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TITLE

An Ordinance enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated City of Hancock, Houghton County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes to divide the municipality into Districts and establishing the boundaries thereof; providing for changes if the 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

Pursuant to the authority conferred by the Public Acts of the state in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort; convenience, and general welfare of the inhabitants of the city by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a Comprehensive Plan, now therefore:

ENACTING CLAUSE

The city ordains:

ARTICLE I - SHORT TITLE

SECTION 100. SHORT TITLE:

This Ordinance shall be known and may be cited as the City Zoning Ordinance.

ARTICLE II - DEFINITIONS

SECTION 200. DEFINITIONS:

Accessory Use, or Accessory: An "accessory use" is a use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot as, the principal use to which it is related.

Administrative Officer: Is the City Manager or his deputy as delegated by the City Manager and approved by the City Council.

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

Apartments: 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.

Auto Repair or Service Garage: A place where the following services may be carried out: general repair, engine rebuilding, collision service, painting, and undercoating. The sale of engine fuels and lubricants may be included.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast Inn: A Bed and Breakfast Inn shall have accommodations for one through five bedrooms, either owner-occupied or having a resident manager on-site and serve breakfast to overnight guests only. (Added by Ord. 195)

Building: Any structure, either temporary or permanent, having a room supported by columns or walls, intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Club: A non-profit organization of persons for the promulgation of sports, arts, sciences, literature, politics, or the like.

Convalescent or Nursing Home: A structure with sleeping rooms where persons are housed furnished with meals, nursing, and medical care.

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.

Drive-In: A business establishment so developed that its service character is dependent on a driveway approach or parking for motor vehicles so as to serve patrons while in the motor vehicle.

Dwelling Unit: A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities. Structures intended for permanent family occupancy shall be considered as dwelling units if the provisions of the City Building Code can be complied with.

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one family.

Dwelling, Two-Family: A building designed exclusively for and occupied exclusively by two families. An existing single family residence renovated to meet minimum standards for occupancy of two families.

Dwelling, Multiple-Family: A building or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Any breaking of ground, except common household gardening and ground care.

Family: One person or a husband and wife, with their lineal or collateral descendants and adopted children of either person or both husband and wife together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional unit shall be considered a separate family for the purpose of this Ordinance. (Amended by Ordinance 122)

Farm: Structures, facilities and lands, for carrying of any agricultural activity or the raising of livestock or small animals as a source of income.

Floor Area, Residential: The sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Floor area excludes areas of basements, unfinished attics, attached garages, breezeways, and porches.

Floor Area, Useable (For computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Useable Floor Area." Measurement of useable floor area shall be the building, measured from the interior faces of the exterior walls.

Fraternity: For housing male gender students. See rooming house definition.

Garage, Private: Accessory building space designed or used solely for the storage of vehicles, boats, etc., owned and used by the occupants of the building to which it is accessory.

Garage, Service: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for renumeration, hire or sale.

Gasoline Service Station: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

Grade: To regulate building height grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

Hotel or Motor Inn: A building or part of a building with a common entrance(s) in which the dwelling or rooming units are used primarily for transient occupancy. The hotel or motor inn is distinguished from a motel in that it is more than two stories above the ground.

Junk Yard: An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any lot or premise on which three or more dogs, cats or other household pets are either permanently or temporarily boarded, and/or where household pets are bred or sold.

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

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory thereto, together with such yards and open spaces as are required under the provisions of this Zoning Ordinance. A lot may or may not be specifically designated as such on public records.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135°. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Zoning Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve, or the straight street line extended, form an interior angle of less than 135°.

Lot, Interior: Any lot other than a corner lot.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

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

Lot Coverage: The part of percent of the lot occupied by buildings including accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines: The lines bounding a lot as defined herein;

a. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.

b. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, but not less than ten feet long lying farthest from the front lot line and wholly within the lot.

c. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown.

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

Main Use: The principal use to which the premises are devoted and the principal purposes for which the premises exist.

Major Thoroughfare, Secondary Thoroughfares, and Collector Streets: Arterial streets intended to serve as large volume trafficways for both the immediate municipal area and the region beyond. The city's

Thoroughfare Plan Identifies those streets designated thoroughfares and/or collector streets.

Master Plan: The Comprehensive Plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Mobile Home: Any pre-assembled structure used or intended to be used for permanent or temporary dwelling purposes, and which unit measures less than 20 feet in width throughout its entire length for at least 30 feet, regardless of any attachable or expandable sections or rooms. Mobile homes may or may not be licensable as a vehicle and may or may not have wheels, hitches or permanent foundations.

Motel: (See definition: Hotel or Motor Inn.)

Municipality Reference: The terms city or municipality shall mean the City of Hancock Governing Body shall refer to the City Council and Planning Commission shall mean the City Planning Commission.

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

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: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (I) objectionable effluent, (m) noise or congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

Parking Space: An area 10 feet by 20 feet plus 10% snow storage, exclusive of drives, aisles or entrance giving access thereto, and fully accessible for the storage or parking of permitted vehicles. (Amended by Ord. 127)

Public Utility: A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room, or bedroom, each equal to at least 80 square feet in area. A room shall not include the area in the kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage.

Rooming House: A building containing rooms for sleeping purposes without individual privileges. Must conform to Section 603.4.

Setback: The distance required to obtain front, side or rear yard open space provisions of this Ordinance.

Sign: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

Sign, accessory: A sign which is accessory to the principal use of the premises.

Sign Area: The total surface area of sign, excludes supporting structural elements not used for advertising or notice purposes, provided the notices have a parallel back to back relationship.

Sorority: For feminine gender students. See rooming house.

Story: That part of a building, except a mezzanine or basement, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Story, Half: An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this Ordinance the useable floor area is only that area having at least four feet clear height between floor and ceiling.

Street: A public dedicated right-of-way, affording the principal means of access to abutting property (excludes alleys).

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including buildings.

Temporary Use or Building: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

Travel Trailer and Camper: A vehicle either towed or self propelled designed primarily as a vacation camping unit for short-term seasonal occupancy.

Trailer or Mobile Home Court: Any plot of ground upon which two or more trailer coaches or mobile homes, occupied for dwelling or sleeping purposes are located. (See definition: Mobile Home.)

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

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

a. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

b. Rear Yard: An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

c. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Exception and Variances:

a. Exception: An exception is a use permitted only after review of an application by the Board of Appeals or a Commission other than the Administrative Officer, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this Ordinance. Exceptions do not involve undue hardship.

b. Variance: A modification of the literal provisions 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.

c. The exceptions that are found in this Ordinance appear as "special approval" uses subject to Planning Commission, Legislative Body, or Board of Appeals review. These land uses could not be conveniently allocated to one zone or another, or the affects of such uses cannot be definitely foreseen because of one or more of the following:

1. Large site area

2. Infrequent occupance
3. Unusual amounts of traffic
4. Obnoxious or hazardous character
5. Public safety or convenience need

NOTE: To view images in Adobe PDF associated with Section 200, click the link below.

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ARTICLE III - ZONING DISTRICTS AND MAP

SECTION 300. DISTRICTS ESTABLISHED:

For the purpose of this Ordinance, the city is hereby divided into the following Districts:

- R-1 One-Family Residential Districts
- R-1WF One-Family Waterfront Residential Districts
- R-2 Two-Family Districts
- R-2WF Two-Family Waterfront Residential Districts
- R-3 Multiple-Family Residential Districts
- R-3WF Multiple-Family Waterfront Residential Districts

NONRESIDENTIAL DISTRICTS

- B-1 Local Business District
- B-2 Community Business District
- B-3 General Business District
- I-1 Industrial District
- CD Conservancy District

SECTION 301. DISTRICT BOUNDARIES:

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Hancock Zoning Ordinance, which accompanied this Ordinance, and which map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

SECTION 302. ZONING OF ANNEXED AREAS:

Whenever any area is annexed to the city one of the following conditions will apply:

1. Land that is zoned previous to annexation shall be lawfully zoned as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such district to be recommended by the Planning Commission within 90 days.

2. Land not previously zoned shall be automatically zoned R-1 until a Zoning Map for said area is lawfully adopted by the City Council, said map to be prepared within three months.

SECTION 303. DISTRICT REQUIREMENTS:

All buildings and uses in any District shall be subject to the provisions of Article, "General Provisions" and Article, "General Exceptions."

All buildings and uses in any District shall also be subject to the provisions and requirements in the Article, "Schedule of Regulations," limiting the height and bulk of buildings, the minimum size of lot permitted and minimum yard requirements (setbacks).

Accessory buildings and uses customarily incident to any permitted use in any District established by this Ordinance are assumed permissible uses under the terms of this Ordinance.

ARTICLE IV - R-1 ONE-FAMILY RESIDENTIAL DISTRICT

SECTION 400. INTENT:

The R-1 One-Family Residential District is designed to provide an environment of predominantly one-family detached dwellings along with other residentially related facilities which serve the residents in the District.

SECTION 401. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following:

1. One-family detached dwellings.
2. Publicly owned and operated libraries, parks, and parkways.
3. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
4. Public, parochial and other private elementary intermediate and secondary schools, offering courses in general education.
5. Farms on those parcels of land outside the boundaries of a platted subdivision.

SECTION 402. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the City Planning Commission:

1. Churches, universities, colleges and other facilities normally incidental thereto, except commercial schools, provided the site shall be so located as to have at least one property line abutting a collector street or major thoroughfare as designated on the Thoroughfare Plan.
2. Utility and public service buildings and uses (without storage yards) when operating, requirements necessitate the locating, of said buildings within the district to serve the immediate vicinity.

3. Private non-commercial recreational areas; institutional or community recreation center, non-profit swimming pool club, all subject to a public hearing and the following conditions:

a. The proposed site for uses permitted herein which would serve areas beyond the immediate neighborhood shall have primary access from a planned collector street or a major thoroughfare.

b. Front, side, and rear yards required for the District shall be landscaped. There shall be no parking or structures permitted in these yards, except walls or fences used to obscure the use from abutting residential districts.

4. Golf courses, (except mini-golf) which may or may not be operated for profit, provided: All principal or accessory buildings, except minor rain shelters, shall be at least two hundred (200) feet from any property line abutting residentially zoned lands.

5. Private swimming pools shall be permitted as an accessory use within the rear yard only, provided they meet the following:

a. There shall be a distance of not less than: four feet between the outside pool wall and any building located on the same lot, 35 feet from any front lot line, ten feet from any property line.

b. All swimming pools shall be enclosed by a fence not less than five feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate to protect children. Gates shall be capable of being securely locked.

6. Nursery schools and child care centers provided the use is determined to be in keeping with the scale and intensity of surrounding uses and thoroughfares. It is specifically intended that major child care centers or institutions do not locate on interior residential lots or minor residential streets and thereby exert a negative use influence on surrounding residential properties.

7. Two-family dwellings, subject to a public hearing, provided, the off-street parking requirements of the R-2 District are complied with, the site has at least 100 feet of frontage and 100 feet of depth, and at least 60% of the property owners in the same block sign a petition approving of the two-family use plan.

ARTICLE V - R-2 TWO FAMILY DISTRICT

SECTION 500. INTENT:

The R-2 Two-Family Districts are intended to provide lower density rental housing (and ownership) than the Multiple-Family Districts, but higher density than in a single-family area. Two-Family Districts also recognize the need to allow limited conversions of older one-family homes (perhaps larger units) to extend the economic life of these structures; provided the premises are capable of supporting a higher density use.

SECTION 501. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following specified uses:

1. All uses permitted and as regulated in Single Family Residential Districts.
2. Two-Family dwellings.

ARTICLE VI - R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECTION 600. INTENT:

The R-3 Multiple-Family Residential Districts are designed to provide sites for Multiple-Family and apartment dwellings, and related uses, which will generally function as a zone of transition between the non-residential districts and lower density one-family districts.

SECTION 601. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following:

1. All uses permitted and as regulated in the R-1 and R-2 Residential Districts.
2. Multiple-Family dwellings, including housing for the elderly.
3. Nursery schools and child care centers, with a dormitory adjunct.

SECTION 602. REQUIRED CONDITIONS:

In the case of multiple dwelling developments involving more than one structure all site plans shall be submitted to the Planning Commission for its review and recommendation prior to issuance of a Building Permit.

SECTION 603. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

1. General hospitals, with no maximum height restrictions, when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at least two acres in area.
 - b. All access to the site shall be from a collector street or major thoroughfare as indicated on the Thoroughfare Plan.
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 60 feet for front, rear and side yards.
2. Orphanages, convalescent homes, and similar institutions providing boarding and/or health care services, provided no building is placed closer than 40 feet to any property line, all state laws are complied with, and recreation open space is provided in keeping with the service needs of the facility being considered.
3. Group quarters, including apartments, rooming houses, fraternities, sororities, etc.; provided that every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant and an additional 30 square feet for each additional occupant. Every site used for group housing shall contain at least 5,000 square feet of area, plus 600 square feet of site for each roomer in addition to the first family (per definition).

The manager and owner of every group housing unit shall file his name, current address, and phone number(s) with the Zoning Administrator.

4. The following uses, provided the use has direct access to a Major Thoroughfare as designated on the city's Thoroughfare Plan Map:

- a) Medical clinics, professional offices of artists, accountants, lawyers, architects, engineers, photographers, dentists, physicians and similar occupations, except veterinarian clinics or animal hospitals.
 - b) Lodge halls and fraternal assembly buildings on lots which contain at least 100 feet of width.
 - c) Mortuaries and funeral homes when the minimum lot width is 100 feet.
5. Public and quasi-public recreation complexes including youth centers, community centers, sport arenas, convention centers, and the like, provided the use has direct access from a collector street or major thoroughfare as designated on the city's Master Thoroughfare Plan, and the site encompasses at least two acres of land.

(Amended by Ord. 139)

ARTICLE VI-A - WF WATERFRONT RESIDENTIAL DISTRICTS

SECTION 600-A. INTENT:

The R-1WF, R-2WF and R-3WF Districts are designed to provide sites for single and multiple family dwellings along the city water frontage of Portage Canal to preserve the residential nature of waterfront dwellings and protect existing views of residential parcels at higher elevations.

SECTION 601-A. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following:

1. R-1WF - All uses permitted and as regulated in Article IV: R-1 One Family Residential District.
2. R-2WF and R-2aWF - All uses permitted and as regulated in Article V: R-2 Two-Family District.
3. R-3WF - All uses permitted and as regulated in Article VI: R-3 Multiple Family Residential District.

SECTION 602-A. REQUIRED CONDITIONS:

For all proposed R-3WF Multiple Family dwellings a site plan shall be submitted to the Planning Commission for its review and recommendation prior to issuance of a building permit.

SECTION 603-A. PRINCIPAL USES SUBJECT TO SPECIAL CONDITIONS:

1. Setback. The minimum setback from the water's edge shall be 20 feet. Launching facilities and docks are excepted from the setback requirements.
2. First Floor Elevation. The first floor elevation shall be at a minimum of 606.21 based on the 1985 International Great Lakes Datum (IGLD).
3. Building Height. In no event shall the maximum height of any part of any building exceed:
 - (a) R-1WF 15 feet or 621.0 Elevation (1985 IGLD)
 - (b) R-2WF 51 feet or 657.0 Elevation (1985 IGLD)
 - (c) R-2aWF 25 feet or 631.0 Elevation (1985 IGLD)

(d) R-3WF 35 feet or 641.0 Elevation (1985 IGLD)

4. Boat Slips/Moorings. One mooring or one dock is allowed per dwelling unit.

5. Lighting. All external illumination of the buildings, lot or waters shall be directed away from and shall be shielded from adjacent residential districts to preserve their view of the night sky and shall not impair navigation.

6. Utilities. All utility services must be placed underground.

(Am. Ord. 217, passed 7-19-95)

ARTICLE VII - B-1 LOCAL BUSINESS DISTRICT

SECTION 700. INTENT:

The B-1 District is intended to meet the demand for local business services and/or minimum tourist services in areas regarded to have a residential or neighborhood environment.

SECTION 701. PRINCIPAL USES PERMITTED:

No buildings or land shall be used and no building shall be erected except for one or more of the following:

1. Banks, credit unions, savings and loan associations, and similar uses; drive-up lanes and window services as an accessory use only.
2. Personal service establishments limited to saunas, health studios, barber shops, beauty salons, dry cleaning establishments, photo studios, and shoe repair.
3. Retail services to meet basic local needs for: books, stationery, apparel, notions, prescription drugs, artist and office supplies, gifts, jewelry, sporting goods, and musical instruments.
4. Off-street parking lots.
5. Dwellings, rooming houses and apartments, per density standards in R Districts.
6. Professional and medical offices, except animal hospitals, kennels, or veterinarian services.
7. Retail food stores.
8. Restaurants, except those having the character of a drive-in.
9. Motels and motor inns.

SECTION 702. REQUIRED CONDITIONS:

1. The outdoor storage of goods or materials shall be prohibited, and indoor storage shall be limited to that normally incident to the principal uses.
2. The front ten feet of the required front yard setback shall be maintained as unobstructed open space, free from parked vehicles, minor structure and advertising signs.

3. No sign shall project beyond or overhang the wall, roof, or any permanent architectural feature, by more than one foot.

4. A planted greenbelt (if physically feasible) shall be provided between any B-1 District use which directly abuts any R-1, R-2 or R-3 District boundary.

ARTICLE VIII - B-2 COMMUNITY BUSINESS DISTRICT

SECTION 800. INTENT:

The B-2 Community Business District is designed to meet the general shopping and retail service needs of persons residing in residential areas of the city as well as trade area residents.

SECTION 801. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following:

1. Generally recognized recall business which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions, hardware, furniture, and/or appliances.

2. Personal service establishments which perform services, on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.) tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners. Also, taxi stands and bus passenger stations.

3. Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurance offices, and real estate offices.

4. Professional services including the following: offices of doctors, dentists, osteopaths, and similar or allied professions.

5. Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproductions, and similar service establishments that require a retail adjunct.

6. Private clubs, fraternal organizations, and lodge halls.

7. Restaurants, taverns, or other places serving food or beverage, except those having the character of a drive-in.

8. Theaters, assembly halls, concert halls or similar places of assemble.

9. Business schools and colleges or private schools operated for profit.

10. Hotels and motor inns.

11. Bus stations, taxi stands, and parking lots.

12. All principle uses permitted and all uses subject to conditions as regulated in Article VII, B-1, Local Business District.

SECTION 802. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review and approval of the City Planning Commission.

1. Open air business uses when developed in planned relationship with the B-2 District to include retail sales of plant material, and sales of lawn furniture, playground equipment, sporting goods, and garden supplies.
2. Gasoline service stations along with minor repair work, and limited to activities whose external effects will not adversely extend beyond the property line, provided:
 - (a) No vehicles, pumps or appurtenances shall be stored or located nearer than ten feet from the front lot line.
 - (b) Non-accessory vehicle shall not be stored in the open for a period longer than 15 days.
 - (c) Ingress-egress points shall be at least 30 feet from the intersection of any two streets.
3. Publicly-owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.
4. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in adjacent residential district.
5. Automobile showrooms and service centers when developed and planned as a part of a larger retail center and designed so as to integrate the automobile service center with adjacent storage so that pedestrian access routes to retail specialty shops and general merchandise stores is not interrupted by the establishment, extension, or expansion of automotive service centers.
6. Residential dwelling units may be permitted in the B-2 District provided that they shall be:
 - (a) Existing dwelling units, or
 - (b) Efficiency or one bedroom units,
 - (c) located above ground level stories, and
 - (d) completely separate from any business use in terms of off-street parking and/or entrances, and
 - (e) in conformance with the parking requirements.

ARTICLE IX - B-3 GENERAL BUSINESS DISTRICTS

SECTION 900. INTENT:

The B-3 District is designed to provide sites for more diversified business types than are found in the B-1 or B-2 Districts and are frequently located so as to serve passer-by traffic.

SECTION 901. PRINCIPAL USES PERMITTED:

No building or land shall be used and no building shall be erected except for one or more of the following:

1. All principal uses permitted and all uses subject to conditions as regulated in the B-2 District, except as may be modified in this Article.

2. Establishments renting equipment, tools, and household articles.
3. Automobile dealer showrooms.
4. Automobile car wash.
5. Wholesale uses, freezer plants and storage services when enclosed.
6. Bottling works and food packaging.
7. Governmental offices or other governmental uses; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.
8. Bowling alleys and/or billiard parlors.
9. Enclosed greenhouses, florists and plant materials.
10. Other uses and similar uses to the above.
11. Drive-in restaurants with outdoor eating facilities.
12. Motels.

SECTION 902. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the City Planning Commission.

1. Outdoor sales space for automobiles, house trailers, recreation vehicles or boats subject to the following:
 - a. Ingress and egress to the outdoor sales area shall be at least 30 feet from a street intersection.
 - b. No major repair or major refinishing shall be done except in an enclosed building.
 - c. Dust and surface water run-off shall be controlled.
2. Business in the character of a drive-in restaurant or drive-up front store provided:
 - a. A setback of at least 30 feet from the right-of-way line of an existing street is maintained.
 - b. Ingress and egress points shall be located at least 30 feet from a street intersection.
3. Gasoline service station and/or major engine and body repair, steam cleaning and under coating when conducted within a completely enclosed building. The storage of wrecked automobiles on the site shall be obscured from public view, and no vehicle shall be stored in the open for a period exceeding one week. Curb cuts shall be as regulated in the B-2 Districts.
4. Veterinary hospitals or clinics, provided all activities are conducted within a completely enclosed main building and provided further that all buildings are set back at least 200 feet from a residential district boundary.
5. Outdoor sales space for plant materials, nurseries, lawn furniture, playground equipment and garden supplies subject to the following conditions;
 - a. Any storage and/or display shall meet all setback requirements for a structure of 20 feet.
 - b. Soil, fertilizer, or other loose or unpackaged materials shall be contained so as to prevent any nuisance affects on adjacent uses.

6. Commercially used outdoor recreational space subject to the following:
 - a. Parking areas shall be provided off the road right-of-way.
 - b. Children's amusement facilities must be fenced on all sides with a minimum 4.5 foot wall or fence.
 - c. All manufacturer's safety specifications are complied with as well as any additional safety measures that may be prescribed as necessary by the city.
 - d. When discontinued or abandoned, the site shall be left in a re-useable condition free from hazards, dangerous excavations, and abandoned structures.
7. Food processing plants may be permitted provided the use is contained within a completely enclosed building, the continuity of a retail shopping development is not disrupted, and there are no nuisance factors upon adjacent residential districts, tourist housing facilities or office-professional uses.

ARTICLE X - I-1 INDUSTRIAL DISTRICT

SECTION 1000. INTENT:

The I-1 Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial operations, subject to certain performance requirements relative to their impact on the community and adjacent non-industrial districts.

SECTION 1001. PRINCIPAL USES PERMITTED:

1. All generally recognized manufacturing, processing, research and experimental laboratories, including sawmills, planing mills and related lumber-forest industries.
2. Any storage, wholesale, transportation and/or terminal facilities.
3. Contractors yards, equipment storage, and materials handling operations.
4. Any repair operations and/or maintenance activities for vehicles of any kind, including farm implements, conveyors, and other equipment or machinery. Uses related to public buildings and utility services of all kinds (public or private).
5. B-District uses, provided, the site has access features suitable for offering retail services to the public and does not disrupt the continuity of development in any planned industrial park, so called, or the use in accessory to the industrial activity.
6. Quarrying of sand and gravel provided that the activity is screened from view of public access roads by year round vegetation and provided that no uses of such quarries, sand or gravel pits shall be permitted from unless the banks thereof are sloped at an angle not greater than 30 from level surface. It is further required that developers and proprietors make a commitment to plant vegetation on the premises upon abandonment of such enterprises.

SECTION 1002. REQUIRED CONDITIONS:

Whenever any use permitted in this Article faces a residential district by sharing a common fronting street, the industrial use shall provide and maintain a landscaped front yard no less than 40 feet deep and/or buffer greenbelts or buffer fences, as may be required by the Board of Appeals, depending on the character

of the industrial use and specific site conditions. The required front yard shall not be used for employee parking lot purposes but guest and/or visitor parking may be permitted.

Whenever an industrial use permitted in this section requires the use of a storage area or operational activity which is not within the confines of an enclosed building, adequate greenbelts, screening devices, and/or buffer walls may be required by the Board of Appeals, whenever said storage area or operational activity abuts a residential district boundary, or a public street.

The height of industrial structures and uses shall be controlled by the land area. Therefore, the minimum yard setbacks shall be increased by one foot for each foot of building height above 20 feet when adjacent to non-industrial districts. Any structures proposed to exceed the height limits stated in the "Schedule of Regulations", shall require approval by the Board of Appeals, after a hearing.

Any industrial activity that produces glare, noise, vibration, smoke, dust odors, and similar or related nuisances, shall confine these nuisances to the industrial district and must conform to state and federal environmental regulations.

Industrial operations involving the manufacture, processing, or packaging of materials which are inherently dangerous or hazardous due to flammability, toxicity, radioactivity, explosiveness, shall require special approval by the Zoning Board of Appeals after a hearing, and approval shall be contingent upon a showing by the applicant industry that no dangerous, noxious or nuisance conditions will impact any adjacent non-industrial premises. The recommendations of the Health Officer and/or Public Safety Officer (fire-police) shall be obtained by the Board of Appeals prior to allowing uses which have inherently dangerous characteristics.

ARTICLE XI - CD CONSERVANCY DISTRICT

SECTION 1100. INTENT:

The Conservancy Districts (CD) are intended primarily to serve the needs of undeveloped city areas and lands bordering the Portage Waterway. As a Conservancy District (CD) lands may be re-zoned to allow more intensive urban usage as the demand for additional urban land increases.

SECTION 1101. PRINCIPAL USES PERMITTED:

1. One-family dwellings.
2. Seasonal homes and/or vacation cottages.
3. Agricultural uses and farms.
4. Growing and harvesting of forest products and nursery stock.
5. Publicly owned parks, parkways, playgrounds and recreational facilities.
6. Golf courses and country clubs, except miniature golf.
7. Schools, colleges, and child care facilities.
8. Public buildings and uses, including cemeteries.
9. Churches and religious uses.

SECTION 1102. PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

The following uses shall be permitted, subject to the conditions herein after imposed for each use and subject further to the review and approval of the City Planning Commission:

1. Utility services and facilities necessary to serve the city and immediate environs.
2. Railroad uses and switching yards necessary to sustain rail transportation services, but not manufacturing.
3. Public or private marine transportation facilities, along with necessary storage and repair services, but specifically excluding industrial manufacturing and/or fabrication processes as either separate or part of the marine use.

ARTICLE XII - SCHEDULE OF REGULATIONS

SECTION 1200. SCHEDULE LIMITING HEIGHT, BULK, DENSITY AND AREA BY ZONING DISTRICT:

ZONING DISTRICT	MINIMUM ZONING LOT SIZE PER DWELLING UNIT		MAXIMUM HEIGHT OF STRUCTURES		MINIMUM YARD SETBACK (PER LOT IN FEET)			MINIMUM FLOOR AREA PER UNIT (SQ. FT.)	MAXIMUM % OF LOT AREA COVERED (BY ALL BUILDINGS)
	AREA IN SQUARE FEET	WIDTH IN FEET	IN STORIES	IN FT	FRONT	EACH SIDE	REAR		
R-1 One-Family Residential	9,000 a)*	75 a)	2 1/2	30	20 c)	10	30	750 a)	30%
R-2 Two-Family Residential	3,750 a) b)	37.5 a) b)	2 1/2	30	20 c)	8 c)	35 e)	750	30%
R-3 Multiple-Family Residential	d)		4 d)	60	20	8 c) f)	30 e)	1 BR-500 2BR-700 3BR-900 4BR-1100	35%
B-1 Local Business	-	-	2 1/2	30	20 c) f)	5 h)	20 g)	-	-
B-2 Community Business	-	-	-	60	20 c)	5 h)	20 g)	-	-
B-3 General Business	-	-	-		20 c)	5 h)	20 h) f) g)	-	-
I-1 Industrial	-	-	-		c)	30 h)	h) f) g)	-	-
CD CONSERVANCY	12,000 a)	100 a)	3 1/2	40	30 c)	10	35	-	30%

*** NOTES TO SCHEDULE OF REGULATIONS:**

a) See Section 1401 for exceptions related to: "Open Space Plans", "cluster developments", and average lot size. The Section 1500 "Nonconformities" permits one-family dwellings on any legal lot of record even though said lot fails to meet the minimum requirements of this "Schedule of Regulations." Minimum lot size for two-family dwellings in the R-2 District shall be 7,500 square feet with 75 feet of lot width. Minimum width of R-1 and R-2 dwellings shall be 24 feet.

b) Every two-family use, new or converted, shall provide unobstructed vehicular access to a public street for the designated parking area of each dwelling unit.

c) Where the existing front yards of two or more principal structures in any block in the same district and on the same side of the street are less than the minimum required front yard, then any front yards of the subsequent buildings within said block need not be greater than the average depth of the existing front yards of the adjacent two principal structures.

Whenever a rear yard abuts a side yard on the same side of a street in a Residential District, the required side yard abutting the street shall not be less than the required front yard of the District in which it is located.

All required yards shall be increased by one foot for every additional one foot of structure height above the maximum height stated in the Schedule of Regulations.

d) In the R-3 District, multiple dwellings shall be located on a lot having an area of at least 6,000 square feet. The following minimum lot size shall be provided for every dwelling unit beyond the first, and in addition to the initial 6,000 square feet:

Bedroom Unit Minimum Lot Area Per Unit

- (1) Efficiency Apartment or 1-Bedroom unit 2,500 square feet
- (2) Each bedroom or den beyond one 1,200 square feet

Subject to a recommendation by the Planning Commission and after a Public Hearing, the Board of Appeals may approve higher density multiple dwelling developments in the R-3 District, provided the following minimum lot sizes shall be provided for every unit beyond the first, and in addition to the initial 6,000 square feet:

Bedroom Unit Minimum Lot Area Per Unit

- (1) Efficiency Apartment or 1-bedroom unit 1,500 square feet
- (2) Each bedroom or den beyond one 500 square feet

e) There shall be a minimum setback of 30 feet to any exterior property line of developments involving two acres or more. Where more than one multiple building on one site is involved, the minimum spatial requirements shall be as follows:

Building Arrangement Distance Between Buildings

Front to front (or back) 70 Feet

Back to back (or front) 70 Feet

Side to side 20 Feet

Side to back or front 40 Feet

Increase by one foot for each one foot of building height above 40 feet.

No building shall be less than 20 feet from any other building.

f) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.

g) Refer to SECTION: Off-street Loading and Unloading.

h) No side yards shall be required along interior side lot lines. However, if a side yard is provided it shall not be less than ten feet. Yards which abut a Residential District shall be at least 30 feet, or equal to the height of the building, whichever is greater.

i) Off-street parking for visitors, over and above the number of spaces required in the section "Off- street Parking", may be permitted within the required front yard, subject to the landscaping provisions in Note "f" of this section.

ARTICLE XIII - AVERAGED LOT SIZE

SECTION 1300. INTENT:

For flexibility in dealing with parcels of irregular shape or parcels which do not divide equally into lots as required in the "Schedule of Regulations", the subdivider or developer may vary his lot sizes and lot widths so as to average the minimum size of lot per unit as required in the "Schedule of Regulations", for R-1 Residential Districts.

a. The subdivision shall not create lots having an area or width greater than 10% below that area or width required in the "Schedule of Regulations" and shall not create an attendant increase in the number of lots.

b. All computations showing lot area and the resultant average shall be indicated on the print of the preliminary plat.

ARTICLE XIV - PLANNED UNIT DEVELOPMENTS

SECTION 1400. INTENT:

1. Planned unit development, sometimes referred to as clusterhousing development or townhouse development, under the terms of this chapter may be initiated in terms of land and/or buildings.

2. The owner of each residential unit in a planned unit development may have fee title to such unit.

3. All intended planned unit developments shall be subject to approval by the Council after first having received the review recommendation of the City Planning Commission. Prior to any review, a detailed site plan of before and after site conditions shall be required.

4. Final approvals granted for any cluster development plan shall be valid for a period of 24 months. Failure to start and proceed with the plan shall void all prior approvals; except that agreed upon time extensions may be granted upon request to the Council, and bonds or other guarantees may be required to assure that all development proceeds in strict accordance with the approved site plan.

(Ord. 246, passed 3-21-01)

SECTION 1401. SUBDIVISION OPENS SPACE PLAN

Modifications to the residential lot standards applicable to residential structures as set forth in the schedule in section 1200 are as follows for individual residential units in planned unit developments:

District	Minimum Zoning	Maximum Percent
	Lot Size	of Lot Area
	Per Dwelling Unit	Covered by all Buildings
	<u>Area in sq. feet</u>	<u>Width in feet</u>

R-3 Multi-family

(Ord. 246, passed 3-21-01)

SECTION 1402. PLANNED UNIT CONSTRUCTION:

1. Planned unit construction in this chapter shall refer to housing construction programs involving the cluster housing concept, such as is used for townhouses, wherein certain side yards may be eliminated for the purpose of consolidating building masses and open space resources in order to achieve the most efficient use of land.

2. Planned unit construction is regulated in accordance with the following situations:

a) In any R-3, B-1, B-2 or B-3 district, interior side yards between any four single-family residential units may be eliminated for the purpose of clustering, attaching or semi-attaching residential units.

b) Individual residential units may be attached with up to 100% wall overlap (such as share a common party wall), provided the walls are entirely without openings, and are of soundproof and fireproof construction.

c) In clustering residential units, each unit shall have a prescribed yard area, and yards on the exterior sides of any cluster of units shall be provided with minimum side yards of 15 feet.

(Ord. 246, passed 3-21-01)

ARTICLE XV - GENERAL PROVISIONS

SECTION 1500. NONCONFORMITIES:

1. Intent

It is recognized that there exists within the Districts established by this Ordinance or by amendments, lots, structures, and uses of land, which were lawful before this Ordinance was passed or amended, which would be prohibited, or restricted under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

2. Board of Appeals Variance

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings, the Board of Appeals, subject to a hearing, may allow an expansion or enlargement provided that it is conclusively shown that such extension or enlargement:

a) Will not further reduce the value or otherwise limit the lawful use of adjacent premises.

b) Will essentially retain the character and environment of abutting premises.

c) Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic congestion, land overcrowding, vibration, signs, hours of operation and related).

3. Nonconforming Lots

A permitted single-family dwelling and customary accessory building may be erected on any single lot on record at the effective date of adoption or amendment of this Ordinance, even though such lot may fail to meet the district requirements for area or width, or both. Yard dimensions and other requirements not

involving area or width, or both shall conform to the regulations of the district in which such lot is located. Variance to yard requirements shall be obtained through the Board of Appeals.

4. Nonconforming Use of Land and/or Structures

a. No nonconforming use of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date.

b. No nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied.

c. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity.

d. Should a nonconforming structure be destroyed by any means to an extent of more than 50% of the useable cubic space of floor area, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

e. Any nonconforming use may be carried on throughout any parts of a building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such building.

f. Any nonconforming use of a structure, land, or structure and land, may be changed to another nonconforming use provided that the proposed use is equally or more appropriate to the District than the existing nonconforming use.

g. Any structure, or structure and land, in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed. There may be changes in tenancy and ownership of nonconforming premises.

h. When a nonconforming use of land, structure, or structure and land in combination is discontinued or ceases to exist for 12 consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with regulations of the District in which it is located.

I. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

5. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6. Uses Under Exception Provisions Not Nonconforming Uses

Any use for which a general exception or special condition is permitted as provided in this Ordinance shall not be deemed, a nonconforming use, but shall without further action be deemed a conforming use in such district.

SECTION 1501. ACCESSORY BUILDINGS

Intent:

It is the intent of this Ordinance that accessory buildings be placed on the lot in such a manner that they can be maintained on all sides and there is no undue encroachment upon adjacent properties, and sunlight, movements of air, and views from adjacent residential premises are not impaired beyond a reasonable point. Therefore, some premises which have extremely limited land areas may not be capable of supporting an accessory building.

Accessory buildings shall comply with the minimum requirements for main buildings, except as follows;

1. Unless structurally attached, accessory buildings shall not be located closer than five feet to any main buildings.
2. Accessory residential buildings may be located on a side lot line in instances where "cluster" buildings are contemplated or the cooperative use of driveways is legally established, and the accessory building is structurally attached to an adjoining property's accessory building.
3. In rear yards, accessory residential buildings shall maintain a minimum setback of 15 feet from any property line through which vehicular access is provided; except that a minimum setback of four feet shall be required where access is not provided.
4. In all Districts accessory buildings may locate in required yards subject to approval by the Board of Appeals, who shall determine that:
 - a) There is at least 15 feet vehicular backing space between a residential garage and any sidewalk or similar pedestrian walkway.
 - b) There is no undue encroachment upon adjacent premises, and sunlight, air flow, and views from the adjacent property's dwelling(s) are not impaired by shadows, high walls and relocated obstructions. A minimum side yard of four feet shall be provided.
 - c) There is insufficient space to achieve the required setback.
5.
 - a) Accessory buildings and attached residential garages shall be limited to the footprint of the principal structure or 1080 sq. feet, whichever is greater. In the case of an attached garage and an accessory building located on the same lot as the principal structure, the combined footprint of both structures may not exceed the footprint of the principal structure or 1080 sq. feet, whichever is greater.
 - b) Attached residential garages are limited to the maximum height of their associated residential dwellings.
 - c) Accessory buildings are limited to a maximum height of 12 feet. Building height is defined in § 200 of this Appendix to Title XV of the City Code of Ordinances.
 - d) The maximum open height for a garage door or doors shall be eight feet.
 - e) Attached garages and accessory buildings shall be constructed in an architectural style similar to their associated residential dwelling unit including exterior siding, windows treatment, and roofing.
 - f) All accessory buildings must be located on the same lot as the principal structure or on a lot or parcel that is adjacent and contiguous to the principal structure lot or parcel.
 - g) The total footprint of all structures may not exceed maximum lot coverage as stated in Article XII, § 1200 of this Appendix to Title XV of the City Code of Ordinances.
 - h) Only one accessory building is allowable per principal structure, not including an attached garage. This provision does not preclude one lawn or garden storage shed with a maximum exterior dimension of 10' x 12' on the lot or parcel if no permanent foundation is constructed.

(Am. Ord. 231, passed 5-20-98)

SECTION 1502. PARKING REQUIREMENTS:

At the time of erection or enlargement of any main building or structure, automobile off-street parking space shall be provided in all districts in accordance with the following provisions:

1. Off-street parking shall not be permitted within a required front yard or a side yard setback unless in an approved driveway or as otherwise provided in this Ordinance.
2. Dedicated off-street parking for non-residential uses shall be either on the same lot or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the parking lot.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve.
4. Any area once designated as required off-street parking or any existing off-street parking area shall not be changed to any other use unless it is on surplus parking area and/or until equal facilities are provided elsewhere.
5. In the instance of dual function of off-street parking spaces where operating house or buildings do not overlap, the Board of Appeals may grant an exception to the spaces required.
6. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking spaces.
7. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers is similar in type.
8. For computing the number of parking spaces required, the definition of Useable Floor Area shall govern.
- 8A. In the city all uses and buildings within the area bounded by the streets; Reservation, Franklin, Montezuma and Hancock, shall be exempt from the minimum parking space requirements listed under item 9 herein, except residential dwelling units. This area is defined as the "Central Business District" in the city's Comprehensive Land Use Plan.
9. Schedule of the minimum number of off-street parking spaces required by type of use, excluding the Central Business District:

LAND USE MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE

Residential:

- Dwellings 2 per dwelling
- Elderly Housing 1 per 2 units
- Rooming House 1 per 2 occupants of maximum capacity
- Fraternity or Sorority 1 per 2 beds or 1 per 5 active members, whichever is greater.
- Trailer Court 2 per unit

Institutional & Public:

- Church or Temple 1 per 3 seats or each 6 feet of pew
- Hospital 1 per bed
- Nursing Home 1 per 2 beds

LAND USE MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE

- Nursery, Elementary, or Junior
- High School 1 per employee

Senior High School 1 per employee, plus 1 per 10 students

Membership clubs 1 per 3 persons of legal capacity

Golf, Swim or Tennis Club 1 per 2 member families

Public Golf Course 6 per green or golf hole plus 1 per employee

Commercial:

Golf, Swimming, Tennis and/or

Health Facilities 1 per 2 persons of legal capacity

Par 3 and/or Mini Golf 2 per hole or green

Sport Arena or Stadium 1 per 3 seats or 1 per 6 foot of bench

Theatre or Auditorium 1 per 3 seats or 1 per 3 persons of legal capacity.

Planned Shopping Center 1 per 100 square feet of floor area

Auto Wash - Automatic 1 per employee, plus 2 per 20 feet of wash line

Auto Wash - Self Service 5 per wash stall plus the wash stall

Dance Hall, rinks or assembly 1 per 3 persons of legal capacity

building (no fixed seats)

Banks 1 per 100 square feet of floor area

Doctor or dentist office 1 per 50 square feet of waiting room plus 1 per service chair

Business Offices 1 per 200 square feet

Billiard Hall 2 per game table

Taverns 1 per 50 square feet of floor area

Restaurants 1 per 3 persons of seating capacity, plus auto stalls if drive-in type

Furniture, appliances, plumber 1 per 800 square feet of floor area

electricians, minor repair services

LAND USE MINIMUM PARKING SPACES REQUIRED PER UNIT OF MEASURE

Gasoline Station 2 per service stall, plus 1 per employee

Laundromat 1 per 3 machines for washing

Funeral Home-Mortuary 1 per 50 square feet of slumber room

Hotel or Motel 1 per rental unit, plus 1 per employee

Vehicle sales 1 per 200 square feet of showroom floor area

Retail groceries 1 per 100 square feet of floor area

Other Retail Stores 1 per 150 square feet of floor area

Industrial:

Welding Shop 2 per employee

Industrial Office or Research 1½ spaces per employee

Warehouse & Wholesale 1 per employee

NOTES:

- a) Sq. Ft. refers to square feet of "useable" floor area.
- b) 1 per unit of measure, shall be interpreted to mean 1 per each unit, as 1 per "each" 3 persons.
- c) Space requirements are cumulative, hence, a country club may require parking for the golf use as well as restaurant or bar use.
- d) Employees refer to all permanent staff and part time equivalent.
- e) Legal capacity is the occupancy load as permitted by fire or health standards.

SECTION 1503. OFF-STREET PARKING SPACE CONSTRUCTION

Parking lots required under the terms of this Ordinance shall be approved by the Administrative Officer, subject to any construction specification and standards adopted by the municipality, and due consideration for the following:

- safe ingress and egress from public streets
- effective storm drainage and dust control measures
- storm water discharge controls may be required
- safe maneuvering lanes and effective spacing between vehicles
- a logical circulation system in parking lots
- backing directly onto a public street shall be avoided

On any side of a residential off-street parking area which abuts a residential district, there shall be provided a continuous screening device (fence, wall or greenbelt) not less than four feet six inches in height. All screening devices shall be maintained in good condition, and shall consist of materials which complement the residential environment of the area as well as a regard for continuity with any existing screening devices.

SECTION 1504. OFF-STREET LOADING AND UNLOADING:

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading.

All designated loading spaces shall be approved by the Administrative Officer, and such space shall be in keeping with the character of the use and the normal size of vehicles serving the use (e.g. small vans and panel trucks, large vans, and/or semi-trailer rigs, etc.). Uses in the Central Business District exempt from meeting the off-street parking requirements shall also be exempt from off-street loading requirements.

SECTION 1505. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

Because the uses hereinafter referred to possess unique service and site characteristics making it impractical to include them in a specific use district, they may be permitted subject to the conditions specified for each.

1. Swimming Pools:

Whenever an outdoor swimming pool (as defined in BOCA Basic Building Code) is constructed under this Ordinance, said pool area shall be provided with a protective fence, five feet in height and entry shall be provided by means of a controlled self-latching gate, capable of being securely locked.

2. Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility T.V. Transmitting Towers:

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted as a principal use in any B, I or unplatted CD District area by the Board of Appeals, provided said use shall be located centrally on a continuous parcel of not less than one times the height of the tower measured from the base of said tower to all points on each property line.

3. Mobile Home Parks:

Mobile Home Parks are, in this Ordinance, intended to provide a transition between nonresidential and residential districts. Mobile Home Parks may, therefore, be permitted within I, B-3, and R-3 Districts subject to approval by the City Council and subject further to the following:

a. Locational Requirements

(1) Mobile Home Parks shall not abut one-family residential districts on more than two sides and only with an intervening planted greenbelt as described in Section 1506, at least 20 feet wide, provided and maintained by the proprietor. A 12 foot wide greenbelt shall be provided between mobile home parks and the R-3 or I District.

(2) Parcels proposed for mobile home parks in the I Districts shall not be surrounded on more than two sides by the I District, provided the continuity of a planned Industrial park or district is not disrupted.

(3) Parcels proposed for Mobile Home Parks in R-3 Districts may be permitted only when said mobile home park affords a buffer between R-3 Districts, B-2 Districts, I Districts and/or Railroads.

b. Useable outdoor children's recreation space shall be provided in all mobile home courts, at the minimum ratio of 100 square feet of area for each trailer, but no such recreation space shall be less than 5,000 square feet.

c. All lots shall contain a minimum area of at least 4,000 square feet. All such mobile home site areas shall be computed exclusive of service drives, facilities, and recreation space.

d. No mobile home or accessory mobile home park building shall be located closer than 30 feet to any mobile home park property line.

e. The mobile home court shall have direct access to a collector street or major thoroughfare by directly abutting thereon.

f. Mobile home courts shall comply with Act 243, P. A. 1959, State of Michigan, as amended.

g. No building or structure hereafter erected or altered in a mobile home park shall exceed one story or 14 feet in height.

4. Recreation Resorts

Public or private outdoor recreation facilities of a resort character may be permitted in any district by the Zoning Board of Appeals, after a hearing, provided:

(a) The use occupies a total site area of at least 40 acres.

(b) The site has physical characteristics readily adapted for the proposed use with minimum disturbance to natural site features.

(c) There is no conflict with the Comprehensive Land Use Plan relative to neighborhood units and industrial park areas.

(d) All principal site uses and facilities are set back at least 100 feet from the property line.

Accessory uses to major resorts may include lodging complexes, vacation home subdivisions, lodge and dining facilities in the character of a lounge or supper club, and outdoor recreational facilities in keeping with the character of surrounding properties.

5. Riding Academies or Stables

Facilities for horseback riding, accessory trails and stables may be allowed by the Board of Appeals in CD, B-3, I Districts, or on farms in unplatted areas, provided that animal housing facilities or enclosures are located at least 300 feet from any off-premises residential structure. Under a temporary permit basis, riding trails may extend into the rugged and/or undeveloped portions of any District.

SECTION 1506. PLANT MATERIALS IN GREENBELTS:

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted within 12 months from the date 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.

1. Plant Material Spacing

a. Plant materials shall not be placed closer than four feet from the fence line or property line.

b. Where plant materials are placed in two or more rows plantings shall be staggered in rows.

c. Evergreen trees shall be planted not more than 30 feet on centers, and shall be not less than five feet in height.

d. Narrow evergreens shall be planted not more than six feet on centers, and shall be not less than three feet in height.

e. Tree-like shrubs shall be planted not more than ten feet on centers, and shall not be less than four feet in height.

f. Large deciduous shrubs shall be planted not more than four feet on centers, and shall not be less than six feet in height.

g. Large deciduous trees shall be planted not more than 30 feet on centers, and shall not be less than eight feet in height.

SUGGESTED PLANT MATERIALS

EVERGREEN TREES

Minimum five feet in height.

Juniper

Fir

Spruce

Hemlock

Pine

Douglas-Fir

NARROW EVERGREENS Minimum three feet in height.

Column Hinoki Cypress

Blue Columnar Chinese Juniper

Pyramidal Red-Cedar

Pyramidal White Pine

Irish Yew

Douglas Arbor-Vitae

Columnar Giant Arbor-Vitae

TREE-LIKE SHRUBS Minimum four feet in height.

Flowering Crabs Hornbeam

Mountain Ash Russian Olives

Redbud Hawthorn

LARGE DECIDUOUS SHRUBS Minimum six feet in height.

Honeysuckle Viburnum

Mock-Orange Forsythia

Lilac Ninebark

Cotoneaster Hazelnuts

Evonymus Privet

Buckthorn Sumac

Others subject to approval.

LARGE DECIDUOUS TREES Minimum eight feet in height.

Oaks Birch

Hackberry Beech

Ginkgo Honeylocust

Linden (Basswood) Hop Hornbeam (Ironwood)

Hard Maples

Others subject to approval.

2. Trees not permitted

a. Box Elder

b. Silver Maples

- c. Elms
- d. Poplars
- e. Willows

SECTION 1507. CORNER, CLEARANCE:

No fence, wall, shrubbery, sign, or other objects shall be placed so as to obstruct vision above a height of two feet from the established street grades within the triangular area formed by a straight line drawn between intersecting street right-of-way lines at a distance along each line of 25 feet from their point of intersection.

SECTION 1508. SIGNS:

1. Any publicly displayed sign shall be regulated as follows:

USE DISTRICTS REQUIREMENTS

"R" Districts For each dwelling unit or duplex one name plate (R-1 through R-2) not exceeding two square feet in area per family.

R-3 One identification or accessory sign not exceeding 18 square feet in area.

B-1 Districts For each office building, one wall sign and/or one free-standing sign, not to exceed 18 sq. ft. in area.

For each office unit occupying a building, one sign or name plate.

B-1 and B-2 No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one foot, and shall not project above or beyond the highest point of the roof or parapet.

Canopy mounted name plates excepted.

B-1, B-2, and B-3 Districts Free-standing accessory signs or advertising pylons may be located in a front yard, but shall not be placed closer than 100 feet to any adjacent residential district.

I Districts All signs are permitted. No sign shall be placed closer than 200 feet to any residential district.

2. The following conditions shall apply to all signs visible from a public street, erected or located in any use district.

- a. Wall mounted signs shall not exceed an overall size equivalent to 25% of the surface area of the mounting wall as computed only on the basis of the ground level story.

- b. No sign shall locate in, project into, or overhang a public right-of-way or dedicated public easement, unless approved by the governmental unit having jurisdiction.

- c. Necessary directional signs required for the purpose of orientation, when established by the City, County, State, or Federal Government, shall be permitted in all use districts.

d. Signs used for advertising land or buildings for rent, lease, and/or for sale shall be permitted when located on the land or building intended to be rented, leased, and/or sold, provided that such signs exceeding 20 square feet shall be subject to obtaining a temporary permit from the Administrative Officer.

e. Freestanding accessory signs may be located in the required front yard provided the use or building is set back at least ten feet and except as otherwise provided herein.

f. Refer to General Provisions Section, "Exterior Lighting."

g. Provided a sense of scale is retained, the Zoning Board of Appeals may waive the maximum area of sign required for reasons of unusual building size, extra large site area, extra deep setbacks, or multiple number of structures or uses, as compared with other permitted uses in the same district.

h. Nonconforming signs and billboards shall not be allowed to continue beyond ten years for the enactment of this Ordinance or beyond the point where an unsafe condition requires major repair or replacement.

SECTION 1509. EXTERIOR LIGHTING:

1. All outdoor lighting in all Use Districts used to light the general area of a specific site, sign, parking lot, or use shall be shielded, designed, or of low intensity to prevent glare and shall be arranged as to direct lights away from adjacent residential districts or adjacent residences, and shall not interfere with the vision of persons on streets or highways.

2. The illumination portion of a sign and any other outdoor feature, except holiday and other temporary decorations shall not be of a flashing type, however, a sign may revolve or move.

SECTION 1510. FENCES, WALLS, AND HEDGES-GENERAL:

Fences, walls, and hedges may be permitted in any district subject to the following limitations and conditions:

a. If mutually agreeable to the abutting property owners, a fence may be erected on the property line, otherwise said fence may be erected immediately adjacent and parallel to the property line.

b. In Residential Districts, fences, walls or hedges shall not exceed a height of: 4.5 feet in required yards (subject to the provisions in Section, "Corner Clearance").

c. Privacy fences, walls or hedges may be erected to a maximum height of eight feet around or adjacent to patios for screening purposes.

d. Swimming pool fences, see Section 402.5(b).

e. Fences on residential lots of record shall not contain barbed wire or be electrified.

f. Fences, or walls which enclose public or institutional parks, playgrounds, or landscaped grounds in platted areas, shall not exceed a height of ten feet, and shall not obstruct vision to an extent greater than 25% of the fence or wall surface area.

g. Fences, walls, and/or hedges may be modified with respect to height limitations by the Zoning Administrator, provided a signed agreement between the two abutting property owners consent to any modification, and further that there is no interference with sight distances at street corners or driveway entrances.

h. The design and construction materials for fences shall be of a type approved by the Zoning Administrator, or be in accordance with any official city standards, and further shall be consented to by a

signed agreement between the abutting property owners. In cases of disagreement, the Board of Appeals shall rule on fence construction features.

Requirements for fences, walls, and hedges are not intended to restrict landscaping features that exist, or may be planted as a part of the beautification of any premises; provided, that such planting does not constitute a hedge, so called, that obstructs the vision of drivers on streets or driveways, and further does not obstruct natural light and air on adjacent premises.

SECTION 1511. FENCE AND WALL BUFFERS:

1. For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall, hedge, or fence as required below. These requirements do not apply whenever the use, storage area, etc., is more than 200 feet from the adjacent residential district boundary.

REQUIRED HEIGHT PRIMARY PURPOSE

USE OF BUFFER TO BE SERVED

B-1, B-2, B-3 and I District Uses 6 ft. Screening and/
or containment.

Open outdoor storage areas larger
than 200 square feet 6 ft. Screening.

Utility service buildings and/or Screening and
sub-stations 6 ft. protective.

2. All plans and specifications for buffer walls, fences, and hedges must be approved by the Administrative Officer for materials, entranceways, locations, basic design, and related materials. All fences shall be designed to fulfill the primary function of protection, containment, and/or screening; and further shall be maintained in a pleasing appearance.

3. Depending on continuity and property owner agreement, required buffer walls, fences or hedges may be located on the opposite side of an alley right-of-way from a non-residential district whenever a non-residential district abuts a residential district.

4. The Board of Appeals may waive or modify wall, fence and hedge requirements where cause can be shown that no good purpose would be served by strict compliance. Greenbelts and naturally wooded areas may be substituted for buffer walls and fences upon approval of the Board of Appeals.

SECTION 1512. PERFORMANCE STANDARDS:

No use otherwise allowed shall be permitted with the Use District which does not conform to the following:

1. Performance Standards shall not exceed quantities established as safe by the U.S. Bureau of Standards or state and federal Environmental Protection Agency, when measured at the property line.

2. Smoke, Dust, Dirt, Fly Ash, Noise, Gaseous Waste

It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any smoke, dust, dirt, fly ash, noise, or gaseous waste in quantities sufficient to create a nuisance within the city.

3. Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation.

4. Fire and Explosive Hazards

Either on the inherent nature of the use or whenever the Zoning Administrator deems the storage, utilization or manufacture of any materials to be a fire hazard or potential fire hazard, then the city Fire Chief shall prescribe buildings, setbacks, and other requirements necessary to assure safe property use conditions. Also, the storage and handling of flammable liquids, liquified petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended, and Hancock City Fire Prevention Code of 1973 as amended.

SECTION 1513. SITE DEVELOPMENT PLAN REVIEW (ALL DISTRICTS):

1. A Site Development Plan shall be submitted to the Planning Commission for approval of:
 - a. Developments for which the submission of a Site Plan is required by this Ordinance.
 - b. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in the section, "Off-street Parking Requirements."
 - c. Any use in a R-3, B-1, B-2, B-3 or I District lying contiguous to, or across a street from, a Single-family residential district.
 - d. Any use except single or two-family residential which lies continuous to a major thoroughfare or collector street.
 - e. All residentially related uses permitted in single-family districts such as, but not limited to: churches, schools, and public facilities.
2. Every Site Development Plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. No Site Plan shall be approved until same has been reviewed by the Building Department or official.
3. The following information shall be included on the Site Plan to be drawn at a scale of not less than 1 inch:50 feet if the subject property is less than three acres and 1 inch:100 feet if three acres or more:
 - a. Date, north point, scale and property dimensions.
 - b. All existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
 - c. All existing and proposed drives, parking areas, streets, alleys, and other rights-of-way.
4. In reviewing the Site Development Plan the Planning Commission shall consider:
 - a. The location of driveways in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - b. Traffic circulation within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic.

(2) Satisfactory and harmonious relationships between the development on the site and existing and prospective development of continuous lands.

c. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.

d. In those instances wherein the Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfares, the Planning Commission may recommend marginal access drives. Where practical for a narrow frontage, which will require a single outlet, the Planning Commission may recommend that money in escrow be placed with the municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the City Clerk.

SECTION 1514. BED AND BREAKFAST INNS:

1. Permitted Districts

A Bed and Breakfast Inn shall be a principal use permitted subject to special conditions in all districts.

2. Special Conditions

a. Off-street parking - One parking space shall be provided for each sleeping room plus one parking space for each owner or resident manager. Paved parking shall be required.

b. Signs - One sign shall be permitted, not to exceed 12 square feet. A maximum distance of 18 inches shall be permitted from grade to bottom of the sign. The sign face shall be illuminated by lighting not to exceed 100 watts. No flashing, moving, running or neon lights shall be permitted.

c. Location - A Bed and Breakfast Inn shall be allowed on or within one block of a state trunkline or major street. A Bed and Breakfast Inn shall not be located within 600 feet of any other similar operation.

d. Safety - One smoke detector shall be required in each sleeping room, and one fire extinguisher shall be required on each floor. Two exits shall be required. Compliance with all State of Michigan Fire Regulations shall be required.

e. Room size - Sleeping rooms shall be of a minimum size as specified: 100 square feet for two occupants, 30 square feet for each additional occupant up to four occupants per room.

f. Percentage of space devoted to operations - No more than 50% of living space shall be permitted to be devoted to sleeping accommodations.

g. Alterations prohibited - Except for reasons of safety, no interior or exterior structural alterations shall be permitted to the principal structure.

h. Maximum length of stay - No occupant shall be allowed to stay beyond 14 days.

I. Application - An application approved by the Planning Commission and Council shall be completed and submitted by the owner/operator or an agent for review during the "Special Conditional Use" approval process.

(Added by Ord. 195)

SECTION 1600. AREA, HEIGHT AND USE EXCEPTIONS:

The regulations in this Ordinance shall be subject to the following interpretations and exceptions;

1. Essential Services

Essential Services (See definition) shall be permitted as authorized and regulated by law and other ordinances of the city, it being the intention hereof to exempt such essential services from the application of this Ordinance.

Major essential services such as high tension transmission towers, electric substations, gas regulator stations, sanitary fill sites, incinerators, and the like shall require special approval from the Board of Appeals before being allowed in any area that abuts a Residential District.

2. Voting Place

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as an official public voting place.

3. Height Limit

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure required authorization as a conditional use.

4. Lot Area

Any existing lot of record on the effective date of this Ordinance may be used for any principal use permitted in the district in which such lot is located, whether or not such lot complies with the lot area requirements of this Ordinance, but not conditional uses for which special lot area requirements are specified in this Ordinance, and except as provided in the section, "Nonconforming Uses." Such use may be made provided that all requirements other than lot area requirements prescribed in this Ordinance are complied with, and provided that not more than one dwelling unit shall occupy a lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

5. Lots Adjoining Alleys

In calculating the area of a lot, for the purposes of applying lot area requirements of this Ordinance, one-half the width of an adjoining alley shall be considered as part of such lot area.

6. Yard Regulations

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

7. Porches

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten feet, but shall not be interpreted to include or permit fixed canopies.

8. Access Through Yards

Access drives may be placed in required front or side yards so as to provide access to rear yards and/or accessory structures. Any walk, terrace, or a like surface area not in excess of nine inches above the grade upon which placed, shall not be considered a structure, and shall be permitted in any required yard.

9. Lots Having Lake Frontage

Those residential lots having lake frontage and abutting a public street shall maintain the yard on the lake side as an open unobscured yard, excepting that a covered or uncovered boat well or boat house shall be permitted after review and approval of plans by the Zoning Board of Appeals.

10. Projections Into Yards

The architectural features of a main building such as eaves, cornices, sills, bay-windows and the like, may project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front or rear yard not more than three feet.

ARTICLE XVII - ADMINISTRATION AND ENFORCEMENT

SECTION 1700. ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Administrative Officer or by such deputies of his department as the Administrative Officer may delegate to enforce the provisions of this Ordinance.

SECTION 1701. DUTIES OF ADMINISTRATIVE OFFICER:

The Administrative Officer shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

The Administrative Officer shall record all nonconforming uses existing at the effective date of this Ordinance for carrying out the provisions of section 1500.

The Administrative Officer shall not refuse to issue a permit when conditions imposed by this Ordinance are compelled with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 1702. PLOT PLAN

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

1. The actual shape, location, and dimensions of the lot.
2. The dimensions and location of all structures existing or to be erected, altered, or moved on the lot.
3. The existing and intended uses of the lot including, in residential areas, the number of dwelling units.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
5. A spot survey, a plot plan with the structures spotted by a surveyor, will be furnished to the Administrative Officer upon completion of the foundation.

SECTION 1703. PERMITS:

The following shall apply in the issuance of any permit:

1. Permits for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereinafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

2. Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

3. Permits Required

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Building Code, Housing Law, or the Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

SECTION 1704. CERTIFICATES OF OCCUPANCY:

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

1. Certificates Required

No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

2. Certificates Including Zoning

Certificates of Occupancy as required by the city Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

3. Certificates for Existing Buildings

Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

4. Record of Certificates

A record of all certificates issued may be kept on file in the office of the Administrative Officer, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

5. Certificates for Dwelling Accessory Buildings

Buildings or structures, accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.

6. Application for Certificates

Application for Certificates of Occupancy shall be made in writing to the Administrative Officer on forms furnished by his office, and such Certificates shall be issued within five days after receipt of such

application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such Certificate is refuse for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five day period.

SECTION 1705. FINAL INSPECTION:

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

SECTION 1706. FEES

Fees for inspection and the issuance of permits of certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Administrative Officer in advance of issuance. The amount of such fees shall be established by resolution of the City Council.

ARTICLE XVIII - BOARD OF APPEALS

SECTION 1800. CREATION AND MEMBERSHIP:

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of the Public Acts of 1921 as amended, and 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 members, one per City Council, one per Planning Commission and three members at large who shall be appointed by the City Council, and shall serve in staggered terms as established by the Council.

Section 1801. MEETINGS:

The Board shall elect a Chairperson and a Recording Secretary each year. All meetings of the Board shall be held at the call of the Chairperson and at such times as such Board may determine. All hearings conducted by the said Board shall be open to the public. The City Clerk, or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matter before it.

SECTION 1802. APPEAL:

An appeal may be taken to the Board of Appeals by anyone affected by a decision of the Administrative Officer. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Administrative Officer and with the Board of Appeals a notice of Appeal, specifying the grounds thereof.

The Administrative Officer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Board of Appeals after notice of

appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

The Board shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney. Notification shall be served to all property owners within 300 feet in all directions from the property and/or lot line of the parcel on which the variance is requested.

SECTION 1803. FEES:

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees and manner of payment to be charged to applicants for appeals to the Zoning Board of Appeals.

SECTION 1804. JURISDICTION:

The Board of Appeals shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made in the enforcement of this Ordinance.

2. In hearing and deciding appeals, the Board of Appeals shall have the authority to grant such variances therefrom as may be in harmony with the general purpose and intent of this Ordinance, public safety and welfare secured, and substantial justice done, including:

a. Interpret the provisions of the Ordinance in such a way to carry out the intent and purpose of the plan, as shown upon the zoning map fixing the use districts, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.

b. Permit the erection and use of a building or use of premises for public utility purposes and make exceptions therefrom to the height and bulk requirements, which said Board considers necessary for the public convenience or welfare.

c. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.

d. Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristic that it cannot otherwise be appropriately improved without such modification.

e. Permit temporary buildings and uses for periods not to exceed 12 months, provided adequate conditions of performance are required to assure public safety and compatibility with surrounding uses or properties.

3. Where, owing to special conditions, a literal enforcement of the use provisions of this Ordinance would involve practical difficulties or cause unnecessary hardships within the meaning of this Ordinance, the Board shall have power upon appeal in specific cases to authorize such variation or modification as may be in harmony with the spirit of this Ordinance, so that public safety and welfare be secured and substantial justice done. No such variance or modification of the use provisions of this Ordinance shall be granted unless it appears beyond a reasonable doubt that all the following facts and conditions exist:

a. That there are exceptional or extraordinary circumstances or conditions applicable to the

property or its use that do not apply generally to other properties or uses in the same district.

b. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

c. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the district in which the property is located.

d. That the granting of such variance will not adversely affect the purposes or objectives of the Zoning Plan of the city.

Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change the Zoning Ordinance or the zoning map, such power and authority being reserved to the City Council in the manner provided by law.

4. In consideration of all appeals and all proposed variations to this Ordinance the Board shall, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Officer, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision.

SECTION 1805. ORDERS:

1. In exercising the above powers, the Board 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 Administrative Officer from whom the appeal is taken.

2. The City Council upon hearing and receiving the testimony and following procedures specified for appeals, may reverse order given by the Board of Appeals with a three-fourths vote of the council members elect.

SECTION 1806. NOTICE:

The Board shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it which shall in all cases include all owners of record of property within 300 feet of the premises in question, such notices to be delivered personally or by certified mail with return receipt addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

SECTION 1807. MISCELLANEOUS:

No order of the Board permitting the erection of a building shall be valid for a period longer than one year, 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 permitting a use of a building and/or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use

permitted is dependent upon the erection or alteration of a building 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 the terms of such permit.

SECTION 1808. APPLICATIONS:

All applications or requests to the Zoning Board of Appeals shall be on forms provided by the city and reviewed and approved by the City Council.

(Added by Ord. 202)

ARTICLE XIX - ZONING COMMISSION

The City Planning Commission is hereby designated as the Commission specified in Section 4, Act 207 of the Public Acts of 1921, and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.

ARTICLE XX - PLANNING COMMISSION APPROVAL

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

The Planning Commission shall Investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and purpose of this Ordinance.

Any approval given by the Planning Commission, under which premises are not used or work is not started within 12 months or when such use or work has been abandoned for a period of 12 months, shall lapse and cease to be in effect.

ARTICLE XXI - CHANGES AND AMENDMENTS

The City Council may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the District Boundaries or the regulations herein, or subsequently established in Act 207 of the Public Acts of 1921 as amended.

ARTICLE XXII - INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

ARTICLE XXIII - REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by the city known as Ordinance No. 76 and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE XXIV - VESTED RIGHT

Nothing in this Ordinance should be interpreted or constructed 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 amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE XXV - ENFORCEMENT, PENALTIES AND OTHER REMEDIES

SECTION 2500. VIOLATIONS:

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

SECTION 2501. 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 Ordinance 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.

SECTION 2502. FINES, IMPRISONMENT:

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.

SECTION 2503. EACH DAY A SEPARATE OFFENSE:

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

ARTICLE XXVI - CONFLICTING REGULATIONS

Whenever any provision of this Ordinance conflict with the requirements, regulations, restrictions, or limitations imposed by the provisions of any other law or Ordinance, then the provisions imposed by the more stringent law or Ordinance shall govern.

ARTICLE XXVII - SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part so declared to be unconstitutional or invalid.

ARTICLE XXVIII - EFFECTIVE DATE

Public Hearing having been held hereon, the provisions of this Ordinance are hereby given immediate effect upon its publication, pursuant to the provisions of Section 4, of Act 207 of the Public Acts of 1921, as amended.

Made and passed by the City Council of the City of Hancock, Houghton County, Michigan on this 11th day of August A.D. 1976.

Date of Adoption by City Council - August 11, 1976.

Date Ordinance shall take effect - August 21, 1976.

Ellie Lantto

City Clerk

(Ord. 118, passed 8-11-76)