING: See DWELLING, ONE FAMILY or SINGLE FAMILY.

OPEN SPACE: Any parcel or area of land or water that is generally free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be required for recreation, resource protection, aesthetics, or other purposes.

OPEN STORAGE: Storage of building materials, equipment and supplies such as but not limited to: sand, gravel, stone, lumber, in an unroofed area in the same place for more than 24 hours.

OUTDOOR SALES LOT: Any area used for the display and sale of new or used passenger, commercial or recreational vehicles. The area shall be arranged in an orderly manner. The keeping of miscellaneous materials, equipment parts or outdoor storage of damaged or inoperable vehicles and debris shall be prohibited.

OUTDOOR STORAGE LOT: Any area outdoors used for the storage of new or used passenger, commercial or recreational vehicles (damaged or intact including those awaiting service or repair), equipment, parts, materials or other miscellaneous items accessory to a new or used automotive, commercial or recreational vehicle dealership.

OUTDOOR WOOD BURNER: *Outdoor wood fired hydronic heater outdoor wood boiler means a fuel burning device designed to burn wood or other solid fuels; That the manufacturer specifies for outdoor installation or in structures not normally occupied by humans including structures such as garages and sheds; and which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.*

OUTLOT: When included within the boundary of a recorded plat, a lot set aside for purposes other than those for the rest of the lots in the plat. For example, land set aside for a future street would typically be set aside in an outlot.

OVERLAY ZONE: A zoning district which has definite boundaries and is superimposed over all existing zoning districts within those boundaries. The overlay zoning may establish additional regulations, reduce existing regulations, or extend or limit the permitted uses within the underlying zoning districts.

SERVICE TRUCK: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

SETBACK: The distance between the front, side or rear lot line and the nearest part of a structure on the lot. The **MINIMUM REQUIRED SETBACK** is the minimum distance between the front, side or rear lot line and the nearest part of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of **YARD**, see also illustrations on page 2-37). Measurements are made at right angles to the property line.

SHOPPING CENTER: A grouping of retail businesses and service uses on a single site with common parking facilities.

SIGHT ZONE (VEHICULAR): Any area located two and a half (2 ½) feet above average grade to a height of ten (10) feet, that is to be kept free of landscaping or other obstructions that might impede the view of drivers in the following locations:

- a. **Street Corners:** the triangle formed by legs measured twenty (20) feet on each side of a street corner lot, measured on the property or lot line.
- b. **Driveways:** the right triangles formed on each side of driveways, measured ten (10) feet along the property or lot line on one leg, and along the outside edge of the driveway for the other leg.

SIGN: ~~Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes signs which are visible from any public street, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined in Section 2.03 of this Ordinance. See Section 2.03 Signs.~~

SINGLE FAMILIY DWELLING: See **DWELLING, ONE FAMILY** or **SINGLE FAMILY**.

SITE PLAN: A plan, prepared to scale, as required in Article 27.00, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.

SMALL WIND ENERGY CONVERSION SYSTEM (SWECS): *A wind energy conversion system consisting of a wind turbine, a tower, and associated control and conversion electronics, which has a rated capacity of not more than 25 kW and which is intended to primarily reduce on-site consumption of utility power."*

SOLAR ENERGY CONVERSION SYSTEM: *Solar facilities include all structures and mechanical installations necessary to obtain usable energy from the light of the sun."*

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events are unlike the customary or usual activities generally associated with the property where the special event is to be located.

STORY: That portion of a building, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see illustrations on page 2-31).

WHOLESALE SALES: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

WIRELESS, COLOCATION: The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building.

WIRELESS COMMUNICATION FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, cellular telephone facilities, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; accessory reception antennae facilities regulated by Section 3.16 of this Ordinance; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

WIRELESS COMMUNICATIONS FACILITIES, ATTACHED: Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established is not included within this definition.

WIRELESS COMMUNICATION SUPPORT STRUCTURES: Structures erected or modified to support wireless communication antennas, including, but not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance (see definition of SETBACK; also, see illustrations on page 2-38 and 2-39).

- a. **Yard, Front:** An open space extending the full width of the lot, the depth of which is the horizontal distance between the front lot line and the nearest line of the principal building. *The orientation of the structure on the lot does not impact the determination of the front yard.*
- b. **Yard, Rear:** An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- c. **Yard, Side Street:** On a corner or through lot with more than one street lot line, an open space between a principal building and the side lot line separating the lot from the street.
- d. **Yard, Side:** An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals for the City of Midland. The words "Board of Appeals" or "Zoning Board" shall have the same meaning.

ZONING LOT: See LOT, ZONING.

Section 3.02 -- ALLOWABLE USES

No structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any structure or land be used, designed or arranged for any purpose other than is permitted in the zoning district in which the structure or land is located.

Section 3.03 -- ACCESSORY BUILDINGS AND STRUCTURES

A. General Requirements

1. ~~1.~~ Timing of Construction

No accessory building, including private garages and utility buildings, shall be constructed upon or moved to any parcel of property unless there is a principal building, structure or use being constructed or already existing on the same parcel of land.

2. Location in Proximity to Easements or Rights-of-Way

Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way, unless the terms of the easement or right-of-way specifically permit such buildings, structures, or uses.

3. Attached Accessory Buildings

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements.

4. Use Restrictions

No accessory building shall be used in any part for dwelling purposes.

5. Applicability of Other Codes and Ordinances

Accessory buildings and structures shall be subject to all other applicable codes and ordinances regarding construction, installation, and operation. A zoning compliance permit, as outlined in Section 31.06, shall be required for all accessory buildings and structures with floor area between 50 and 200 square feet. Any accessory structure greater than 200 square feet in floor area shall require a building permit.

6. Foundations

All Accessory buildings and structures with a floor area between 50 and 200 square feet shall be required to have a rat wall foundation that extends a minimum of 12" below surrounding grade. The rat wall foundation shall be constructed from concrete, block or foundation grade lumber and conforms to the Michigan Building Code. An accessory building may also be placed on a concrete slab which extends a minimum of 2 feet horizontally from all four sides of the structure.

7. Outdoor Wood Burners

Outdoor wood burners are prohibited in all districts.

8. Small Wind Energy Systems(SWES)

Small wind turbines as defined by this ordinance are permitted in all districts. Free standing facilities are permitted to a height of twenty-eight (28') feet. Structures attached to existing structures are permitted to a height of forty-eight (48') feet.

~~Accessory buildings and structures shall be subject to all other applicable codes and~~

ordinances regarding construction, installation, and operation.

B. Accessory Buildings in Agricultural, RA-1, RA-2, RA-3, RA-4 and RB Zoning Districts

1. Location of Detached Accessory Buildings

Detached accessory buildings or portions thereof, including private garages, shall not be erected in nor extend into the front yard area.

A detached accessory building may be located in a rear or side yard provided that all requirements of this Section are met.

2. Setbacks of Detached Accessory Buildings

An accessory building in a residentially zoned district shall be in compliance with all setback requirements in the table below, and other standards of this ordinance:

Table 3.1: DETACHED ACCESSORY BUILDING SETBACK REQUIREMENTS

Setback From	Minimum Setback	Comments
Front lot line	Front yard (front building line of house)	For a double frontage lot, the minimum setback from the street lot line on the rear side is 20 feet.
Side street lot line	Side street yard (side building line of house)	For a private detached garage with direct access to the side street, the minimum setback is 20 feet.
Side lot line	Required side yard for principal building (See Section 26.02)	Required setback from the side lot line is 3 feet when in the rear yard.
Rear lot line	3 feet	For a detached accessory building in a multiple-family complex of 2 or more principal buildings, the minimum setback is 10 feet.
Principal Building	6 feet	All buildings shall comply with setback and fire rating requirements in the Building and Fire codes.
Other accessory buildings	6 feet	All buildings shall comply with setback and fire rating requirements in the Building and Fire codes.

3. Size and Lot Coverage

- a. Detached accessory buildings in rear yards shall not occupy more than thirty-five percent (35%) of the required rear yard.
- b. Detached accessory buildings shall not have more than eight hundred (800) square feet of gross floor area, unless they are located on parcels with greater than two (2) acres of land.
- c. For land parcels greater than two (2) acres, the area of the detached accessory buildings shall not exceed the usable residential floor area of the ground floor of the principal building, excluding the floor area of all attached garages.
- d. The total floor area of all attached accessory building, including attached garages, shall not exceed the usable residential floor area of the ground floor of the principal building.

4. Height

Detached accessory buildings shall not exceed sixteen (16) feet.

5. Number of Permitted Accessory Buildings

Table 8.2: ON-PREMISE ADVERTISING SIGN STANDARDS

Zoning/District	Wall and Roof Signs			Projecting Signs			Ground Signs				
	Area	Height	#	Notes	Area	#	Notes	Area	Height	#	Notes
AG, RA - Permitted Nonresidential Uses	12 sq. ft.		1	a, b, c	Not Allowed			12 sq. ft.	5 ft.	1	a, b, c, k
RB	12 sq. ft.		1	a, b, c	Not Allowed			18 sq. ft.	5 ft.	1	a, b, c, k
RD	40 sq. ft.		1	b, c	Not Allowed			40 sq. ft.	5 ft.	1	a, b, c, g, k
OS - Permitted Nonresidential Uses	12 sq. ft.			a, b, c, d	Not Allowed			12 sq. ft.	5 ft.	1	a, f, g, h, k
Community	50 sq. ft.				Not Allowed			32 sq. ft.	15 ft.	1	a, f
NC	40 sq. ft.			d, e	8 sq. ft.	1	e	40 sq. ft.	8 ft.	1	f, g, k
CC, RC	150 sq. ft.			d, e	Not Allowed			100 sq. ft.	20 ft.	1	f, g, h, i, j
D	40 sq. ft.			d, e	8 sq. ft.	1	e	40 sq. ft.	8 ft.	1	j, k
D-O	40 sq. ft.			d, e	8 sq. ft.	1	e	12 sq. ft.	5 ft.	1	j, k
C	100 sq. ft.			d, e	8 sq. ft.	1		40 sq. ft.	8 ft.	1	j, k
IA, IB	300 sq. ft.			d, e	Not Allowed			150 sq. ft.	25 ft.	1	f, g, h, i
LCMR	150 sq. ft.			d, e	Not Allowed			100 sq. ft.	18 ft.	1	f, g, h, i

See Section 8.05.D

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the Agricultural District shall be permitted, subject to the provisions in Section 3.03:

1. Home occupations, subject to the provisions in Section 3.06.
2. Signs, subject to the provisions in Article 8.00.
3. Off-street parking, subject to the provisions in Article 5.00.
4. Uses and structures incidental to and customarily associated with single family detached dwelling units, such as private garages.
5. The sale of products produced on the premises.
6. *Small Wind Energy systems.*

C. Permitted Uses with Special Standards

In all areas zoned Agricultural District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

1. Outdoor storage of recreational equipment in an accessory building, subject to the provisions in Section 5.01.F.
2. Public utility facilities, subject to the provisions in Section 9.02.K.
3. Campgrounds, subject to the provisions in Section 9.02.L.
4. Private recreation facilities, subject to the provisions in Section 9.02.L.

D. Conditional Land Uses

The following uses may be permitted by the City Council, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

1. Outdoor sales of nursery stock, garden supplies, and produce.
2. Radio and TV broadcasting towers, subject to the provisions in Section 3.16.
3. Animal shelters.
4. Places of worship.
5. Sanitary landfills.
6. Wireless Reception Facilities, subject to the provisions in Section 3.16.
7. Colleges and Universities, subject to the provisions in Section 9.02.F.

Section 13.03 -- DEVELOPMENT STANDARDS

1. Home occupations, subject to the provisions in Section 3.06.
2. Signs, subject to the provisions in Article 8.00.
3. Off-street parking, subject to the provisions in Article 5.00.
4. Uses and structures incidental to and customarily associated with single family detached dwelling units, such as private garages.
5. The keeping of not more than two (2) boarders by a resident family.
6. *Small Wind Energy Systems.*

C. Permitted Uses with Special Standards

In all areas zoned RA-1, RA-2, RA-3, or RA-4, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

1. Two family dwellings (RA-4 District only), subject to the provisions in Section 9.03, subsection A.
2. Recreation facilities such as playgrounds, campgrounds, and swim clubs, subject to the requirements in Section 9.02 L.

D. Conditional Land Uses

The following uses may be permitted by the City Council, upon recommendation of the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

1. Bed and breakfasts.
2. Public and private libraries.
3. Places of worship.
4. Adult foster care facility, as defined in “Residential Care Facilities” in Section 2.02.
5. Adult foster care large group home, as defined in “Residential Care Facilities” in Section 2.02.
6. Adult foster care small group home, as defined in “Residential Care Facilities” in Section 2.02.
7. Child care centers, as defined in “Residential Care Facilities” in Section 2.02.
8. Golf courses. Golf courses located in single family zoning districts may include Golf Driving Ranges as an accessory use.
9. ~~Group day care home, as defined in “Residential Care Facilities” in Section 2.02.~~
10. Private and nonprofit social service agencies.

ARTICLE 15.00

RESIDENTIAL B – MULTIPLE-FAMILY DISTRICT

Section 15.01 -- STATEMENT OF PURPOSE

The intent of the Residential B – Multiple Family District is to address the varied housing needs of residents by providing areas for attached housing at a higher density than is permitted in any of the Residential Districts. It is intended that multiple family housing: 1) be designed with essential services, such as public water and sewer, and outdoor recreation space and recreation facilities; 2) have access to roads that can adequately handle the traffic generated by such uses; and 3) be designed to be compatible with surrounding uses, especially when a Multiple Family District serves as a transitional use between single family residential development and more intensive development.

Section 15.02 -- PERMITTED USES AND STRUCTURES

A. Principal Uses and Structures

In all areas zoned Residential B, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Fire Stations.
2. Schools.
3. Boarding Houses.
4. Parks.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the Residential B District shall be permitted, subject to the provisions in Section 3.03:

1. Home occupations, subject to the provisions in Section 3.06.
2. Signs, subject to the provisions in Article 8.00.
3. Off-street parking, subject to the provisions in Article 5.00.
4. Uses and structures incidental to the primary use.
5. *Small Wind Energy Systems.*

C. Permitted Uses with Special Standards

In all areas zoned Residential B District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

ARTICLE 16.00

RESIDENTIAL D – MOBILE HOME PARK DISTRICT

Section 16.01 -- STATEMENT OF PURPOSE

The Residential D – Mobile Home Park District is intended to provide for the location and regulation of mobile home parks. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. These districts should be located in areas where they will be compatible with adjacent land uses.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all mobile home parks. When regulations in this Article exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that mobile home parks meet the development and preliminary plan standards established by this Article for other comparable residential development and to promote the health, safety and welfare of the City's residents.

Section 16.02 -- PERMITTED USES AND STRUCTURES

A. Principal Uses and Structures

In all areas zoned Residential D, no buildings shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

1. Mobile Home Parks.
2. Fire Stations.
3. Schools.
4. Parks.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the Residential D District shall be permitted, subject to the provisions in Section 3.03.C:

1. Signs, subject to the provisions in Article 8.00.
2. Off-street parking, subject to the provisions in Article 5.00.
3. Uses and structures incidental to the principal residential use.
4. *Small Wind Energy Systems.*

C. Permitted Uses with Special Standards

16. Hospitality homes, when operated by a non-profit agency to serve as a temporary residence for patients who are receiving medical treatment elsewhere in the community, or their families.
17. Social service agencies, private and nonprofit.
18. Retreat centers.
19. Parks.
20. Golf Courses. Golf driving ranges are an acceptable accessory use.

B. Accessory Uses and Structures

The following uses and structures accessory to principal uses and structures in the Community District shall be permitted, subject to the provisions in Section 3.03:

1. Signs, subject to the provisions in Article 8.00.
2. Off-street parking, subject to the provisions in Article 5.00.
3. Uses and structures incidental to the primary use.
4. Special retail sales promotions and fairs and shows that may include incidental sales activities.
5. Adult educational programs; cultural and recreational activities; public and semi-public meetings and programs, public service club programs and events, and other uses traditionally occurring in school facilities. Secondary uses shall be provided with off-street parking in accordance with Article 5.00.

5-6. *Small Wind Energy Systems.*

C. Permitted Uses with Special Standards

In all areas zoned Community District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

1. Public Utility Facilities, subject to the provisions in Section 9.02, subsection K.
2. Recreation facilities, subject to the provisions in Section 9.02, subsection L.

D. Conditional Land Uses

The following uses may be permitted by the City Council, upon recommendation from the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

1. Places of worship.
2. Juvenile services facilities.
3. Cemeteries.
4. Correctional Facilities, subject to the provisions in Section 9.02 M.

14. Medical clinics.
15. Dental clinics.
16. Veterinary clinics.
17. Fire stations.
18. Schools.
19. Activity centers for the handicapped.
20. Residential inpatient treatment facilities.
21. Social service agencies, private and nonprofit.
22. Dwelling units on upper floors above business establishments
23. Parks.
24. Child Care Centers, as defined in "Residential Care Facilities" in Section 2.02.

B. Accessory Uses and Structures

The following uses and structures customarily accessory to principal uses and structures in the Office-Service District shall be permitted, subject to the provisions in Section 3.03:

1. Signs, subject to the provisions in Article 8.00.
2. Off-street parking, subject to the provisions in Article 5.00.
3. Uses and structures incidental to the primary use.
4. Pharmacies located in medical office buildings.
5. Sale and rental of durable medical supplies, when located in a medical office building.

5-6. *Small Wind Energy Systems.*

C. Permitted Uses with Special Standards

In all areas zoned Office-Service District, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00.

1. Nursing homes, subject to the provisions in Section 9.02.I.
2. Public Utility Facilities, subject to the provisions in Section 9.02.K.

D. Conditional Land Uses

The following uses may be permitted by the City Council upon recommendation from the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00.

10. Child Care Center or Day Care Center as defined in “Residential Care Facilities” in Section 2.02.
11. Banks, savings and loans institutions, investment companies, credit unions, brokerage firms, and similar financial institutions.

11-12. Solar Facilities

B. Accessory Uses and Structures

Uses and structures customarily incidental to principal uses and structures in the LCMR District shall be permitted, subject to the provisions in Section 3.03:

1. Storage and distribution of materials, clearly ancillary to the main use of the building or complex. Outdoor storage of equipment and finished materials is not permitted.
2. Signs, subject to the provisions in Article 8.00.
3. Off-street parking, subject to the provisions in Article 5.00.
4. Small Wind Energy Systems.

C. Permitted Uses with Special Standards

In all areas zoned LCMR, the following uses are permitted, subject to the conditions specified for each use as set forth in Article 9.00:

1. Public utility facilities, subject to the provisions in Section 9.02.K.
2. Colleges and universities, community colleges, and vocational schools, subject to the provisions in Section 9.02.F.

D. Conditional Land Uses

The following uses may be permitted by the City Council, subject to the conditions specified for each use; review and approval of the site plan by the City Council; any special conditions imposed by the City Council that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements set forth in Article 28.00:

1. Wireless Reception Facilities, subject to the provisions in Section 3.16.

Section 22.03 -- DEVELOPMENT STANDARDS

A. Site Plan Review

Site plan review and approval is required in accordance with Article 27.00.

B. Area, Height, Bulk, and Placement Regulations

Buildings and uses in the LCMR District are subject to the area, height, bulk and placement requirements in Article 26.00, Schedule of Regulations.

The following chart summarizes the regulations in Article 26.00, but the user is advised to refer to Article 26.00 for more detailed information and explanatory notes. The following standards apply to single family dwellings, churches, fire stations and schools:

Minimum Lot Area	None
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Section 27.05 – REQUIRED INFORMATION ON SITE PLANS

Where applicable, the following information shall be included on all site plans or supporting documentation:

A. Application

The application shall contain the following information at minimum:

1. Applicant's name, address, phone number, fax number, and e-mail address.
2. Name, address and signature of property owner, if different from applicant.
3. Common description of property and complete legal description including the Tax Identification number.
4. Dimensions of land and total acreage.
5. Existing zoning of applicant's parcel and surrounding land.
6. Existing use of the applicant's parcel and surrounding land.
7. Proposed use of land and name of proposed development, if applicable.
8. Proposed buildings to be constructed, including square feet of gross and usable floor area.
9. Number of permanent employees, if applicable.
10. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
11. Review comments and/or approvals from County, State, and Federal agencies. Copies of letters or approval forms should be submitted with the site plan application.

B. Descriptive and Identification Data

Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres, unless another scale is approved by the Planning and Community Development staff. The following descriptive and identification information shall be included on all plans:

1. Applicant's name and address, and telephone number.
2. Title block indicating the name of the development.
3. Scale.
4. North point.
5. Dates of submission and revisions (month, day, year).
6. Location map with north point.
7. Legal and common description of property, including acreage.
8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.
9. A schedule for completing the project, including the phasing or timing of all proposed developments.
10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
11. Written description of proposed land use.
12. Proximity to driveways serving adjacent parcels.
13. Proximity to nearest cross street.
14. Notation of any variances which have been granted or will be sought.
15. Net acreage (minus rights-of-way and bodies of water) and total acreage, to the nearest 1/10 acre.
- ~~15-16.~~ Parking space and locking facilities for bicycles.

- b. **Detached Condominiums**
 In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in Article 26.00.
- In addition, detached condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the City, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.
5. **Preservation and Visibility of Natural Features**
 Natural features shall be preserved as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.
6. **Privacy**
 The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.
7. **Emergency Vehicle Access**
 All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
8. **Ingress and Egress**
 Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public or private streets and pedestrian walkways.
9. **Pedestrian Circulation**
 Each site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.
10. **Vehicular and Pedestrian Circulation Layout**
 The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry in accordance with subsection 3.10. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.
11. **Parking.**
 The proposed development shall provide adequate off-street parking in accordance with the requirements in Article 5.00 of this ordinance. *Provisions shall be made for bike racks according to the standards contained in Planning and Urban Design Standards, APA, 2006.*
12. **Drainage**
 The project must comply with the City's Stormwater Ordinance.

B. Plot Plan

A plot plan shall be required with all variance requests. The plan shall be to scale and shall include all property line and dimensions, setbacks and all existing and proposed structures. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Article 27.00 shall satisfy the requirements of this section.

The Zoning Board of Appeals has the authority to require a land survey prepared by a professional surveyor or registered engineer if the Zoning Board of Appeals determines it to be necessary to insure accuracy of the plan.

C. Applications Involving an Appeal of Administrative Order

In a case involving an appeal from an action of an administrative official or entity (as specified in section 29.02, subsection B), the administrative official, or the clerk or secretary of the administrative entity, as the case may be, shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

D. Consent of Property Owner Required

Applications for a variance shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

E. Hearing and Notice

The City, upon receipt of an application or an appeal for an area or dimension variance, a use variance, or ordinance interpretation, or a conditional land use approval, shall fix a reasonable time for a hearing.

All hearings shall be advertised in a local newspaper at least ~~ten (10)~~ *fifteen (15)* days prior to the hearing. Except for an Ordinance interpretation, the Zoning Board of Appeals shall give notice delivered at least ~~ten (10)~~ *fifteen (15)* days before the time fixed for such appeals to all interested parties. For purposes of this subsection, interested parties shall include the applicant(s) and owners of record of property and the occupants of all single-family, two-family, and multiple-family dwellings within three hundred (300) feet of the premises in question and other persons specified by the Zoning Board of Appeals. Notice to property owners shall be mailed to the address given in the most recent assessment role.

The Zoning Board of Appeals shall decide the application or appeal within sixty (60) days of the hearing date and shall promptly mail a copy of its decision to the applicant or appellant.

F. Stay of Proceedings

An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the Zoning Board of Appeals that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the Zoning Board of Appeals, or by a court of competent jurisdiction.

G. Decision by the Zoning Board of Appeals

The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the administration of this ordinance, and to decide in favor of an applicant on any matter upon which the Zoning Board of Appeals is required to pass under this ordinance except that a concurring vote of 2/3 of the full membership of the board shall be necessary to grant a "use" variance from the terms of this ordinance.