

1286.26 ESSENTIAL SERVICES.

Essential services are permitted in all use districts. The Planning Commission shall have the power to permit the location in any such district of a public utility building, structure or use, if the Commission finds that such building or structure or use is reasonably necessary for the public convenience and service and provided, further, that such building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and character of such district. (Ord. Unno. Passed 12-14-87.)

1286.27 DRIVEWAY AND SOIL EROSION PERMITS.

Prior to the issuance of a building permit, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required:

- (a) A driveway permit, including approved culverts, where necessary, approved by the County Road Commission or the State Department of Transportation;
- (b) Approval from the City on water and sewer tap-ins; and
- (c) A soil erosion and sedimentation control permit from the County Drain Commission.

(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01.)

1286.28 KEEPING OF PETS AND LIVESTOCK.

No person shall keep more than three dogs and/or cats in any zoning district of the City. However, any litter of dogs or cats which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of four months after birth, provided that not more than two such litters shall be allowed to so remain on the aforescribed premises within any consecutive twelve-month period. Poultry, hogs, horses or other livestock are prohibited from being kept in any zoning district in the City.

(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01; Ord. 2010-05. Passed 8-9-10.)

1286.29 OCCUPANCY OF MOBILE HOMES AND BASEMENTS.

No person shall:

- (a) Occupy a mobile home not conforming with this Zoning Code or a travel trailer as a dwelling outside of a mobile home park. This provision shall not apply to mobile homes which may be allowed to park on any property in any district while a new structure or building is being constructed, during the time of construction, for a period not to exceed one year. Such permit may be extended one time for a period of one year by the Zoning Administrator at the request of the property owner, provided the property owner can give reasonable assurances that construction of the structure or building will proceed expeditiously until completion.

- (b) Use a mobile home, travel trailer or any other similar unit for any business, occupation or trade; or
- (c) Occupy a basement as a temporary or permanent dwelling unit.
(Ord. Unno. Passed 12-14-87.)

1286.30 HOME OCCUPATIONS.

A home occupation, where permitted, shall be regulated according to the following conditions:

- (a) No stock in trade may be kept and no articles may be sold or offered for sale in the dwelling, except such as are produced by such home occupation.
- (b) No display of goods or signs pertaining to such use shall be visible from the street and no persons shall be employed other than the dwelling occupants.
- (c) No home occupation may be conducted in an accessory building or may exceed the use of one room of a dwelling or twenty-five percent of the total floor area of a dwelling, whichever is the most restrictive.

(Ord. Unno. Passed 12-14-87.)

1286.31 CONTROL OF HEAT, GLARE, FUMES, ETC.

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odor, dust, noise or vibration beyond the lot on which the use is located.

(Ord. Unno. Passed 12-14-87.)

1286.32 STREET ACCESS.

No building permit shall be issued for any construction located on a lot or parcel of land in the Village that does not abut on a public street, highway or private road.

(Ord. Unno. Passed 12-14-87.)

1286.33 OUTDOOR STORAGE AND WASTE DISPOSAL.

All uses established or placed in operation in any zoning district after the effective date of this Zoning Code (January 31, 1988) shall comply with the following limitations:

- (a) No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.

- (b) Material or waste shall not be allowed to accumulate on the premises in such a manner as to extend above the height of the enclosing wall or fence, be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01.)

1286.34 EXISTING JUNK YARDS. (REPEALED)

(EDITOR'S NOTE: Section 1286.34 was repealed by Ordinance 2001-02, passed February 12, 2001)

1286.35 YARD REQUIREMENTS.

(a) Front Yards.

- (1) In any Residence District, the front yard requirements of a lot may be modified so as to equal the average depth of existing front yards on developed lots within 100 feet of both sides of such lot and within the same block frontage, provided the front yard shall not be less than fifteen feet and should not exceed by more than ten feet the minimum front yard depth required by other provisions of this Zoning Code.
- (2) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen inches above the lowest above-grade floor level and shall not be closer than fifteen feet from any lot line.
- (3) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required front yard.

(b) Side Yards.

- (1) Cornices, eaves, gutters, balconies, fire escapes and fireplaces shall not project into a required side yard more than one third of its required width nor more than three feet, provided that the length of any such projection shall not exceed one third of the length of the side yard in which such projection occurs. However, any fire escape so located may be at least ten feet in length.
- (2) Terraces, steps, uncovered porches and other similar features shall not be higher than eighteen inches above the lowest above-grade floor level and shall not be closer than three feet from any lot line.
- (3) Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required side yard.

(c) Rear Yards.

- (1) Terraces, steps, uncovered porches or other similar features shall not be higher than eighteen inches above the lowest above-grade floor level and shall not be located less than twenty-five feet from the rear lot line or less than six feet from an accessory building.
- (2) Bays, including their cornices and eaves, balconies and fireplaces, shall not project more than three feet into a required rear yard.
- (3) A fire escape, fire tower, balcony or outside stairway shall not project more than six feet into a required rear yard.
- (4) Normal chimneys, flues, elevator shafts, connecting hallways, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters and other familiar features may project into a required rear yard.

(Ord. Unno. Passed 12-14-87.)

**1286.36 RADIO AND TELEVISION TOWERS; SATELLITE DISHES;
WIND ENERGY CONVERSION SYSTEMS; SOLAR ENERGY
SYSTEMS; STORAGE OF FIREWOOD.**

(a) Radio and Television Towers. Commercial radio, television and other transmitting or relay antenna towers shall be permitted in any Commercial/Office District or Industrial District, subject to compliance with applicable Federal and State statutes and regulations and Village ordinances. The minimum setback for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, with no Zoning Code restrictions on tower height. The structural plans must be approved by the Building Inspector.

(b) Receiving Antennas (Including Dish Antennas).

- (1) Ground-mounted antennas. In any zoning district ground-mounted antennas are allowed, subject to setback requirements for accessory buildings, and provided that a ground-mounted antenna in a Residence District is not located in the required front yard setback or closer to any street than an existing building, whichever is greater.
- (2) Roof or structure mounted antennas. In any zoning district, roof or structure mounted antennas are allowed, provided that an antenna mounted on a structure is not erected in the yard between the principal structure and a street property line.

(c) Wind Energy Conversion Systems.

- (1) Definitions. As used in this section:
 - A. "Wind energy conversion systems (hereinafter referred to as WECS)" means any device which converts wind energy to mechanical or electrical energy.
 - B. "Rotor" means the blades, plus the hub to which the blades are attached, that are used to capture wind for purposes of energy conversion.
 - C. "Tower height" means the height of the actual tower plus one-half of the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
 - D. "Survival wind speed" means the maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
- (2) Permitted zones. In any zoning district, the Planning Commission may grant a special use permit to allow wind energy conversion systems, subject to the restrictions contained in this Zoning Code. Any special use permit denied by the Commission may be heard by the Zoning Board of Appeals upon the request of the petitioner for the special use permit. In addition, the Commission may vary the setback requirements after conducting a public hearing and notifying property owners within 300 feet of the subject property.
- (3) Application of standards. The standards in subsection (4) hereof shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system. Such a system shall be for one main building and its accessory building only. For systems intended for other uses, Planning Commission approval shall be required. Such approval shall cover the location

of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system and compliance with all applicable State and Federal statutes and regulations. Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electrical power for more than one main building.

(4) Standards for and regulation of wind energy conversion systems.

- A. Construction. Tower construction shall be in accordance with the latest edition of the Uniform Building Code as adopted by the Village and any future amendments and/or revisions to the same. The structural design shall be signed and sealed by a professional engineer registered in the State, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State and all sections referred to herein.
- B. Electric-magnetic interference (EMI). Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause any harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing such emissions.
- C. Setbacks. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to the height of such tower, that is, the property setback shall be on a one to one ratio with tower height.

The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five feet of utility lines.

- D. Maximum height. The maximum height permitted (without a variance from the Zoning Board of Appeals) shall be 100 feet unless otherwise prohibited by any State or Federal statute or regulation.
- E. Minimum blade height. The minimum distance between the ground and any protruding blades utilized on a wind energy conversion system shall be fifteen feet, as measured at the lowest point of the arc of the blades.

- F. Labelling requirements. A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the wind energy conversion system:
 - 1. The maximum power output of the system and the wind speed at which it is achieved;
 - 2. Nominal voltage and maximum current;
 - 3. The manufacturer's name and address and the serial number and model number; and
 - 4. Maximum survival wind speed and emergency and normal shut down procedures.
 - G. Utility company notification. A public utility company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and installation shall conform with any legislated requirements governing installations of wind energy conversion systems so as to comply with the utility tariff specifications.
 - H. Safety. Wind energy conversion system manufacturers shall document that the wind energy conversion system model has operated safely in atmospheric conditions for a period of not less than three months, and has provided energy not less than the equivalent of twenty-five percent of its predicted annual energy output under a twelve mile per hour annual wind regime.
 - I. Noise. The maximum level of noise to be generated by a wind energy conversion system shall be fifty decibels, as measured on the dBA scale, measured at the property line.
- (5) Miscellaneous.
- A. All electric lines/utility wires shall be buried underground.
 - B. Any outdoor mechanical equipment associated with and necessary for operation, not enclosed in a building, shall be enclosed with a six-foot fence. The supporting tower shall also be enclosed with a six-foot fence unless the base of the tower is not climbable for a distance of ten feet.
 - C. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty days.

- D. Every builder of a WECS shall be informed that he or she should be insured with minimum liability coverage under his or her homeowners or business policy by classifying it as a pertinent structure.

(d) Solar Energy Systems.

(1) Definitions. As used in this section:

- A. "Solar system" means any system or combination of systems or other components thereof, attached or detached, which relies upon the receipt of direct sunlight as an energy source for use in:
1. The heating and/or cooling of space in a building or other structure;
 2. The heating of water;
 3. An industrial, commercial, domestic or agricultural process;
 4. The generation of electricity; or
 5. Any combination of the above functions.
- B. "Attached solar system" means a solar system or component thereof which is attached to a building or other structure, serves as part of a roof of a building or other structure, serves as a window or wall or otherwise serves as a structural member of a building or other structure which has a primary use other than solar collection.
- C. "Detached solar system" means a solar system or component thereof which is not attached to a building or structure but has as its primary use solar collection, except that plumbing and electrical connections are not considered attachments. Landscaping may be considered a detached element of a solar system.
- D. "Joint use solar system" means a solar system which is intended to serve more than one user and may or may not be owned and operated by a public utility.
- E. "Solar access" means the ability of a solar system, between 9:00 a.m. and 3:00 p.m., to receive direct sunlight on December 21 of any calendar year.

- (2) Accessory uses. Solar systems as accessory uses are permitted in any zoning district. As accessory uses, solar systems are exempt from the regulations requiring their location in the same building as the permitted use.

- (3) Principal permitted uses. A solar system as a principal permitted use or joint use shall be permitted in Industrial Districts.
- (4) Within required yards. Detached solar systems shall be permitted within side yards and rear yards subject to placement regulations for accessory buildings set forth in Section 1286.44.

Attached solar systems shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.

- (5) Impacts of planned developments on solar access. Solar access shall be protected from planned developments in the following manner: No structure, whether a principal or accessory use, no plant materials, whether trees, shrubs or other and no permanently fixed equipment shall be of such height that it would cast a shadow on any portion of an existing solar system which has been recorded with the Zoning Administration and has not been discontinued for more than twelve consecutive months.

Shadows cast by a six-foot structure located on the property line are not considered to impair solar access. Insubstantial shadows, such as those cast by utility poles, wires and slender antennas, are not considered to impair solar access. The Village street trees are not considered to impair solar access.

- (6) Effect and enforcement. Once a solar system has been recorded, the Zoning Administrator is to give written notice to abutting and nearby property owners that the solar system is recorded and that no one is allowed to construct, plant or otherwise place any obstruction that shades the solar system. The Zoning Administrator shall maintain, in files, proper formulas to determine shadows cast by objects of different heights.

(e) Storage of Firewood. There shall not be more than one-half cord of firewood stored within a structure or upon a porch or patio unless otherwise approved by the Fire Chief or his or her designated representative. Larger amounts, not to exceed ten cord (a cord equals four feet by four feet by eight feet) cut to two feet or less in length shall be stored as far as possible from any structure as the physical limits of the property will permit. No woodpile shall be stacked higher than five feet, unless it is properly contained to prevent collapse. All woodpiles shall be piled so as to have an air space of not less than four inches between ground level and the bottom of the woodpile.

Outside storage of firewood in Residence Districts shall be permitted only in side and rear yards. Such firewood shall be stored subject to the setback requirements for accessory buildings.

(Ord. Unno. Passed 12-14-87.)

1286.37 OPEN AIR BUSINESS USES.

Open air business uses, where permitted in a district, shall be subject to the following regulations:

- (a) The minimum area of the site shall be 10,000 square feet.
- (b) The minimum street frontage shall be one hundred feet.
- (c) There shall be provided around all sides of the site, except at entrances, exits and along sides of premises enclosed by buildings, a fence or wall four feet in height in order to intercept wind-blown trash and other debris. The requirement may be waived by the Planning Commission where it can be shown that a fence is not needed to protect adjacent properties from the effects of the open air business use.
- (d) Off-street parking areas and aisles, as required under Chapter 1280, shall be paved in accordance with the requirements of Section 1280.03.
- (e) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or cast direct illumination on adjacent properties.
- (f) Before approval is given for any use, a site plan shall be first submitted to the Planning Commission for review as to the suitability of the location of entrances and exits to the site, of parking areas, fencing, lighting and other design features.
- (g) All open air business uses shall comply with all Village and County health regulations regarding sanitation and general health conditions.
(Ord. Unno. Passed 12-14-87.)

1286.38 HISTORICAL DESIGNATION.

The Planning Commission and Council may designate certain properties or structures as historical structures or properties. The occupation of these structures or properties for uses other than those permitted in zoning districts in which they lie may be permitted after a public hearing by the Commission and approval of Council. A site plan shall be submitted and approved in accordance with Section 1286.43.

(Ord. Unno. Passed 12-14-87.)

1286.39 PROTECTIVE SCREENING.

To provide adequate protective screening designed to reduce the problems of noise, litter, glare, etc. associated with commercial, industrial and parking uses, unless otherwise provided in this chapter, the following regulations shall apply:

- (a) Definitions. As used in this section:
 - (1) "Berm" means a mound of earth no less than four feet high and contoured to a gradient of no less than three to one. The berm will be planted with grasses and/or shrubs and trees so as to be attractively landscaped.

- (2) "Fence and landscaping in combination" means four foot high post and wire fence on or near the property line with a three foot wide planting strip inside or outside the fence. The plants in the planting strip shall be selected and arranged to provide a maximum opacity to a height of a minimum of four feet and a maximum of six feet.
 - (3) "Greenbelt" means a continuous strip of landscaped land at least six feet wide unless otherwise specified that contains densely planted trees and/or shrubs which are so selected and arranged as to provide maximum opacity to a height of a minimum of four feet and a maximum of six feet.
 - (4) "Wall or solid fence" means a wall constructed with a solid unpierced masonry material. The surface areas facing a residentially zoned district shall be constructed of brick, decorative block or similar material that is compatible with the principle buildings in the residential district. Masonry walls shall be erected on a concrete foundation approved by the Building Inspector. Solid fences shall be constructed of wood or post and wire with durable decorative slats. Walls or solid fences shall be a minimum of four feet high and a maximum of six feet high. Walls or solid fences facing a street shall have located between the base of the wall and the street right of way a compact hedge having a height of not less than two feet and maintained at a height of not more than four feet. Such hedge shall be planted on a strip of no less than three feet in width.
- (b) The common lot line between commercial and/or industrial uses and land zoned for residential use shall be protected with screening erected by the commercial and/or industrial land owner. The screening will be one of the types described in this section unless a specific type of screening is required elsewhere in this Zoning Code. If the rear wall of a commercial and/or industrial building is two feet or less from the alley right-of-way line, the wall may serve in place of the required screening for that portion of the lot upon which the building exists.
 - (c) All parking areas, except those for one and two family dwellings, containing more than five parking spaces shall be screened on those sides that either abut or are across the street from residentially zoned property. The screening will be one of the types which are described in this section unless a specific type of screening is required elsewhere in this Zoning Code.

- (d) If an office, commercial and/or industrial use has a depth of two hundred feet or more and the rear property line abuts residentially zoned property, a berm or greenbelt will be provided by the owner on or near the rear property line of the development where it abuts residentially zoned property. If an office, commercial and/or industrial use has 200 feet or more of street frontage and has a side yard that abuts residentially zoned property a berm or greenbelt shall be provided by the owner on or near the side property line of the office, commercial and/or industrial use where it abuts residentially zoned property. Where the lot depth or street frontage is less than 200 feet as stated above, a wall, solid fence or combination of a post, wire fence and a planting strip may be erected in lieu of the berm or greenbelt.
- (e) Where a greenbelt is required, the Zoning Board of Appeals may waive the greenbelt and allow the substitution of a wall or solid fence if it can be shown that intense shade or soil conditions make growing plant materials impractical.
- (f) If landscaping is used as a screening material to fulfill the requirements of this chapter, a landscaping plan will be required. The landscaping plan will include a plot plan of the area with the type, size, placement and expected date of maturity for all plant materials to be used. At the time of planting, all trees will be at least five feet tall and all shrubs will be at least two feet tall, except that shrubs that are less than two feet tall when mature can be planted at the size that is customary for planting. The owner shall see that the landscaping is maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter and the replacement of dead and withered plants. All dead and withered plants will be replaced in a reasonable period of time but no longer than one growing season.
(Ord. Unno. Passed 12-14-87.)

1286.40 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS.

All fences, walls and other protective barriers (referred to in this section as "fences") of any nature or description, located in the City shall conform to Section 1286.10 and Chapter 1282.
(Ord. Unno. Passed 12-14-87.)

1286.41 REFUSE DISPOSAL.

Adequate refuse disposal facilities shall be required in the Multiple-family, Commercial and Industrial Districts. Containers for off-site disposal shall comply with the following:

- (a) Adequate vehicular access shall be provided to such trash containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby.
- (b) A solid ornamental screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen such containers, the maximum height of which shall not exceed six feet.
- (c) The trash containers, the screen wall or fence and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, waste paper or other debris. This maintenance includes the collection and disposal of solid waste and shall be the responsibility of the owner of the premises on which the containers are placed.
(Ord. Unno. Passed 12-14-87.)

1286.42 STANDARDS FOR DECISIONS.

Notwithstanding anything to the contrary contained in this Zoning Code and to secure compliance with Act 638 of the Michigan Public Acts of 1978, as amended, with respect to procedures contained in an ordinance pertinent to special land uses and/or planned unit developments or concepts in the ordinance under different terminology designed to accomplish similar objectives of a reviewing process, hereafter such reviewing process is delegated to the Planning Commission. Any site plan review required pertinent to the foregoing is also hereby similarly delegated notwithstanding any other ordinance provision to the contrary. In addition to specific standards which may be applicable, the following standards shall serve as a basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this chapter. The proposed use or activity shall:

- (a) Be compatible with adjacent uses of land;
- (b) Be consistent with and promote the intent and purpose of the Planning Commission's adopted Master Plan;
- (c) Be compatible with the natural environment;
- (d) Be consistent with the capabilities of public services and facilities affected by the proposed use; and
- (e) Protect the public health, safety and welfare.
(Ord. Unno. Passed 12-14-87.)

1286.43 SITE PLAN REVIEW.

The purpose of site plan review is to determine compliance with provisions set forth herein and to promote the orderly development of the City, the stability of land values, investments and general welfare and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions

or alterations thereto without proper attention to siting and appearance. This section shall apply to all site plan review procedures unless otherwise provided in this chapter. These procedures shall be minimum requirements, and additional procedures may be required by this chapter or by the Planning Commission.

- (a) Where site plan review is required by the Planning Commission in this chapter, copies of the site plan, including all items required together therewith, shall be submitted to the Planning Commission at a scale of not less than one inch equals 100 feet. The Commission may prepare forms and require the use of such forms in site plan preparation. Site plan review, by the Planning Commission, is required for all commercial properties, except permitted use (Section 1273.02) commercial. Permitted use on commercial properties will be reviewed by the Zoning Administrator.
- (b) A copy of the site plan shall be distributed to each Planning Commission member, the Building Inspector and other individuals and agencies as may be deemed necessary by the Commission. Comments, approvals, etc., by reviewing agencies and individuals are to be provided to the Commission prior to Commission action.
- (c) The following information shall accompany all plans submitted for review:
 - (1) A legal description of the property under consideration;
 - (2) A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements;
 - (3) A fully dimensioned map of the land showing topographic information at a contour interval of two feet or less, if requested by the City;
 - (4) A general development plan with at least the following details shown to scale and dimensioned:
 - A. The location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines and approximate location of vehicular entrances and loading points;
 - B. All streets, driveways, easements, service aisles and parking areas, including general layout and design of parking lot spaces;
 - C. All pedestrian walks, malls and open areas for parks and recreation;
 - D. The location and height of all walls, fences and screen planting, including a general plan for landscaping the development and the method by which landscaping is to be accomplished and maintained;
 - E. The types of surfacing, such as paving, turfing or gravel, to be used at the various locations;

F. A grading plan of the area; and

G. Existing and proposed utilities;

- (5) Plans and elevations of one or more structures indicating proposed architecture and construction standards; and
- (6) Such other information as may be required by the City to assist in the consideration of the proposed development.

Front yard parking may be allowed upon site plan approval by the City Planning Commission.

- (d) In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Commission determines that such criteria are inapplicable:
 - (1) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress to and egress from all parts of the site by fire and safety equipment.
 - (2) Pedestrian walkways shall be provided as deemed necessary by the Commission for separating pedestrian and vehicular traffic.
 - (3) Recreation and open space areas shall be provided in all multifamily residential developments.
 - (4) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in Section 1286.44 unless otherwise provided in this chapter.
 - (5) The requirements for greenbelt, fencing and walls and other protective barriers shall be complied with as provided in Sections 1282.01 through 1282.11 and 1286.10.
 - (6) The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles.
 - (7) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.
- (e) The site plan shall be reviewed by the Planning Commission and approved, disapproved or approved with any conditions the Commission feels should be imposed. However, the applicant shall have the right to appeal to Council for a site plan disapproved by the Commission, provided that the appeal is filed within thirty days after Commission denial.
- (f) The building permit may be revoked by the Building Inspector in any case where the conditions of the site plan as approved by the Planning Commission have not been met.

- (g) Any structure or use added subsequent to initial site plan approval must be approved by the Planning Commission. Incidental and minor variations of the approved site plan with written approval of the Building Inspector shall not invalidate prior site plan approval.
(Ord. Unno. Passed 12-14-87; Ord. 2001-02. Passed 2-12-01; Ord. 2016-07, passed 6-13-16.)

1286.44 SCHEDULE OF PLACEMENT, SIZE, BULK AND HEIGHT REGULATIONS.

| Min. Yard Requirements | | | | Max. Height of Building | | Minimum Yard Requirements: Unobstructed Sides (ft.) | | | | Min. Floor Area Per Dwelling Unit (sq. ft.) (e) |
|------------------------|----------------------|-------------------------|-----------------------------|-------------------------|----------|---|-----------|-----------|------|---|
| Zoning District | Min. Lot Width (ft.) | Min. Lot Area (sq. ft.) | Max. Lot Coverage (Percent) | (In stories) | (In ft.) | Front (a, b, c) | One | Two | Rear | |
| R-1 | 65 | 12,000 | 40 | 2 ½ | 30 | 25 | 6 | 12 (fig) | 25 | 960 first floor |
| R-1* | 100 | (g) | 40 | 2 ½ | 30 | 25 | 10 (f) | 20 (f) | 25 | 360 first floor |
| R-M | 100 | 15,000 (h) | 40 | 3 | 40 | 25 | 10 (i, j) | 20 (i, j) | 25 | (k) |
| C-O | - | - | - | 2 ½ | 35 | 25 (s) | (l, m, n) | | 30 | (o) |
| IND | 100 | 15,000 | 50 | - | 35 | 25 | 20 | 40 | 40 | - |

*Accessory Apartments

- (1) Garages. No more than three car - seventeen feet in total height if not attached - on more than 864 square feet if attached, may match roof line of home.
- (2) Accessory buildings. May have maximum fourteen foot side walls; total height not to exceed twenty-three feet - ridge to grade, maximum of 1,200 square feet.
- (3) Storage sheds. Height not to exceed ten feet, ridge to grade. Sheds under 200 square feet do not require a building permit. Site permit needed only for location on lot.

FOOTNOTE TO SCHEDULE OF REGULATIONS

(a) In the IND Industrial Districts, the required front yard shall not be used for loading and/or unloading areas.

(Ord. Unno. Passed 7-10-89.)

(b) Where lots are on Saginaw Bay or Pigeon River, the property shall be treated as a through lot and have required front yards on both frontages.

(c) Reserved

(d) In computing the depth of a rear yard for any building where the rear line of the lot adjoins an alley, one-half of the width of such alley may be included as rear yard depth, provided that the rear yard depth actually on the lot shall not be less than fifteen feet in any Residence District and not less than ten feet in any other district.

(e) The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, garages or accessory buildings.

(f) In the R-1 and R-M Districts, the width of side yards which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than fifty percent of the required front yard for such homes which front upon such side street.

(g) For two-family dwellings, the minimum lot area shall be 15,000 square feet.

(h) The minimum land area required for each dwelling unit in the R-M District shall be:

| Dwelling Unit Size | Land Area (in sq. ft.) | |
|--------------------------------|---|--------------------------------|
| | Two or Three Story <u>Apartments</u> | One Story <u>Townhouses</u> |
| Efficiency or one-bedroom unit | 2,000 | 3,600 |
| Two-bedroom unit | 2,400 | 4,000 |
| Three-bedroom unit | 2,800 | 4,400 |
| Four or more bedroom units | 3,200 | 4,800 |

(i) For every lot on which a multiple, row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the schedule. Each side yard shall be increased beyond the yard spaces indicated by two feet for each ten feet or part thereof by which the length of the multiple, row or terrace dwelling exceeds forty feet in overall dimension along the adjoining lot line. Where a lot adjoins land zoned for R-1 purposes, all buildings four or more stories in height must be set back a minimum of fifty feet from the lot line adjoining the residential zoning.

(j) Where two or more multiple, row or terrace dwelling structures are erected upon the same lot, a minimum yard space of twenty feet in width shall be provided between structures. This yard width shall be increased by two feet for each ten feet or part thereof by which each multiple, row or terrace dwelling structure having common yards exceeds forty feet in length on that side of the dwelling structure facing the common yard; or this yard space shall be increased by two feet for each ten feet or part thereof by which each multiple dwelling structure housing common yards exceeds forty feet in height on that side of the dwelling structure facing the common yard, whichever is greater.

(k) The required minimum floor area for each dwelling unit is:

| <u>Dwelling Unit Size</u> | <u>Floor Area (in sq. ft.)</u> |
|---------------------------|--------------------------------|
| Efficiency unit | 360 |
| One-bedroom unit | 500 |
| Two-bedroom unit | 620 |
| Three-bedroom unit | 760 |

Plus eighty square feet for each additional bedroom.

(l) Where any C-O District borders on a side street whereon a residential zoning district exists in the same block, there shall be provided a setback of five feet from the side street right-of-way line for all commercial buildings and parking and loading areas.

(m) Where a C-O District borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of ten feet from that property line bordering the residentially zoned district.

(n) Loading space shall be provided for in the rear yard in a ratio of at least ten square feet per front foot of building. Where an alley or street exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of such alley or street. The Zoning Board of Appeals may waive this requirement in cases where this section causes undue hardship.

(o) Where hotels or motels are permitted in a C-O District, a minimum of 250 square feet of floor area shall be provided within each unit.

(p) Modifications allowing greater height may be permitted by the Zoning Board of Appeals after a public hearing.

(q) Any lot over fifty feet in an R-1 District shall have a side yard requirement of ten percent on each side up to a maximum of eight feet on each side. A total of two side yards must equal twenty percent of the lot up to a maximum of sixteen feet.

(r) Reserved

(s) In C-O Districts, the required front yard setback may be reduced or eliminated in established Commercial/Office Districts so as to be in balance with existing commercial buildings within 200 feet.

(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 7-10-89; Ord. 2003-07. Passed 3-10-03; Ord. 2004-02. Passed 1-12-04.)