City of Imlay City Zoning Ordinance

Final Draft November 2022

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Article 1: Introduction

Division 1: Title and Purpose

Section 1.1 Title

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

Section 1.2 Purpose

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community as a wholesome, serviceable, and attractive municipality, by having regulations and restrictions that:

a. Promote compatibility of existing and future land uses.

b. The safety and security of home life.

c. Preserve and create a favorable quality of life for residents.

d. Promote good citizenship.

e. Protect and enhance property and civic values.

f. Facilitate efficient traffic operations, minimize congestion, and accident potential.

g. Enhance the environment for pedestrians and other non-motorized types of transportation.

h. Restrict building in floodplain areas as a means of protecting property owners.

i. Protect wetlands in recognition of their irreplaceable environmental value.

j. Promote aesthetics and minimize blight.

k. Provide for convenient vehicular parking.

l. Provide parks, recreation, schools, religious institutions, and community facilities.

m. Encourage a variety of quality housing.

n. Encourage preservation of environmental features through flexible design standards.

o. Promote clean air and water, access to sunlight, sufficient infrastructure, and public services.

p. Assist in implementing and accomplishing the objectives of the City's adopted Master Plan.

q. Provide reasonable means of protecting and safeguarding the City's economic structure.

r. Provide each property owner with a reasonable and economic use of their land.

s. Lessen congestion, disorder and infringement on property values, safety, and quality of life which are often aggravated due to unregulated development.

t. Prevent overcrowding of land and undue concentration of population.

Section 1.3 Districts

In order to effectively meet this purpose, the City is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability, or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, and the City as a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish these purposes by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy, and uses of buildings, and other structures; defining maximum residential density, specifying the percentage of a site available for a building; and requiring building and parking setbacks from property lines and public street rights-of-way.

Section 1.4 Conflicting Regulations

a. Where any condition imposed by any provision of this Ordinance, upon the use of any lot, building, or structure, is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive, or which imposes the higher standard or requirement shall govern.

b. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

c. Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building, or structure; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building, or structure shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure is located.

d. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

e. The regulations herein established shall be considered the minimum regulations for promoting and protecting the public health, safety, and welfare.

Section 1.5 Vested Rights

a. Site Plans Submitted Prior to Effective Date
   1. Construction Begun. Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided construction has lawfully begun, is being diligently carried on, and shall be

completed within one (1) year of the effective date of this Ordinance. The Zoning Board of Appeals (ZBA) may permit an extension of up to one (1) year for completion.

2. Application Submitted. An application shall meet the requirements of the Ordinance effective on the date of submission. An application submitted before the effective date of this Ordinance must be approved by the Planning Commission by the date that the Ordinance takes effect, or the requirements of this Ordinance shall be followed.
3. Application Approved. If an application has been approved within the previous twelve (12) months of the effective date of this Ordinance, it shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Ordinance.

b. For projects not subject to site plan approval, a building permit must be issued prior to the effective date of this Ordinance; otherwise, the requirements of this Ordinance take effect.

c. If the conditions of this Section are not met, the standards and provisions of this Zoning Ordinance shall govern.

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

Section 1.6 Authority

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

Section 1.7 Validity and Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling. Further if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of such provision to any other parcel, lot, use, building, or structure not specifically included in such ruling.

Section 1.8 Effective Date

This Ordinance shall become effective seven (7) days from the date of publication of notice of adoption.

Section 1.9 Repeal of Prior Ordinance

The zoning ordinance previously adopted by the City of Imlay City prior to the adoption of the ordinance from which this chapter is derived, and all amendments thereto are hereby repealed. The repeal of such Ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such Ordinance, or any part thereof, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability.

Adopted: October 2022

Published: 2022

Effective: , 2022

Article 1:Introduction

Division 2: Definitions

Section 1.10 Construction of Language

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

a. The particular shall control the general.

b. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, with the decision made by the Planning Commission, City Commission, or Zoning Board of Appeals, as indicated.

d. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used or occupied”; the word “building” includes the word “structure” and any part thereof; the word “dwelling” includes the word “residence”; the word “lot” includes the words “plot” or “parcel.”

f. The word "person" includes an individual, a corporation, a partnership, an incorporated or unincorporated association, or any other entity recognizable as a "person" under the laws of Michigan.

g. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either…or", the conjunction shall be interpreted as follows:

    1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.

    2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination (i.e., "or" also means "and/or").

    3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

h. The terms "abutting" or "adjacent to" include property along the lot lines of the subject site including those in another community, but do not include lands separated by a public street right-of-way.

i. The term "this Zoning Ordinance" or "this Ordinance" includes the City of Imlay City Zoning Ordinance and any amendments thereto.

j. Terms not herein defined shall have the meaning customarily assigned to them.

Section 1.11 Definitions A-B

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

Access Management (Access Control): A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to Property, Reasonable: A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain vehicle turning movements prohibited for improved safety and traffic operations.

Accessory Building, Structure, or Use: A building, structure, or use which is clearly incidental to, customarily found in connection with, devoted exclusively to, subordinate to, and located on the same lot as the principal use to which it is related. Permitted accessory building, structures, and uses are normally typically, but not exclusively, associated with residential dwellings: decks, gazebos, private garage, shed for yard tools, playhouse, dog pens, boat houses, swimming pools, woodshed and sauna.

Accessory Dwelling Unit (ADU): A smaller secondary home on the same lot as a primary dwelling, having total square footage between 200 and 600. ADUs are independent, habitable, and provide basic requirements of shelter, healing, cooking, water, and sanitary services.

Adequate Lateral Support: The control of soil movement on a site as determined by accepted engineering standards.

Adult Day-Care Facility: A facility other than a private residence, which provides care for more than six (6) adults for less than twenty-four (24) hours a day.

Adult Care Facility, State-Licensed: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979. These acts provide for the following types of residential structures:

a. Adult Foster Care Small Group Home: A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

b. Adult Foster Care Large Group Home: A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

c. Adult Foster Care Family Home: A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty four (24) hours a day for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

d. Congregate Facility: Residence for more than twenty (20) adults.

Adult Entertainment Regulated Uses: See Section XXX Special Land Use Specific Requirements.

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

Alteration: Any change, addition or modification in construction or type of occupancy, any change 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."

Animal, Domesticated: An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming or illness to human beings, including by way of example: bird (caged), fish, turtle, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), dog, and chicken. Wild, vicious, or exotic animals shall not be considered domesticated.

Animal, Exotic: Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal.

Animal, Non-Domesticated (Wild): Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Animal, Vicious: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

***Antennae, Reception*:** See "Reception Antennae."

Aquifer: A geologic formation, group of formations or part of a formation capable of storing and yielding a significant amount of groundwater to wells or springs.

Arcade, Game or Video: The use of a building or a portion of a building for the location, operation, and placement of five (5) or more mechanical amusement devices. Mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

Arterial Street*:* A street defined in the Comprehensive Plan or City's Act 51 Plan as "major traffic routes" and/or as an arterial or major street by the Michigan Department of Transportation where the movement of through traffic is the primary function, with service to adjacent land uses a secondary function.

As-Built Plans*:* Construction plans in accordance with all approved field changes.

Auto (Automobile): Any motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans, and motorcycles.

Automobile Gasoline Station*:* An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An automobile gasoline service station may also include an area devoted to sales of automotive items and convenience goods (mini-mart) primarily sold to patrons purchasing gasoline. An establishment which provides vehicle maintenance or repair is not included within this definition.

Automobile or Vehicle Dealership: A building or premises used primarily for the sale of new and used automobiles and other motor vehicles such as motorcycles, boats, and recreational vehicles. Such a dealership may include outdoor display and accessory indoor maintenance and repair.

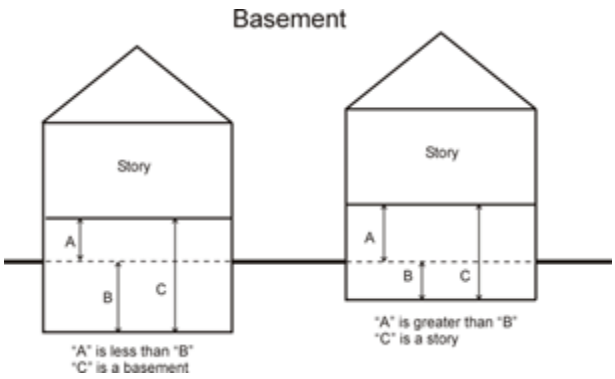
Automobile Repair Establishment (Major Repair): An automotive repair establishment which may conduct, in addition to activities defined below as "minor repairs", one (1) or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank case pan, recapping or retreading of tires, steam cleaning and similar activities.

Automobile Service Establishments (Routine Maintenance and Minor Repair*):* A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile maintenance/service establishment may also sell gasoline, but is distinct from an automobile gasoline station.

Automobile Wash: Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operation.

Base Flood*:* A flood event having a one percent (1%) chance of being equaled or exceeded in any one (1) given year.

***Basement*:** The 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**:* Any dwelling in which overnight accommodations are provided or offered for transient guests for compensation. A bed and breakfast is distinguished from a motel in that a bed and breakfast establishment shall have only one (1) set of kitchen facilities and be architecturally consistent with surrounding homes.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

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

Bluff: An embankment rising sharply from the ground.

Bluff Edge: The upper termination of a bluff. When the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the edge shall be defined as that point nearest the bluff beyond which the downward gradient of the land surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step-like feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. In those cases where irregularities, erosion intrusions, structures or bluff stabilizing devices exist on a subject property so that a reliable determination of the bluff edge cannot be made by visual or topographic evidence, the Zoning Administrator shall determine the location of the bluff edge after evaluation of a geologic and soil report.

Boat Launch: A facility designed to accommodate the launching of shallow draft watercraft via a ramp extending into a water body. A small courtesy pier for the loading and unloading of passengers, etc. may be located at the ramp.

Boatel: A combination of a motel and marina that is accessible to boats as well as automobiles and may include boat sales and serving facilities, overnight accommodations for transients, eating and drinking facilities

Boarding House: A facility in which, for compensation, lodging and/or meals are provided to transient tenants for an extended period of time. The operator of the facility lives on the premise and does not provide personal or medical care or supervision for the tenants. This definition does not apply to facilities licensed under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended or Child Care Organizations Act, P.A. 116 of 1973, as amended.

Brewpub: An eating or drinking establishment that includes the brewing of beer or ale as an accessory use for sale on the same premises of not more than five thousand (5,000) barrels per year (a barrel is equivalent to thirty-one (31) U.S. Gallons).

Buffer Zone*:* A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing singularly or in combination to serve as a visual and noise barrier.

Building: Any structure, either temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include tents, mobile homes, manufactured housing, sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A building shall not include such structures as storage containers, signs, fences, shipping containers, smokestacks, canopies, or overhangs but shall include structures such as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

Building Coverage: The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in plan.

Building Official: An individual or company appointed by the City Commission delegated to administer the City Building Code and City Zoning Ordinance.

Building Department: The Department charged with enforcing this Ordinance. The term "Building Department" shall also include "Planner", “Planning Consultant”, “Engineer”, “Engineering Consultant”, "Building Administrator" “Building Official”, “Building Inspector”, "Director of Community & Economic Development” or "Community Development Director.”

Building Depth. The horizontal distance at the ground floor measured perpendicular from the exterior of the street facing building wall at the build-to line to the opposite exterior wall enclosing the permitted street level active uses.

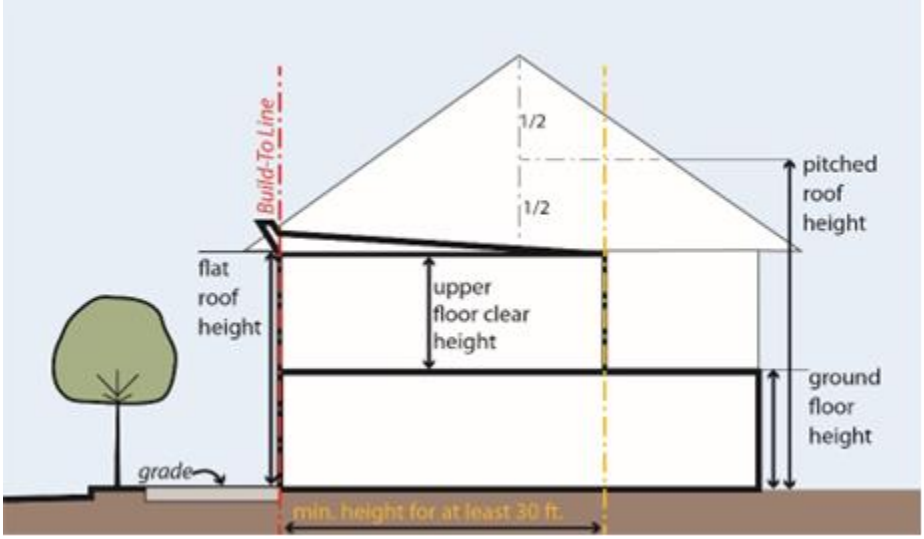
Building Envelope: The ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a principal building and any attached accessory structures (such as a garage) is permitted by this Ordinance. For condominium developments, the building envelope shall be illustrated on a site plan.

Building Height: The vertical distance measured from the finished 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 sloping terrain, the height shall be measured from the average grade.

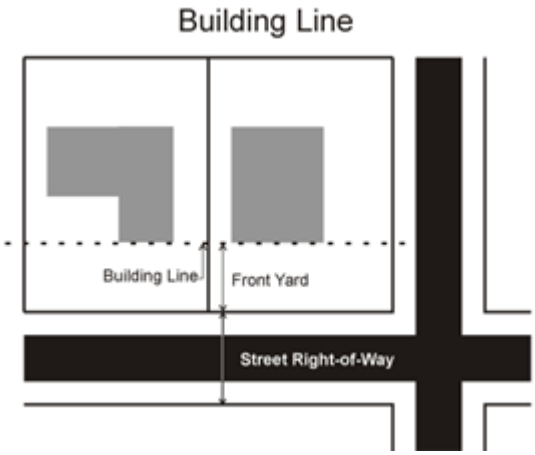
a. **Ground floor height** shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.

b. **Upper floor clear height** shall be measured from finished floor elevation to finished ceiling elevation.

c. **Sill height** shall be measured from the average fronting sidewalk grade to the top of the ground floor window sill.



Building Line: A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.



Building Permit: An authorization issued by the Building Official to move, erect or alter a structure within the City.

Building, Principal: A building in which is conducted the principal uses of the lot on which such building is located.

Build-to: Build-to is a line parallel to the public street right-of-way to which buildings must be constructed.

a. Build-to measurement. Build-to is measured from and perpendicular to the lot line abutting a street. Where a public access easement abuts the public street right-of-way on a lot, the build-to shall be measured from the easement rather than the lot line.

b. Percentage of frontage. Required build-to is calculated as a percentage using the length of the primary building wall divided by the total lot width, as measured at the lot line abutting the subject street right-of-way. Buildings shall be built at or within the build-to requirement for at least the minimum percentage (%) required along the primary and/or secondary frontage.

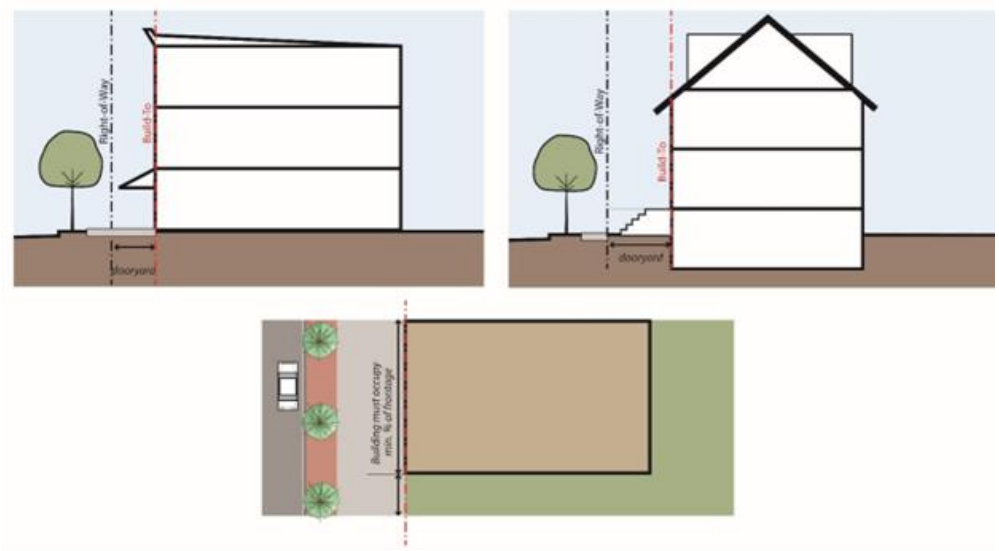
c. Build-to frontage range. Architectural features, such as pilasters or recesses, utilized for building wall articulation that are within two feet of the primary building wall may be utilized in the length of applicable building wall meeting the build-to percentage of frontage.

d. Dooryard. The area between the right-of-way and the build-to line is the dooryard and is intended as a transitional area between the public and private realms for pedestrian-oriented amenities.

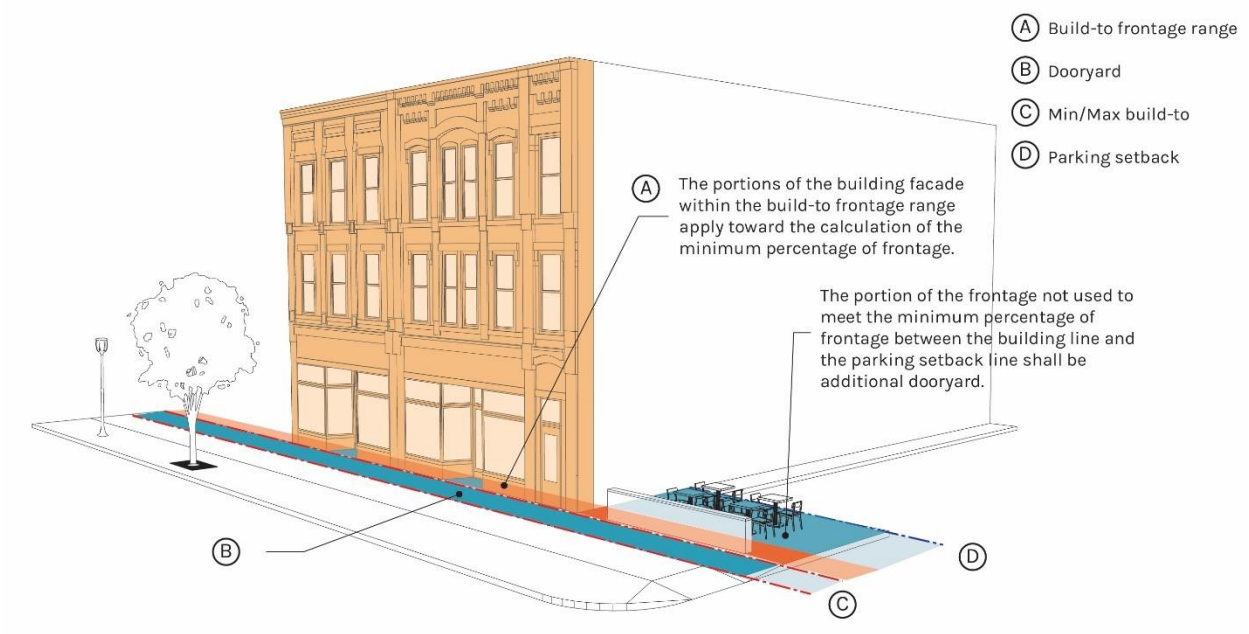
i. The dooryard shall accommodate entrances, outdoor seating, and projections such as awnings, balconies, bay windows, stoops and porches.

ii. The dooryard shall contain urban-style landscape (concrete pavement, brick pavers, planters, street furniture). Lawns are only permitted in the dooryard of residential buildings.

iii. The portion of the frontage not used to meet the minimum percentage of frontage between the building line and the parking setback line shall be additional dooryard.



Build to line diagram



Business Service Establishment: A business which provides business type services to patrons including but not limited to copy centers, postal centers, data centers and computer repair establishments.

Section 1.12 Definitions C-D

Caliper: The diameter of a trunk measured as follows:

a. Existing trees are measured at four and one-half (4.5) feet above the average surrounding grade; and,

b. Trees which are to be planted shall be measured twelve (12) inches above the average surrounding grade if the tree caliper is more than four (4) inches, or if the tree caliper is less than four (4) inches, it shall be measured at six (6) inches above the average surrounding grade.

Canopy Tree: A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purposes of a canopy tree are to provide shade to adjacent ground areas and to enhance aesthetics.

Caregiver: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana, as defined and used by the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq* (as amended).

Carport: A shelter for vehicles consisting of a roof extended from a wall of a building or a partially open structure consisting of a roof and possibly walls.

Cemetery: Land used or intended to be used for burial of the human dead and dedicated for such purposes. Cemeteries include accessory columbaria and mausoleums, but exclude crematories.

Certificate of Zoning Compliance: A document signed by the XXX as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance.

Child Care Organization: A facility for the care of children under 18 years of age, as licensed and regulated by the state under Act No. 116 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such care organizations are classified below:

a. ***Child Care Center or Day-Care Center***: A facility other than a private home, receiving more than six (6) preschool or school age children for group Day-Care for periods of less than twenty four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

   The facility is generally described as a child care center, Day-Care center, day nursery, preschool, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "Day-Care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b. ***Child Caring Institution***: A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that propose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools, or an adult foster care facility in which a child has been placed.

c. ***Foster Family Home***: A private home in which at least one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

d. ***Foster Family Group Home***: A private home in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

e. ***Family Day-Care Home***: A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.

f. ***Group Day-Care Home***: A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

Church or Temple (***also called Place of Worship***):A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

City Attorney: The duly licensed person or firm employed by the City Commission and representing the City in legal matters.

City Commission: The City of Imlay City City Commission.

City Engineer: The duly licensed person or firm employed by the City Commission and representing the City in engineering matters such as drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

City Planner: The person or firm employed by the City Commission and representing the City in planning, zoning and development related matters.

Clerk: The Clerk of the City of Imlay City.

Clinic, Medical or Dental: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Club or Fraternal Organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in this Ordinance.

Co-Location: Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the City.

Commercial Use: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee for more than seven (7) days during a calendar year.

Commercial Vehicle: Any vehicle bearing or required to bear commercial license plates and which falls into one (1) or more of the categories listed below:

a. Truck tractor.

b. Semi-trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures.

c. Vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending supply or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction-oriented contractors.

d. Tow trucks.

e. Commercial hauling trucks.

f. Vehicle repair service trucks.

g. Snow plowing trucks.

h. Any other vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

Common Elements: The portions of the condominium project other than the condominium units are defined as follows:

a. General Common Elements means and includes:

    1. The land in the condominium project.

    2. The foundations, main walls, roofs, halls, lobbies, stairways entrances, exits, or communication ways.

    3. The basements, flat roofs, yards and gardens, except as otherwise provided or stipulated;

    4. The premises for the use of janitors or persons in charge of the condominium project, including lodging, except as otherwise provided or stipulated.

5. The compartments or installations of central services such as heating, power, light, gas, cold and hot water, refrigeration, air–conditioning, reservoirs, water tanks, and pumps and the like.
6. The elevators, incinerators and, in general, all devices or installations existing for common use.
7. All other elements of the condominium project owned in common and intended for common use or necessary to the existence, upkeep and safety of the project.

b. Limited Common Elements means and includes those common elements which are reserved in the master deed for the exclusive uses of less than all of the co–owners.

Common Land: A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of individual building units in a subdivision or a planned unit development.

Common Open Space: An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them, often through a homeowners association.

Community Centers: A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which alcoholic beverages are not normally dispensed or consumed.

Condominium: A system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

Condominium Act: Michigan Act 59 of 1978, as amended.

Condominium, Consolidating Master Deed: The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed. See also "Condominium, master deed."

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the

condominium documents and in accordance with the Imlay City Code of Ordinances and the Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Condominium, Conversion: A condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium, Convertible Area: A unit or a portion of the condominium referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Imlay City Code of Ordinances and the Condominium Act.

Condominium, Expandable: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the Imlay City Code of Ordinances and the Condominium Act.

Condominium, General Common Element: The common elements other than the limited common elements. See also "Common Elements."

Condominium, Limited Common Element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners. See also "Common Elements."

Condominium, Master Deed: The condominium document recording the condominium project as approved by the Community Development Director to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project. See also "Condominium, Consolidating Master Deed."

Condominium, Project: The equivalent to "subdivision," as used in this Ordinance and the subdivision regulations.

Condominium Project, Mobile Home: A condominium project in which mobile or manufactured homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium Setbacks: Setbacks shall be measured as follows:

a. Front Yard Setback: The distance between the public street right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access easement, the front yard setback required in the district shall be

measured from fifteen (15) feet from the nearest pavement edge to the foundation of the unit.

b. Side Yard Setback: The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.

c. Rear yard setback: The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development, rear yard setbacks shall be measured as the distance between the rear building line and the rear site (lot) line, or where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.

Condominium, Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to, a platted subdivision. A residential site condominium project shall be considered equivalent to a platted subdivision for purposes of regulation of this Ordinance.

Condominium Subdivision Plan: The site, survey and utility plans, and sections as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements and any other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium Unit Site: The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term ``condominium unit site" shall be equivalent to the term ``lot," for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Contractor Yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associate

with building or construction. A contractor's yard may include outdoor storage, or a combination of both.

Convalescent Home or Nursing Home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven (7) or more unrelated individuals suffering or recovering from illness, injury, or infirmity. See also "Housing for the elderly."

Cottage: A small, single-family dwelling of conventional or modern construction, built on a foundation. A cottage is independent, habitable, and provides the basic requirements of shelter, heating, cooking, water, and sanitary service and must be connected water, well, sewer, or septic. A cottage must be on legally created parcel and is subject to setbacks of the underlying zoning requirements.

County Drain Commission: The Lapeer County Drain Commission.

County Health Department: The Lapeer County Health Department.

County Road Commission: Lapeer County Road Commission.

Court: An open space bounded on two (2) or more sides by a building or buildings.

Cul-de-sac: A dead-end public or private street, generally short in distance, which terminates in a circular or semicircular section of street which allows for vehicle turnaround.

Cultivation: The act of preparing, growing, tending to, caring for, and/or harvesting a particular plant or crop.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Dangerous or Hazardous Materials: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental or deleterious to the environment or the health of any person handling or otherwise coming into contact with such material or substance.

Day-Care Center: See "Child care organization."

Deceleration Lane: An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Deck: A platform, commonly constructed of wood, which is typically attached to a house and which used for outdoor leisure activities.

Dedication: The intentional appropriation of land by the owner to public use.

Density: The number of dwelling units situated on or to be developed per net or gross acre of land. For purposes of calculating maximum density, only twenty-five percent (25%) of the acreage determined to be wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage. All open bodies of water, land within the 100 year floodplain elevation, public rights-of-way and areas within overhead utility line easements are excluded from this calculation. Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements.

Detention Basin or Facility: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. A development may include a site plan, a plot (building) plan, a condominium plan, a plat or a manufactured housing community.

Diameter at Breast Height (dbh): The diameter measured at a height of four and one-half (4.5) feet above the natural grade.

District, Zoning: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

Dooryard: See **BUILD-TO.**

Drainageways and Streams: Existing permanent or intermittent watercourses.

Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure, including customer communication facilities for banks or other uses. A drive-in restaurant is distinct from a drive-through restaurant in that the majority of drive-in patrons consume food and beverages while in the vehicle and parked on the premises.

Drive-through Window Facilities: A business establishment in which all or at least ten (10) percent of the business consists of providing goods and services from a drive-through window to patrons in motor vehicles.

Dumpster or Waste Receptacle: Any accessory exterior container used for the temporary storage of rubbish, pending collection, having the capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be dumpsters or waste receptacles.

Dwelling Unit: A building, or enclosed portion thereof, designed for occupancy by one (1) family for residential purposes and having independent living, eating, sleeping, cooking, and sanitary facilities. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site built units.

Dwelling Unit, Attached: A dwelling unit attached to one (1) or more dwelling units by common major structural elements.

Dwelling Unit, Detached: A dwelling unit which is not attached to any other dwelling unit by any means.

Dwelling Unit, Efficiency Apartment: A dwelling unit of not more than one (1) room in addition to a kitchen and a bathroom.

Dwelling Unit, Flats: A type of multiple-family housing comprised of attached dwelling units placed side-by-side or stacked, typically with one shared entry. It is appropriately scaled to fit adjacent to single-family units.

Dwelling Unit, Manufactured: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

Dwelling Unit, Multiple-Family: A building designed exclusively for, and containing three (3) or more dwelling units.

Dwelling Unit, Single-Family: A detached building designed exclusively for, and containing one (1) dwelling unit only.

Dwelling Unit, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Dwelling Unit, Two-family or Duplex: ***Duplex:*** An attached duplex is a two-family dwelling in a single structure on a single lot. Individual units can be located on separate floors or on the same level. A detached duplex allows for two dwelling units on one lot, but the dwelling units are not required to be attached.

Dwelling Unit, Townhouse: A type of multiple-family housing comprised of attached dwelling units placed side-by-side. Townhouses are typically narrow, 2-3story residential buildings with each unit having access directly to the street.

Section 1.13 Definitions E-F

Easement: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which no permanent structures may be erected.

Enclosed Building: A permanent building completely enclosed by a roof, walls, and doors on all sides.

Endangered Species Habitat: An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

Entertainment Facilities: An establishment which provides for activities such as but not limited to: bowling alleys, billiard and pool halls, game and video arcades, and tag games. This definition does not include those uses defined in Section XXXXX, Special Land Use Specific Requirements.

Entrance, Pedestrian.

a. An entrance is a functional door that remains unlocked and unobstructed during business hours. The entrance shall be a door parallel to a street frontage within 15 feet of the building face; or a door at approximately a 45-degree angle to the intersecting streets of a corner lot.

b. The entrance shall be a door parallel to a street frontage within 15 feet of the building face; or a door at approximately a 45-degree angle to the intersecting streets of a corner lot.

c. The distance between entrances shall be measured from the center of the door or set of doors.

Environmental Contamination: The presence or release of a hazardous substance or other substance in a quantity that is or may become injurious to the environment or to the public health, safety, or welfare.

Erected: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

Essential Public Services: The erection, construction, alteration or maintenance by the public utilities or municipal department of underground, surface or overhead gas, electrical, cable television, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings or storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health safety or welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities. Radio and television towers and cellular phone antennas are defined under "Wireless Communication Facilities."

Essential Public Service Building: A building or structure principal to an essential public service, such as a drop-off stations for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations.

Essential Public Service Building Storage Yard: An outdoor storage area used as a principal or accessory use for an essential public service.

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

Existing Use: The use of a lot, parcel, or structure at the time of the enactment of the ordinance.

Facade: The exterior wall of a building exposed to public view.

Family: Family means either of the following:

a. A domestic family which is one (1) or more persons living together and related by the bonds of blood, marriage or adoption, together with caretaker of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic housekeeping unit in a dwelling, or

b. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character with a demonstrable and recognizable bond which render the persons a cohesive unit. All persons must be cooking and otherwise operating as a single housekeeping unit.

c. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Family Day-Care Home: See "Child care organization" or "Adult foster care facility."

Family Foster Care Home: See "Adult foster care facility or "Child care organization."

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming with acceptable farming practices is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, public or private stables, commercial kennels, stone quarries or gravel or sand pits, shall not be considered farms hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres. No farms shall be operated as piggeries, or for the disposal of garbage, public sewage, or rubbish, or as rendering plants, or for the slaughtering of animals except animals raised on the premises or maintained on the premises for at least one (1) year for the consumption by persons residing on the premises. Under no circumstances shall wild, vicious or exotic animals be considered farm animals or products.

Farm Building: Any structure or building other than a dwelling used or built on a farm.

Fence: An accessory structure constructed of wood, masonry, stone, wire, metal or any other material or combination of materials approved by the Building Department, intended

for use as a barrier to property ingress or egress, a screen from objectionable vista, noise, and/or for decorative use.

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

Filling Station: Bulk storage tanks of flammable and combustible liquids, compressed gases or liquefied petroleum gas (LP gas) for business use, retail use, wholesale, or wholesale distribution.

Fishery: A fishing establishment where fresh fish are received via a docking facility and processed, displayed and/or packaged for distribution and sale.

Fitness Center or Health Club: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Area: Land which on the basis of available floodplain information is subject to a one (1) percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a flood hazard boundary-floodway map.

Floodplain: Land at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100 year flood boundary) in the flood insurance study for the City of Imlay City.

Floodway: The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

Floor Area, Gross or Total: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, courtyards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

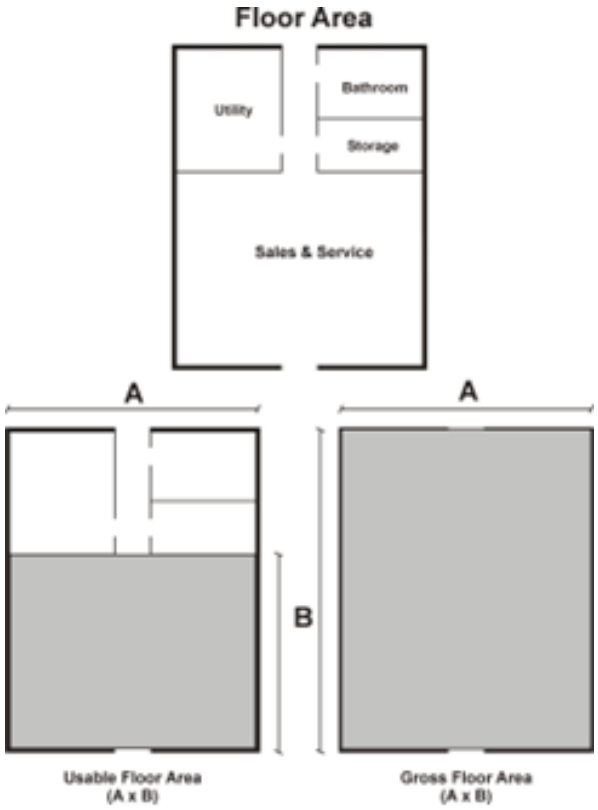
Floor Area, Residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement excludes areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Floor Area, Useable: For the purposes of computing parking requirements, the useable floor area shall be considered as that area 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, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the useable floor area for all floors.

Floor Area Ratio (FAR): The floor area ratio is calculated as the principal building's total floor area divided by total lot area. The purpose of utilizing FAR is to regulate the bulk of buildings based on lot size. Examples of features included or excluded in the calculation are listed below:

Include in FAR	Exclude in FAR
First story Upper story Attached garage Detached garages located in front of the rear building line Architectural projections with floor area Unenclosed porches, decks, and stoops	Accessory structures Carports Basements Unfinished/uninhabitable attics Detached garages located behind the rear building line

Features not specifically listed in the table will be evaluated for inclusion or exclusion by the Zoning Administrator for a determination.



Foot candle: A unit of illuminance or illumination, equivalent to the illumination produced by a source of one candle at a distance of one foot and equal to one lumen incident per square foot.

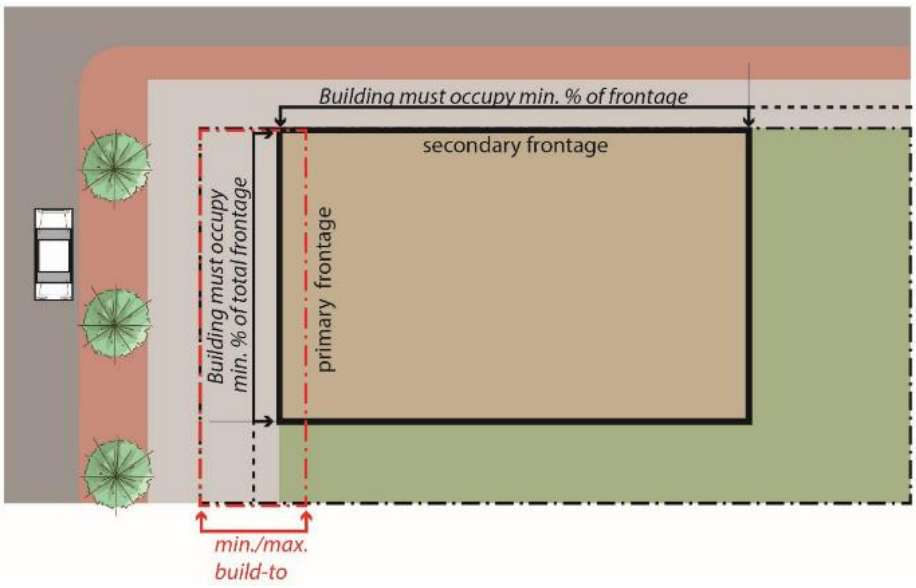
Forestry. *This is not currently defined, just listed under O district purpose… need definition*

Foster Family Home and Foster Family Group Home: See "Child Care Organization" or "Adult Foster Care Facility".

Frontage: The linear dimension measured along the public street right-of-way line or along the private road access easement.

a. Primary frontage is located along the front lot line.

b. Corner lots, through lots, or any lot with more than one street frontage shall have a secondary frontage on every lot line abutting a street other than the front lot line.



Frontage

Frontage Road: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bidirectional in design. The frontage road provides specific access points to private properties while maintaining separation between the arterial street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

Funeral Home or Mortuary Establishment: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

Section 1.14 Definitions G-H

Garage, Private or Public: An accessory building or portion of a principal building designed or use solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garden Center: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

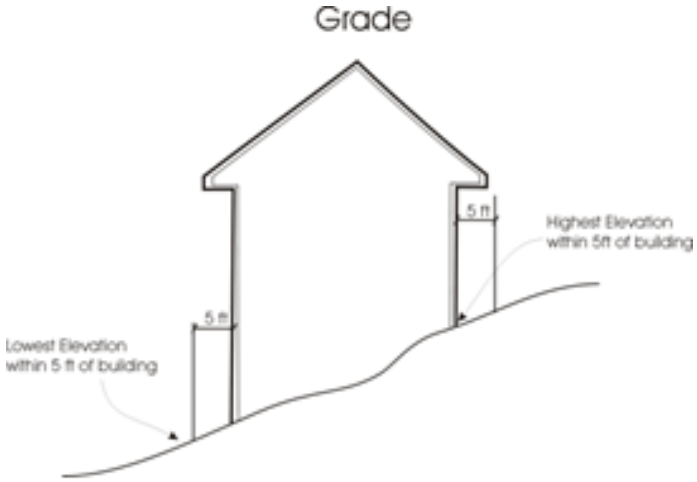
Glare: The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Golf Course: A public or private open area of fairways, greens and rough and may include a clubhouse and related accessory uses provided that all structures and activities shall be an integral part of the intended main recreational land use. Further, all clubhouses, restaurants, pro–shop facilities, etc., shall be secondary in nature to the golf course and may not be continued if the principal golf course activity shall cease or become the minor activity of the facility.

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before construction begins.



Greenbelt: A landscaped area between the property line and the front yard building or parking setback line, this area also includes a front yard parking lot setback area.

Ground Cover: The herbaceous plants that grows over an area of ground.

Group Day-Care Home: See "Child Care Organization" or "Adult Foster Care Facility."

Group Foster Care Home: See "Child Care Organizations" or "Adult Foster Care Facility."

Hard Surface: For a single-family home, hard-surface consists of MDOT 22A or 23A gravel, brick, asphalt or concrete meeting the construction specifications of the City of Imlay City.

Harmful Increase: An unnaturally high stage on a river, stream, or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.

Hazardous Substance: A chemical or other material that is or may become injurious to the public health, safety, or welfare, or to the environment. The term "hazardous substance" includes, but is not limited to, any of the following:

a. Hazardous Substances as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96.510, 94 State. 2767.

b. Hazardous Waste as defined in Part 111 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

c. Regulated Substance as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

d. Hazardous Substance as defined in Part 201 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

e. Used oil.

f. Animal waste or byproducts, or carcasses.

Hazardous Uses and Materials: Any uses which involve the storage, sale, manufacture, or processing of materials which are dangerous, combustible and/or produce either poisonous fumes or explosions in the event of fire. These uses include all high hazard uses listed the International Code.

Hazardous or Toxic Waste: Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed: an increase in mortality, or an increase in serious irreversible illness, or serious incapacitating but reversible illness, or substantial present or potential hazard to human health or the environment.

Hillside: Any portion of a lot, parcel, or tract of land that has an average slope, as measured over any 100 foot length of its natural terrain, 15% or greater.

Historical Feature, Significant: Any site or structure which is located in a designated local historic district or listed in the state or national register of historic places.

Home Occupation: An occupation for gain or support conducted within a residence solely by members of a family residing on the premises and conducted entirely within the dwelling; provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

Hospital: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities and staff offices.

Hostel: An establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a nonprofit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954, as amended.

Hotel: A series of attached, semidetached, or detached rental units which provide lodging on a temporary basis, and are offered to the public for compensation. The term "hotel" shall include tourists cabins and homes, motor courts, and motels. A hotel shall not be considered or construed to be a multiple-family dwelling.

Section 1.15 Definitions I-J

Incinerator Facilities: A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil or municipal solid waste, not including animal or human remains.

Impact Assessment: An assessment of the ecological, social, economic, and physical impacts of a project on and surrounding the development site.

Impervious Surface: a man-made material which covers the surface of land and substantially reduces the infiltration of storm water to a rate of five percent (5%) or less. Impervious surface shall include , but not limited to: pavement, buildings, structures, decks, patios, gazebos, and pools.

Industrial, Heavy: The basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light: The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging,

incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial Park: A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

In-Home Office: Meeting the same conditions as a home occupation, an office utilized by members of a family residing on the premises, and conducted entirely within the dwelling, for an occupation where no customers or clients are seen at the office.

Inland Buffer Zone: The area established by Public Law 89-668. (insert map)

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junkyard: See "Salvage yard."

Section 1.16 Definitions K-L

Kennel, Commercial: Any lot or premises on which more than three (3) pets (but not including wild, vicious or exotic animals), four (4) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, protection, hobby, pets or transfer.

Laboratory: An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

Landfill: A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

Livestock: Horses, cattle, sheep, goats, and other domestic animals normally kept or raised on a farm. Chicken nor wild, vicious, or exotic animals shall not be considered livestock.

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

Lodging House: See "Boarding house."

Lot: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance.

A lot may or may not be specifically designated as such on public records. For purposes of meeting the dimensional standards of this Ordinance, a lot does not include public rights-of-way or private road easements, but does include access easements for a service drive.

A lot may be a single lot of record, a portion of a lot of record, a combination of contiguous lots of record, contiguous portions of lots of record, a parcel of land described by metes and bounds or a condominium lot. A lot will have one identification number. Note: A separate definition is provided for site condominiums.

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way if so included.

Lot Area, Net: The total area of a horizontal plane within the lot lines of a lot, exclusive of any public street rights-of-way or private road easements, or the area of any lake. The lot area shall be used in determining compliance with minimum lot area standards. See definition for "Density."

Lot Area, Net Buildable: The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one (1) or more streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred fifty (150) feet.

Lot, Coverage: The part or percent of a lot occupied by buildings and accessory buildings.

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

Lot, Flag: A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

Lot Frontage: The length of the front lot line.

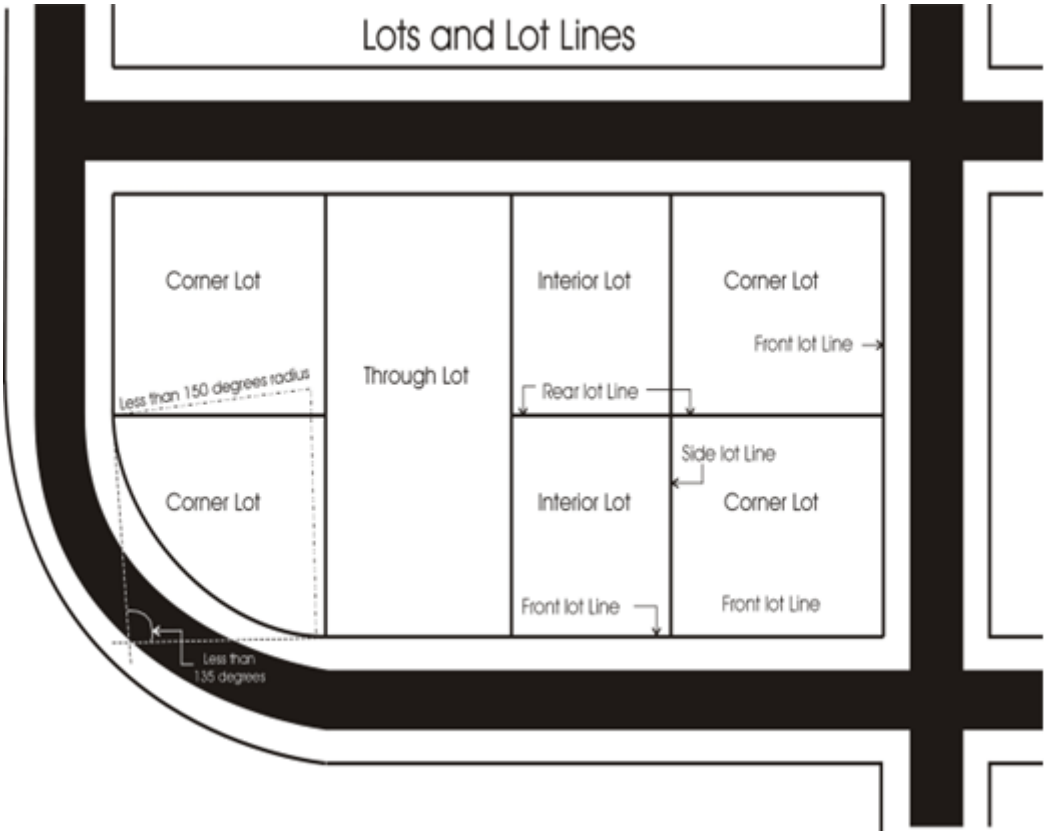
Lot, Interior: A lot other than a corner lot which, with the exception of a "through lot," has only one (1) lot line fronting on a street.

Lot Line: A line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel, or general common element if there is no limited common element, from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

Lot Line, Front: The lot line which separates the lot from the existing street right-of-way or approved private road easement that provides access to the lot.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

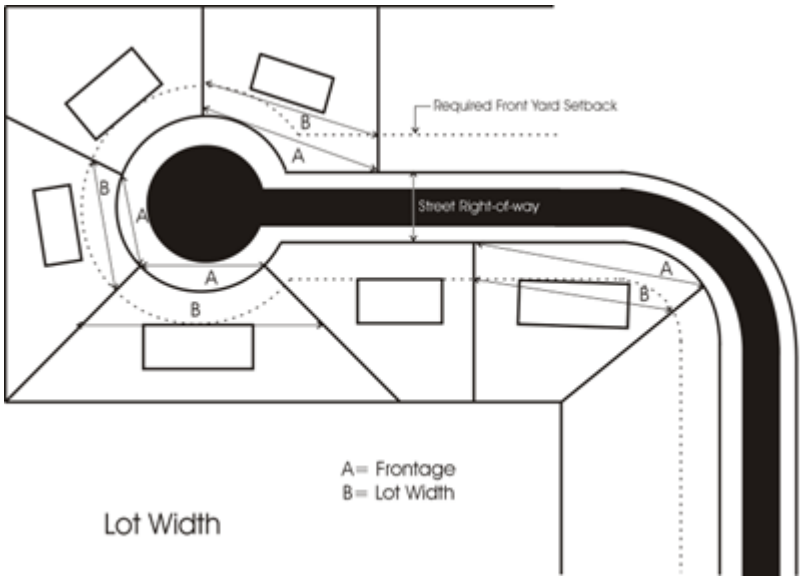


Lot, Nonconforming: A lot of record which does not meet the dimensional requirements of this Ordinance.

Lot of Record: A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Lapeer County , Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds. When two (2) lots in a recorded plat have been combined into a single building site, said lots shall be deemed a single lot of record for the purposes of this Ordinance.

Lot, Through (also called a double frontage lot): An interior lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.



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 (1) or more lots of record, or portions thereof.

Section 1.17 Definitions M-N

Manufactured Housing: A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Manufactured Housing or Mobile Home Park: A parcel or tract of land under the control of a person, group or firm upon which three (3) or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.

Marijuana (also known as Marihuana): All parts of the plant Cannabis sativa L., growing or not; the seeds of that plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. Marihuana does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination. Marihuana does not include industrial hemp, as used by the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq* (as amended), and as defined in the Public Health Code of 1978, MCL 333.7106(4) (as amended).

***Marihuana facilities*:** Marihuana facilities mean "marihuana facilities" as defined by the State of Michigan. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

> ***Air contaminants*:** Stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.
>
> ***Marihuana establishment*:** means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the Marijuana Regulatory Agency.
>
> ***Marihuana Grower*:** means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
>
> ***Marihuana Microbusiness:*** means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer

marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

***Marihuana Processor*:** means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

***Marihuana Retailer*:** means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

***Marihuana Secure Transporter*:** means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

***Marihuana Safety Compliance Facility*:** means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

***State License*:** means a license issued by the Marijuana Regulatory Agency that allows a person to operate a marihuana establishment.

Master Deed, and Consolidating Master Deed: See "Condominium, master deed."

Master Plan: The City of Imlay City Master 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, as adopted by the City of Imlay City Planning Commission and City Commission.

Medical Use (Marijuana): The acquisition, possession, cultivation, manufacture, extraction, use, internal possession, delivery, transfer, or transportation of marihuana, marihuana-infused products, or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, pursuant to the term "Medical Use of Marijuana" as defined and used in the Michigan Medical Marihuana Act of 2008, MCL 333.26421 *et seq* (as amended).

Mezzanine: An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

Microbrewery or Microbrewer: A brewery that produces beer and ale for on-site consumption and retail and wholesale distribution. A microbrewery may be permitted as an

accessory use to a restaurant or a bar, tavern or lounge. See "Restaurant" and "Bar, tavern, lounge."

Mini- or Self-Storage Warehouse or Facility: A building or group of buildings in a compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Mobile Home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include modular homes, motor homes, or travel trailers.

Modular Home: A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flat-bed and assembled for permanent location on the lot.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom and closet space which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Natural Features: Features including soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geological formations.

Non-Conforming Building or Structure: A building or portion thereof, existing at the effective date of this Ordinance, as amended, and that does not conform to the provisions of this Ordinance in the district in which it is located.

Non-Conforming Lot: A lot lawfully existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the dimensional standards for the district in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance, as amended, and that does not conform to the use regulations of the district in which it is located.

Nuisance Factors: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration,

shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people and traffic.

Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or 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, vegetables or Christmas trees.

Section 1.18 Definitions O-P

Obscuring Screen: A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

Occupancy, Change Of: A discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or the expansion of a use.

Occupied: Used in any manner at the time in question.

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

Offset: The distance between the centerlines of driveways or streets across the street from one another.

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 two (2) vehicles.

Open Front Store or Restaurant Window: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure, such as ice cream and yogurt restaurants serving to patrons through a walk-up window. The term "open front store" shall not include automobile repair establishments or automobile service stations. See also "Restaurant."

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, lawns, decorative planting, walkways, gazebos, active and passive recreation areas, playgrounds, fountains, swimming pools, woodlands, wetlands and water courses. Open space shall not be deemed

to include driveways, parking lots or other surfaces designed or intended for vehicular travel, but may include a recreational clubhouse or recreation center.

Ordinary High-Water Mark: The state's Natural Resources and Environmental Protection Act 451 of 1994, Part 325 Great Lakes Submerged Land defines the Ordinary High-Water Mark (OHWM) as the elevations set by the Act. When the soil, configuration of the surface, or vegetation has been altered by man's activity, the ordinary high-water mark shall be located where it would have been if this alteration had not occurred.

Outdoor Display, Sales, or Storage: Outdoor display, sales, or storage that is accessory to a permitted commercial use or a business operated substantially outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); sale of building and lumber supplies; automobiles, recreational vehicles, boats, mobile homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; rental and leasing establishments; and year-round flea markets farmer's markets, roadside stands, and auctions.

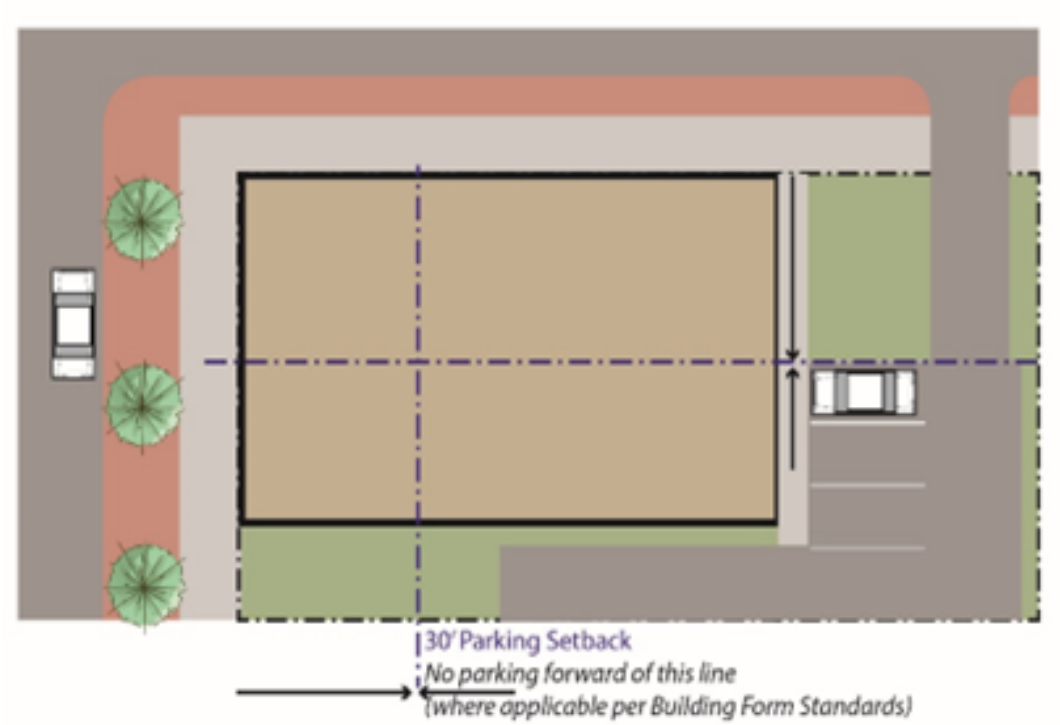
Parapet Wall: An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment.

Parcel or Tract: A continuous area of acreage of land which can be described as provided for in the Michigan Land Division Act.

Park: A noncommercial, not-for profit facility designed to serve the recreation, educational, or cultural needs of the residents of the community. Such facilities include subdivision recreation facilities (neighborhood parks), City parks and City-owned land intended for gathering or assembly, community parks, regional parks, and special use facilities, all as described in the City of Imlay City's Parks and Recreation Master Plan Park Inventory. Such facilities may also include, but shall not be limited to, school and institution ballfields, football fields, and soccer fields, and any land that meets the above definition. Additionally, a park shall include an open space with natural vegetation and landscaping used principally for passive recreation. Commercial amusement facilities, such as water slides, go-cart tracks, and miniature golf courses shall not be considered parks.

Parking Lot, Off-Street: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of more than three (3) vehicles.

Parking Setback: A line measured perpendicular to the lot line. Surface and structured parking and loading spaces are not permitted within a parking setback on the ground level.



Parking Space: An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and which is accessible for the parking of permitted vehicles.

Pawnshop: Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back again to the pledger or depositor, or loads or advances money on personal property by taking chattel mortgage security theron, and takes or receives such personal property.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations and the approved plans and specifications of a development.

Person: Any individual, partnership, corporation, trust, firm, joint stock corporation, association or other organization; any governmental body including federal, state, county or local agencies.

Personal Services Establishment: A business providing personal services to patrons including but not limited to: small electronics and appliance repair shops; shoe repair;

dressmakers and tailors; hair styling, piercing, and tanning salons; licensed massage and tattoo parlors; travel agencies; and decorating and upholstery shops.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Pet Boarding Facility: A facility for the daily observation and care of dogs, cats, or other household pets, but not including farm animals or livestock, which may provide ancillary services such as grooming and training, adoption and rescue, but not breeding. The facility may be operated for profit and may offer overnight stays but does not include the long-term raising of animals more commonly associated with a kennel.

Petitioner, Applicant or Developer: A person, as defined herein, who may hold any recorded or unrecorded ownership or leasehold interest in land. This definition shall be construed to include any agent of the person.

Place of Worship: A building, the primary use of which is regular assembly of persons for religious worship or services, together with accessory uses.

Planned Unit Development: A form of land development comprehensively planned as a single development which permits flexibility in building, siting, useable open spaces, and the preservation of significant natural features. A PUD may contain a mix of housing types and non-residential uses.

Planning Commission: The City of Imlay City Planning Commission, as duly created under the Michigan Planning Enabling Act, Act 33 of 2008.

Plat: A map or chart of a subdivision of land which has been approved with the Michigan Land Division Act, Michigan Public Act 288 of 1967, as amended.

Playscape: A set of playground equipment that is designed in an integrated pattern.

Pool or Billiard Hall: An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables. See "Recreation Facility (Indoor)".

Ponds and Lakes: Natural or artificial impoundments that retain water year round.

Porches, Stoops, and Porticos

a. A stoop is a small staircase ending in a platform and leading to the entrance of the building.

b. A porch is a covered stoop.

c. An enclosed porch is a covered stoop that has walls enclosing the platform on all sides.

d. A portico is a defined entry landing or platform that serves a similar architectural purpose as a porch or stoop as defining a clear entryway, but with a ramp or at-grade entrance instead of steps.

e. Depth shall be measured perpendicular from the building facade to the opposite edge of the platform. Steps shall not be included in the measurement.

Primary Containment Facility: A tank, pit, container, pipe, or vessel for first containment of a hazardous substance.

Principal Building or Structure: A building or structure in which is conducted the primary use of the lot upon which it is situated.

Principal Use: The primary use to which the premises are devoted and the purpose for which the premises exist.

Public Building: Any building, structure, facility or complex used by the general public or providing public services, whether constructed by a state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to; assembly buildings, such as auditoriums or libraries, City, Hall community centers, Senior Centers or Fire Halls.

Private Club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members and meet certain prescribed qualifications for membership. (Places of worship are not considered a private club for the application and use in this Ordinance).

Private open area. Private open area is defined as an unenclosed occupiable area within the buildable area, which is accessible only to occupants of the particular development. A private or semi-private usable open is defined as a percentage of the total buildable area. This requirement may be satisfied in a variety of configurations, at or above grade. A minimum private open area, within, and equal to a percentage of, the total buildable area, is prescribed in the districts.

Public and Quasi-Public Institutional Buildings, Structures, and Uses: Buildings, structures, and uses of governmental agencies and nonprofit organizations including, but not

limited to, office buildings, police stations, fire stations, municipal parking lots, post offices, libraries, museums, and community centers.

Public Park: Any developed land intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Open Space: Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Utility: Any 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, public water, telephone lines, cable television services, communication, telegraph, and construction and maintenance of streets.

Section 1.19 Definitions Q-R

Reception Antenna: An exterior apparatus capable of receiving communications for radio or television purposes including satellite dishes and other satellite reception antennae but excluding facilities considered to be essential public services or those preempted from City regulation by applicable state, Federal Communication Commission (FCC), or Federal laws or regulations.

Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion,

Recognizable and Substantial Benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses(s). Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; and elimination of or reduction in the degree of nonconformity of a non-conforming use or structure.

Recreational Equipment and Vehicles: Portable structures, machines or devices, self-propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such structures,

machines, or devices. Motorcycles, bicycles, minibikes and such vehicles as jeeps, four-wheel drives and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from the provisions of this Ordinance. This does not include a temporary building, structure or use, permitted to exist during periods of construction of the principal building, structure or use. Recreational equipment and vehicles include but are not limited to:

f. ***Travel Trailer:*** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

g. ***Pickup Camper:*** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

h. ***Motor Home***: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarter. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.

i. ***Van/Camper***: A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.

j. ***Folding Tent Trailer***: A folding structure, mounted on wheels and designed for travel and vacation use.

k. ***Boats and Boat Trailers***: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.

l. ***Other recreational equipment***: includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recreation Facility (Indoor): An establishment which provides indoor exercise facilities and/or indoor court and field sports facilities, and which may include spectator seating in conjunction with the sports facilities such as skating rinks, swimming pools, indoor golf facilities and bowling alleys. Auditoriums and stadiums are not included.

Recreation Facility (Outdoor): A publicly or privately owned facility designed and equipped for the conduct of sports activities and other customary recreational activities outside of an enclosed building such as, but not limited to tennis courts, swimming pools, archery ranges, golf courses, miniature golf courses, golf driving ranges, skating rinks, baseball fields, batting cages, soccer fields, and campgrounds.

Recreational Vehicle Park: A campground designed to accommodate those recreational vehicles which are used as a temporary dwelling and are not parked more than six (6) consecutive months in any one (1) recreational vehicle park.

Recycling Drop-Off Center: A building in which used material is separated and processed prior to shipment to for use in the manufacturing of new products. A recycling center is distinct from a junkyard or a salvage yard.

Refuse Collection Station: Any exterior space which is not a principal use for containers, structures, or other receptacle intended for temporary storage of solid waste materials.

Reside: The place that you live in as your permanent residence and if absent intend to return. It shall be the address that appears on your driver's license or Michigan identification card as well as on your voter registration card. Vacation homes, seasonal homes, and income property are not considered where you reside

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

a. ***Restaurant, Carry-Out***: A business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

b. ***Restaurant, Drive-In***: A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
c. ***Restaurant, Drive-Through***: A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
d. ***Restaurant, Fast-Food:*** A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
e. ***Restaurant, Open Front Window***: See "Open front store or restaurant."
f. ***Restaurant, Standard***: A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
g. ***Bar/Lounge/Tavern***: A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may extend beyond 11:00 p.m.; thereby differentiating it from a standard restaurant. A brewpub or microbrewery that operates beyond 11:00 p.m. is considered a bar, tavern or lounge.

Retail Businesses with Adult Novelty Items: An establishment having less than ten percent of all usable interior, retail, wholesale, or warehouse space dedicated to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items, including adult novelty items as defined in Section XXXX which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined and regulated under Section 86 -177(a). Adult entertainment regulated uses. If an establishment has ten percent or more of all usable interior, retail, wholesale, or warehouse space dedicated as provided above, such use is subject to the regulations in Section XXXX

Retail Store: Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Retention Basin: A pond, pool, or basin used for the permanent storage of storm water runoff.

Right-of-Way: A street, alley or other thoroughfare or easement intended to be occupied by a street, crosswalk, railroad, paved paths, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other facility or use, permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

Riparian: Relating to or living or located on the bank of a natural watercourse, such as a river or lake.

Section 1.20 Definitions S-T

Salvage Yard: An 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 materials, paper, rags, rubber salvage yard including automobile wrecking yards and any open area of more than 200 square feet for storage, keeping or abandonment of junk.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially based sources. This definition includes, but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite antennas), and satellite microwave antennas.

Screening: The method by which a view of one (1) site from an adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Secondary Containment Facility: A second tank, catch basin, pit, or vessel that limits and contains a liquid or hazardous substance leaking or leaching from a primary containment

area. Containment systems shall be constructed of materials of sufficient thickness, density and composition to prevent future environmental contamination of land, ground water or surface water.

Senior Housing: Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55). Housing for the elderly may include the types of facilities listed below.

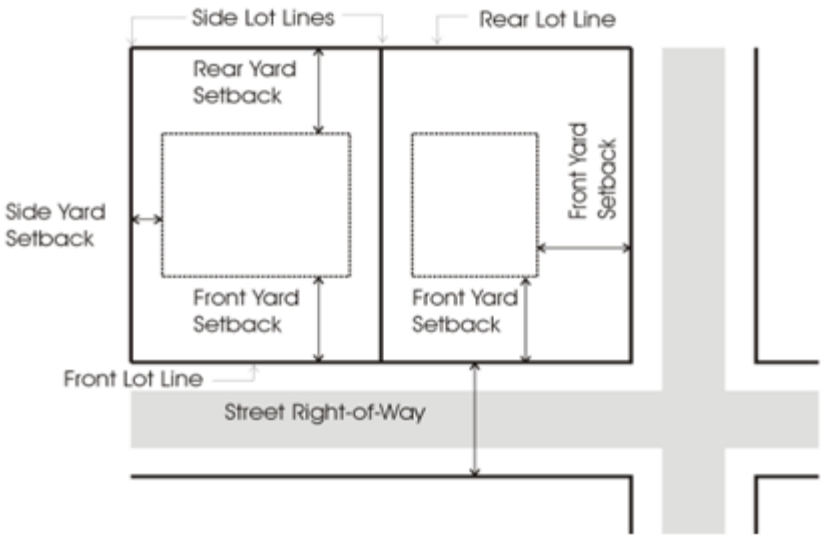
a. ***Senior Apartments (independent care)***: Multiple-family dwelling units where occupancy is restricted to persons fifty-five (55) years of age or older.

b. ***Congregate Care Facilities or Assisted Living Housing:*** A semi-independent, assisted living, housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

c. ***Dependent Housing Facilities:*** Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.

Service Drive: A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback, Required: The required minimum horizontal distance between a front, rear, or side lot line and a building line, for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained. Separate definitions for condominium projects are listed under "condominium, setbacks."



Setback, Parking Lot: The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage

roads and landscaping areas. This setback shall remain as open space as defined herein, unless otherwise provided for in this Ordinance.

Sewer: A public sanitary sewage disposal system approved by the Michigan Department of Public Health.

Shoreline: That area of the shorelands where land and water meet.

Short-term Rental: A dwelling unit, or a group of rooms located within dwelling unit that may be subordinate to the principal use of a dwelling unit as a single family dwelling and forming a single habitable space having facilities which are used or intended to be used for sleeping, cooking, eating, and bathing purposes, rented on a daily, weekly, or other basis for less than 30 days per rental period. A short-term rental is not a bed and breakfast, a motel or hotel, or a boarding house. A short-term rental may be an apartment, a two family dwelling, a multi-family dwelling, or an upper floor, commercial dwelling.

Significant Natural, Historical, and Architectural Features: Significant architectural features, drainageways and streams, endangered species habitat, floodplains, hedgerows, significant historical features, landmark trees, ponds and lakes, steep slopes, wetlands, and woodlots.

Sight Distance: The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway. Required sight distance shall be based on the standards of the Lapeer County Road Commission.

Sign: *See Article 4, Division 4, Signs*

Site Condominium: See "Condominium, site condominium project."

Site Plan: A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

Slope: A percentage figure, which is a measurement of the change in elevation divided by distance. For example, if a lot has a 15-foot change in elevation over a 100-foot distance, the slope would be 15 percent (15/100).

Small Scale Production Establishment: An establishment where shared or individual tools, equipment, machinery are used to make or grow products on a small scale, including design, production, processing, printing, assembly, treatment, testing, repair, packaging as well as

incidental storage, retail or wholesale sales and distribution of products. Included, but not limited to: vegetable farming, making of electronics, food products, prints, leather products, jewelry, clothing/apparel, metal work, furniture, glass, ceramic, and craft beverages. Small scale establishments must have an accessory use, such as retail sales, wholesale trade, and training or education.

Solar Panels: An energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a structures energy requirements.

Special Land Use: A use of land for an activity which, under usual circumstances, could be detrimental to other land uses permitted within the same district but which may be permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district. A special land use requires that a special land use approval be obtained.

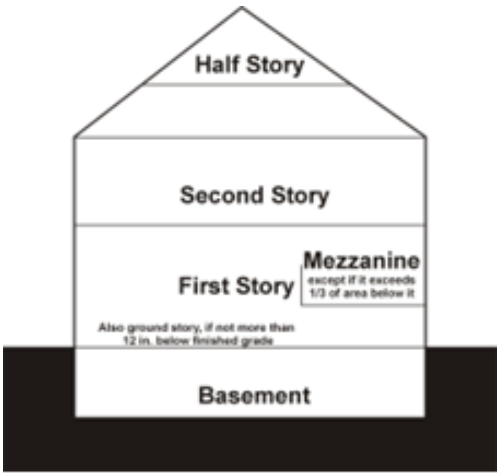
Stable, Private: A stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, or for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one (1) acre of land for each additional horse stabled thereon.

Stable, Public or Commercial: A stable other than a private stable, with a capacity for more than two (2) animals, and carried on within an unplatted tract of land of not less than forty (40) acres for the purposes of rearing and housing horses, mules, ponies or for riding and training academies.

State-Licensed Adult and Child Residential Care Facility: See "Adult Care Facility" or "Child Care Organization."

Steep Slopes: Slopes with a grade of twelve percent (12%) or more.

Stoop, see Porches.



Story: That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty percent (50%), by cubic content, is below the height level of the adjoining ground. A basement shall not be counted as a story.

Street: Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of streets are defined below.

a. ***Arterial Street or Roadway***: A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Imlay City area. An arterial roadway may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway. Arterial roadways are listed in the City Comprehensive Plan.

b. ***Collector Street***: A street or road whose principal function is to carry traffic between minor and local roads and arterial roadways but may also provide direct access to abutting properties. Collector streets are classified in the City Comprehensive Plan.

c. ***Cul-de-Sac:*** A street or road that terminates in a vehicular turnaround.

d. ***Expressways***: Limited access interregional arterial routes, including US-2, designed exclusively for unrestricted movement, have not private access, and intersect only with selected arterial roadways or major streets by means of interchanges engineered for free-flowing movement.

e. ***Highways***: Streets and roadways which are under the jurisdiction of the Michigan Department of Transportation. Highways may also be classified as expressways or arterial roadways.

f. ***Local or Minor Street:*** A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and

local roads with collector or arterial roadways. Local streets are designed for low volumes and speeds of twenty-five (25) mph or less, with numerous curb cuts and on-street parking permitted.

g. ***Private Road:*** Any road or thoroughfare for vehicular traffic which is to be privately owned and maintained and has not been accepted for maintenance by the City, Lapeer County , the State of Michigan or the federal government, but which meets the requirements of this Ordinance or has been approved as a private road by the City under any prior ordinance.

h. ***Public Street:*** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Lapeer County, State of Michigan, or the Federal government.

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

Structural Addition: Any alteration that changes the location of the exterior walls or area of a building.

Subdivision: A subdivision as defined in the City of Imlay City Subdivision Control Ordinance.

Subdivision Plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, ``substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the national register of historic places or the state inventory of historic places.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to allow holding of water to a depth of greater than twenty-four

(24) inches, intended for swimming, bathing or relaxation. The definition of swimming pool includes spa, hot tubs and similar devices. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use.

Temporary Building, Structure, or Use for Construction: A building, structure or use permitted to exist for a specified period during periods of construction or renovations on the principal building, structure or use.

Temporary Uses/Seasonal Events/Sales Stand: Seasonal outdoor events intended for a limited duration within any zoning district. Such a temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and seasonal sales events may include carnivals, circuses, farmers market, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales, flea markets and similar events, and may also include temporary residential uses.

Theater: An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building. ("Theater" is distinct from adult theater defined separately under adult regulated uses).

Therapeutic Massage: The application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner. A massage practitioner must satisfy two (2) or more of the following requirements:

a. The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least five-hundred (500) hours of training including: theory, practice and techniques of massage (minimum three-hundred (300) hours); human anatomy and physiology (minimum one-hundred (100) hours); and professionalism (minimum one-hundred (100) hours). Instruction in this area shall include training in contraindications, benefits, ethics and legalities of massage, building and marketing a practice and other electives as appropriate.

b. The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in paragraph a. above.

c. The person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires at a minimum, the training set forth in a. above.

d. The person has passed the National Certification Exam for Massage and Bodywork Practitioners.

Topographical Map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

Townhouse: A residential structure or group of structures, each of which contains three or more attached dwelling units placed side by side with each unit having access directly to the street.

Traffic Impact Study: The analysis of the potential traffic impacts generated by a proposed project. This type of study and level of analysis will vary dependent upon the type and size of the project.

a. ***Rezoning Traffic Impact Study***: A traffic impact study which contrasts typical uses permitted under the current and requested zoning or land use classification. This study usually includes a trip generation analysis and a summary of potential impacts on the street system.

b. ***Traffic Impact Assessment***: A traffic impact study for land uses which are not expected to have a significant impact on the overall transportation system but will have traffic impacts near the site. This type of study focuses on the expected impacts of a development at site access points and adjacent driveways.

c. ***Traffic Impact Statement***: A traffic impact study which evaluates the expected impacts at site access points and intersections in the vicinity.

d. ***Regional Traffic Impact Study***: A comprehensive traffic impact study for land uses expected to have a significant long term impact on the street system. Such a study evaluates the impacts over a long period and may involve analyses of alternate routes. This type of study is typically prepared using a computer model which simulates traffic patterns.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other natural resources, are delivered for immediate distribution to other parts of the City, for delivery to other intrastate or interstate destinations, or for distribution involving transfer to other modes of transportation.

Section 1.21 Definitions U-V

Underground Storage Tank System: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain an accumulation of hazardous substances, as defined in Part 213 of the State of Michigan Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended.

Urgent Care Center or Emergency Medical Station: A facility offering immediate or emergency health care treatment and can be considered either a principal or accessory use.

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

Used Oil: Any oil that had been refined from crude oil, used, and as a result of such use contaminated by physical or chemical impurities.

Variance: A relaxation or modification of the requirements of this Ordinance as authorized by the ZBA under the provisions of this Ordinance and Act 207 of the Public Acts of 1921, as amended.

Veterinary Clinic, Office or Hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock provided that all activities are conducted within a completely enclosed building.

Section 1.22 Definitions W-Z

Wall: A structure constructed of masonry or brick of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Warehouse: A building used primarily for storage of goods and materials.

Well: A permanent or temporary opening in the surface of the earth for the purpose of removing fresh water, testing water quality, measuring water characteristics, liquid recharge,

waste disposal, or dewatering purposes during construction, as defined in the Michigan Water Well Construction and Pump Installation Code, Part 127, Act 368 of the Public Acts of 1978, as amended, and the rules promulgated pursuant thereto.

Wellhead Protection Area (WHPA): The area around and upgradient from the public water supply wells delineated by the ten-year travel time contour capture boundary.

Wellhead Protection Overlay Zone: The area outlined on the Wellhead Protection Overlay Zone Map.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh. Locations of wetlands are generally shown on the natural features map of the Comprehensive Plan.

Wetland, Regulated: Certain wetlands regulated by the Michigan Department of Environment, Great Lakes, and Energy, EGLE, under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

a. Contiguous to an inland lake or pond, or a river or stream.

b. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size.

c. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the EGLE determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Wholesale Sales: The sale of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind Energy System, Large: a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Wind Energy System, Medium: is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base,

blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed two hundred fifty (250) kilowatts. The total height does not exceed one hundred fifty (150) feet.

Wind Energy System, Small: is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this Ordinance.

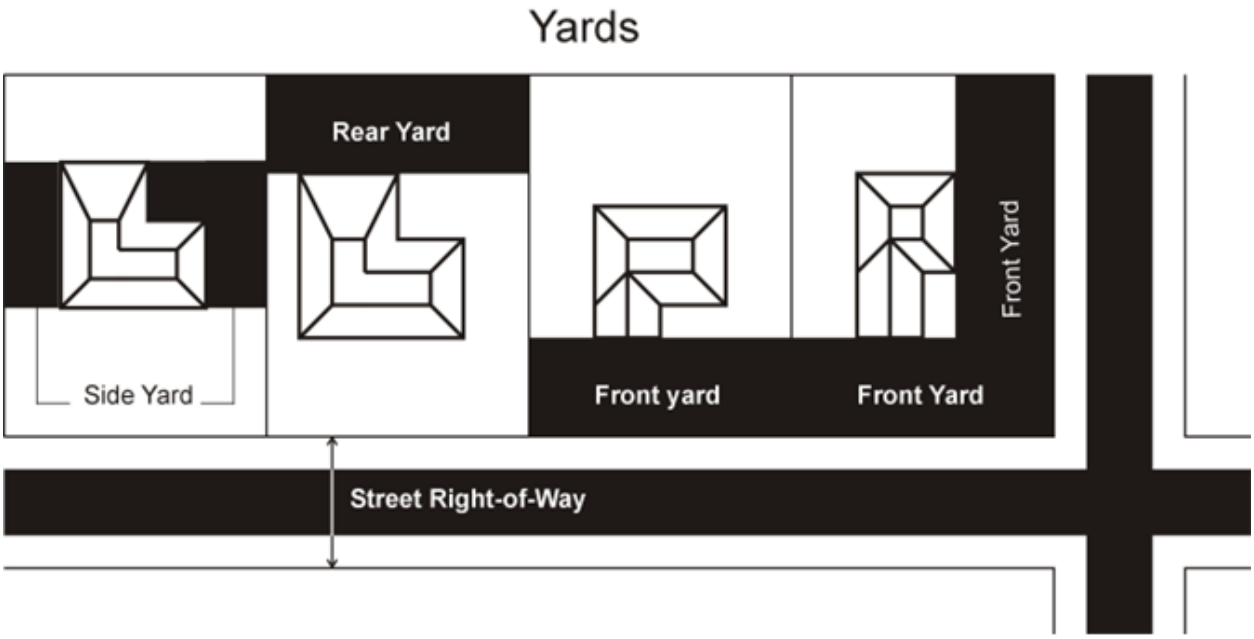
Woodlot: An area of one-fourth (1/4) acre or more containing eight (8) or more trees per one-fourth (1/4) acre, such trees having a four-inch (4) or greater diameter at a four-foot (4) height.

Yard, Required: A required open space on the same lot with a principal building, unoccupied and unobstructed by any building or structure or portion thereof from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front: A required front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the principal building, excepting steps and unenclosed porches.

Yard, Rear: A required rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing an unoccupied space between the rear lot line and the nearest line of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

Yard, Side: A required side yard is an open unoccupied area between a principal building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured from the center of the nearest wall of the building or structure to the nearest point of the side lot line.



Zero Lot Line: The location of a building on a lot in such a manner that one or more of the buildings sides rests directly on the lot line.

Zoning Act: The Michigan Zoning Enabling Act, Public Act 110 of 2006.

Zoning Board of Appeals (ZBA): The City of Imlay City Zoning Board of Appeals created under The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Zoning Compliance Permit: A certificate issued by the Zoning Administrator as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance.

Zoning District: A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Article 2: Districts

Division 1: Districts in General

Section 2.1 Districts Established

For the purposes of this Ordinance, the City is hereby divided into the following zoning districts:

Residential

R-1	Single Family Residential District
R-2	Single Family Residential District
RT	Two Family Residential District
RM-1	Multiple Family Housing District
RMH	Manufactured Housing Community District

Commercial

B-1	Local Business District
B-2	Central District
B-3	General District
O	Office Service District

Industrial

I-1	Light Industrial District
I-2	General Industrial District

Fairground

FG	Fairground District

Park Land

P	Park Land District

Section 2.2 Zoning Map

A map showing the various districts into which the City is divided shall be entitled "City of Imlay City Zoning Map" and shall bear the date adopted or amended, and it shall be the duty of the City Commission to adopt said map by reference. The map is hereby made a part of this Ordinance.

Section 2.3 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts established in this Ordinance as shown on the zoning map, the following rules shall be applied:

a. Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way or street lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
b. Where district boundaries are so indicated that they are approximately parallel to the center lines of street or highway rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances there from as indicated on the zoning map. If no such distance is given, such dimension shall be determined using the scale shown on the zoning map.
c. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
d. Where the boundary of a district follows or terminates at a railroad line, such boundaries shall be deemed to be located or terminated at the rail right-of-way center line.
e. Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at, or terminated at, the limit of the jurisdiction of the City unless otherwise indicated.
f. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.

g. The Zoning Board of Appeals shall make a determination, upon written application, or upon its own motion, in those situations where, due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

Section 2.4 Zoning of Vacated Public Rights-of-Way

Whenever any street, alley, or other public way within the City shall be vacated, such street, alley, or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the center line.

Section 2.5 Zoning of Annexed Areas

Any unzoned area annexed to the City shall, immediately upon such annexation, be automatically classified as R-1 Single Family Residential District until a zoning map for the area has been adopted by the City Commission. The Planning Commission shall recommend a zoning district for such area within three (3) months after the matter is referred to it by the City Commission.

Article 2: Districts

Division 2: Residential

Section 2.10 Single Family Residential, R-1 and R-2

a. Intent: R-1 and R-2

The R-1 and R-2, Single Residential Districts, are intended to be the most restrictive of the residential districts. The purpose is to provide a low-density environment of predominantly single-family dwellings along with other residentially related facilities which serve the residents in the districts. The Single Family Residential Districts recognize and maintain the older established areas of the City which were developed with a consistent lot size and development pattern.

Applicable Building Type: Single-family detached

Section 2.11 Multiple Family Residential, RT, RM-1, MHC

a. Intent: RT

The RT, Two-Family Residential District, is intended to be a medium- to high-density residential district that allows two-family dwellings where slightly greater densities are permitted along with other residentially related facilities which serve the residents in the district. This district also recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family dwellings in order to extend the economic life of these structures and allow owners to justify expenditures for rehabilitation.

Applicable Building type: Duplex, Single-family detached

b. Intent: RM-1

The RM-1, Multiple-Family Residential District, is intended to be the highest density residential district and allow multiple-family dwellings, along with other residentially related facilities which serve the residents in the district. The district will generally serve as a zone of transition between nonresidential districts and lower density single-family and two-family residential districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, single-family community.

Applicable Building type: Multiple-family dwellings, Duplex, Single-family attached, Single-family detached.

c. Intent: MHC

The intent of the MHC, Manufactured Housing Community District, is to provide an affordable housing alternative where placement of such a development would be appropriate and consistent with the general character of the city. The standards required in this district are intended to be consistent with the adopted standards for other types of housing in the City of Imlay City. In addition to the standards of this ordinance, all manufactured housing developments shall comply with Act No. 96 of Public Acts of the State of Michigan of 1987 as amended. However, some standards of this ordinance are more stringent than the typical standards promoted by the Michigan Manufactured Housing Commission. These more stringent standards reflect the overall nature of the City of Imlay City, in contrast with some other areas of Michigan where the universal rules of the Manufactured Housing Commission may be appropriate. These adopted standards are designed to foster and encourage development which compliments and protects the investment on adjacent properties, and promotes preservation of important natural features.

Since the characteristics, densities, and impacts of a manufactured housing development typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which intercept the local street and utility systems, manufactured housing developments are not necessarily considered to be completely compatible with other types of single-family neighborhoods. Therefore, manufactured housing developments are intended to serve as a transitional use between residential and nonresidential districts, similar to the manner and fashion in which multiple family districts are to be utilized.

Applicable Building Type: manufactured housing unit

Section 2.12 Schedule of Regulations

	Min Lot Area (square feet)[A]	Min Lot Width[B, C] (feet)	Maximum Density (dwelling unit per acre)[D,E]	Principal Building Minimum Setbacks (feet)[F]			Maximum Height (feet)	Minimum floor area (square feet)	Maximum Lot Coverage (building/impervious surface)
				Front[G]	Side(one side/total of two sides)	Rear			
R-1	9.600	80	4	30	8/20	35	2 stories, 25 feet	750	25/50%
R-2	7,500	60	5	25	6/16	35	2 stories, 25 feet	750	25/50%
RT	4,000	40	8	25	6/16	35	2 stories, 25 feet	750	35/75%
RM-1	See Section 2.13, RM-1 Multiple Family Regulations								35/75%
MHC									20%

Footnotes:

Lot Measurement:

[A]Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.

[B]The maximum ratio of lot depth to lot width shall not exceed a depth of four (4) times the width.

[C]In residential districts, to ensure lot area is adequate to accommodate homes of similar size, the lot width of corner lots shall be fifteen (15) feet wider than required.

Density

[D] The maximum density figure shall be used to determine maximum density for multiple-family residential uses, site condominium developments, condominium subdivisions and planned unit developments (PUD's). The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way or private road access easements of either interior or bounding roads. Maximum density shall include up to twenty-five percent (25%) of lakes, rivers, streams, and land defined as wetland.

[E] Certain types of "housing for the elderly" generate much lower traffic volumes and other impacts than commonly associated with traditional multiple-family developments. Thus, allowable density for housing for the elderly shall be determined by the maximum units per acre permitted within the particular district, calculated using the following:

1.	Senior apartments	1 unit = 1 unit of multiple-family
2.	Congregate or interim care	2.5 units = 1 unit of multiple-family
3.	Dependent housing facilities	4.0 units = 1 unit of multiple-family

Setbacks

[F] Setbacks shall be measured from public rights-of-way, private road easements and interior driveways.

[G] Permitted front setback reductions:

1. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections (2) and (3) below.
2. The front yard reduction permitted in subsection (1) above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described in subsection (1) above for computing the average front yard.
3. In no case shall the required front yard resulting from the application of subsection (1) and (2) above be less than fifteen (15) feet.

Section 2.13 RM-1, Multiple Family Regulations

a. In the RM-1 Multiple-Family District, the total number of rooms (not inducing kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by twelve hundred (1,200).

b. All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency apartment type.

c. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

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

d. Plans presented showing 1, 2, or 3 bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density.

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

f. For all multiple-family developments the following standards shall apply:

1. Building and parking lot setbacks along exterior property lines shall be a minimum of thirty (30) feet; fifty (50) feet where the development abuts a single-family residential district.
2. The minimum distance between any two (2) buildings shall not exceed thirty (30) feet.
3. Buildings shall be setback at least twenty (20) feet from the nearest edge of any parking lot or aisle. This dimension may include a sidewalk.
4. No building shall exceed one hundred eighty (180) feet in length.
5. Parking shall not cover more than thirty (30) percent of the area of any required yard.
6. Minimum sizes for multiple-family dwelling units:

Efficiency = 450 square feet
1 bedroom units = 550 square feet
2 bedroom units = 750 square feet
3 bedroom units = 950 square feet
Two level units = minimum of 450 square feet on ground level

Section 2.14 Residential Use Table

In the Residential Districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, "A" are permitted as an accessory uses, "CLU" as permitted uses with use conditions or standards, and "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in Article 5, Division 3: Conditional Land Uses and Article 5, Division 4: Special Land Uses. Additional applicable use standards are listed in the column at right.

	R-1	**R-2**	**RT**	**RM-1**	**MHC**	**Use Standards**
Residential						
Detached single-family dwellings	P	P	P	P		
Duplex/Triplex			P	P		
Single Family Attached/Townhouses			P	P		
Multi-family residential dwellings	SLU	SLU	SLU	P		Section 5.57(a)(9)
Upper floor residential dwellings	CLU	CLU				Section 5.44(b)(8)
Manufactured/Pre-Fabricated/Modular housing units					P	
Adult Foster Care and Child Care Residential Services	P/SLU	P/SLU	P/SLU	P/SLU	P/SLU	Section 5.51
Home Occupation	P	P	P	P	P	Section 3.15

Senior Housing				P		
Medical						
Caregiver Cultivation of Marijuana for Medical Use	A/SLU	A/SLU	A/SLU	A/SLU	A/SLU	Accessory to a single-family detached dwelling or a two-family dwelling in accordance with Section 3.6
Hospital				SLU		Section 5.51
Urgent Care				SLU		Section 5.51
Lodging						
B and B			SLU	SLU		Section 5.57(a)(4)
Recreation and Entertainment Uses						
Outdoor Recreation Facility			SLU	SLU		Section 5.51
Indoor Recreation Facility			SLU	SLU	SLU	Section 5.51
Institutional, Educational, and Assembly Uses						
Places of assembly, including places of worship; community center		SLU	SLU	SLU	SLU	Section 5.51
Schools			SLU	SLU		Section 5.57(a)(12)
Public buildings/utilities	SLU	SLU	SLU	SLU	SLU	Section 5.57(a)(6)
Essential public service buildings and structures	SLU	SLU	SLU	SLU	SLU	Section 5.57(a)(6)

Section 2.15 Residential Building Design

a. General Residential Design Standards. The general standards below apply to all newly constructed residential buildings.

1. Fenestration		The primary facade shall have no less than 25% of the total facade comprised of windows and doorways. First story windows shall be taller than second story windows.
2. Facade Articulation		Blank walls over 30′ in length are not permitted.
3. Front Porch or Stoop		(a) Front porches and stoops shall not extend into the public right-of-way. (b) Front porches may be covered by a roof or an open stoop. (c) Finished floor height shall be no more than 7 inches below the first interior finished floor level of the building. (d) Each residential unit with a separate entrance shall include a stoop of not more than 5′ deep and 6′ wide (not including steps or ramp) or a porch between 7′ and 9′ deep.
4. Allowed building materials	Primary Facade	Brick (natural, glazed) Stone (natural, synthetic) Engineered or Fiber Cement Board Siding (e.g. Hardie Panel or LP Smart Side) Metal siding Wood Siding (natural, composite) Vinyl Siding
	Secondary Facade and up to 50% of Primary Facade	Stucco (traditional cementitious, EIFS) Architectural Metal Panel (insulated, composite) Decorative cast concrete screens
5. Garage/Parking		(e) Garages or carports may only occupy a maximum of 40% of the front facade. (f) Temporary carports are not permitted. See also Article 3, Division 1 Accessory Structures

	(g) Driveways and parking areas shall be setback at least five (5) feet from the side or rear lot lines. Construction of any new or expanded off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, brick or other permanent material as approved by the City. All parking areas shall be graded and drained to dispose of all surface water.

b. Building Type Standards. In addition to the General Standards, the following building standards apply to specific residential building types according to permitted uses as defined in the District Articles.

1. <u>Single-Family Detached</u>

a) Description. The Single-Family building type consists of a detached structure incorporating one unit.

b) Building Entrance Orientation

1) Garages, carports, and overheard doors may not apply as the primary entrance.

2) All buildings shall provide at least one primary entrance facing the front lot line. A door may face a side lot line when the porch or stoop faces the front lot line.

3) A walkway must extend from each dwelling primary entry to the sidewalk.

4) Buildings are encouraged to include a stoop, porch, or portico.

c) Parking Access and Location

1) Driveways may be located adjacent to the building.

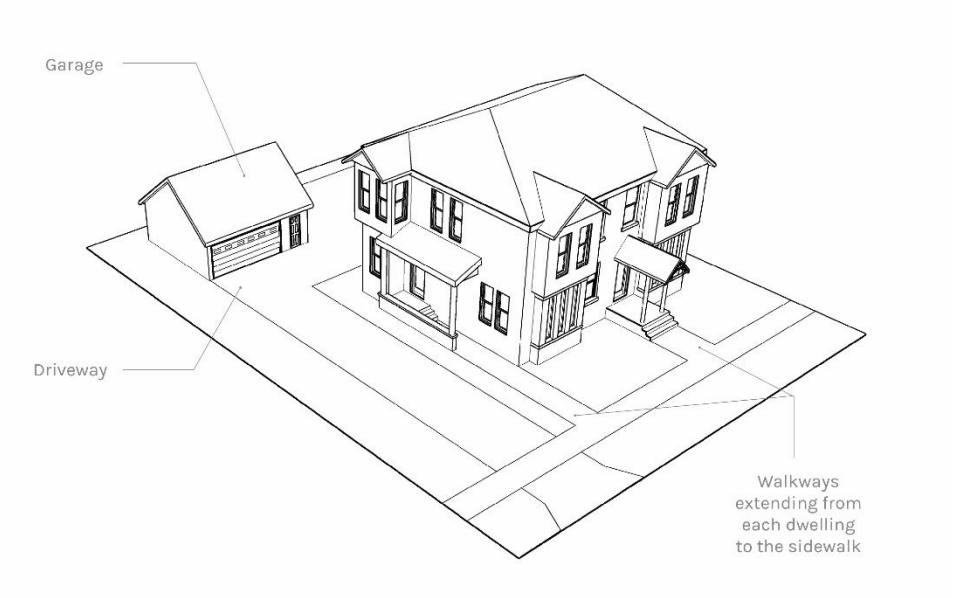
2) Parking may be provided on-street (where permitted) or on a driveway, garage, or carport in the rear or side yard.

3) The driveway should be less than 50% of the front yard area.

4) Garage may be located no closer to the front property line than the garages of dwellings typically found in the surrounding neighborhood.

d) Applicable Districts: R-1, R-1, RT, and RM-1

2. <u>Duplex</u>



a) Description. The Duplex building type consists of structures that contain two dwelling units stacked or placed side by side with each unit having access directly

to the street. This type has the appearance of a medium-sized family home and is appropriately scaled to fit within primarily single-family neighborhoods.

b) Building Entrance Orientation

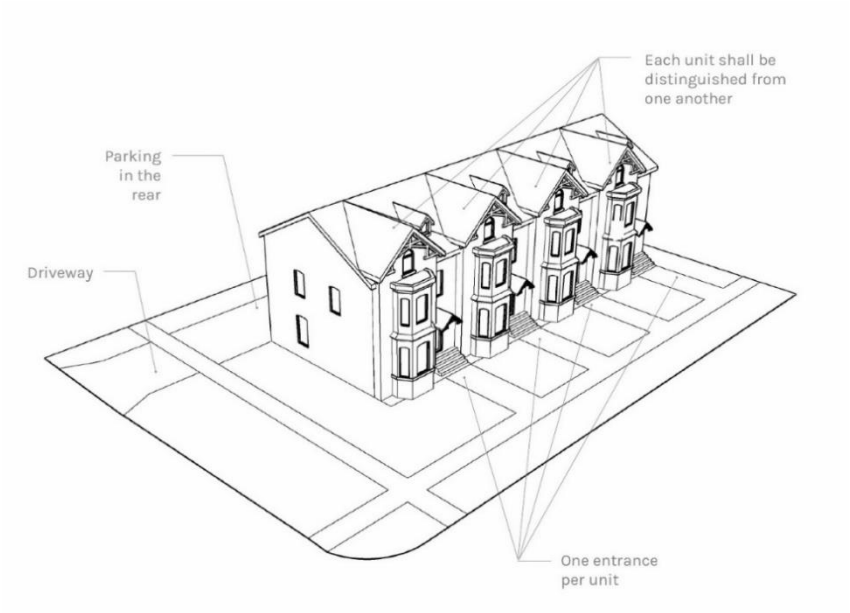
1) All buildings shall provide at least one pedestrian door facing the front lot line. Additional attached units may have doors on the side.
2) Garages, carports, and overheard doors may not apply as the primary entrance.
3) A walkway must extend from each dwelling primary entry to the sidewalk.
4) A porch or stoop is strongly encouraged.

c) Parking Access and Location

1) Driveways may be located adjacent to the building.
2) Parking may be provided on-street (where permitted) or on a driveway, garage, or carport in the rear or side yard.
3) The garage may be located no closer to the front property line than the garages of dwellings typically found in the surrounding neighborhood.
4) Parking areas shall not be located in any required front or side street yard, except in the case of a dwelling with a driveway leading to a garage or parking area the drive may be used for parking.
5) Driveways and parking areas shall be setback at least five (5) feet from the side or rear lot lines.
6) The driveway should be a less than 50% of the front yard area.

d) Applicable Districts: RT and RM-1

3. Townhouses



a) Description. The Townhouse building type consists of structures that contain three or more dwelling units placed side by side. Townhouses are typically narrow, 2story residential buildings with each unit having access directly to the street.

b) Building Entrance Orientation

   1) Each dwelling shall provide a separate pedestrian entryway facing the front lot line with direct access to the sidewalk by way of a front porch or stoop with steps.

   2) Primary entry for each unit or separated occupancy must face onto and connect to the primary street. The corner unit may face the secondary street. Secondary entries permitted from the side or rear.

c) Parking Access and Location

   1) Garages or carports must be accessed from the rear yard via an alley.

   2) Parking may be provided on a driveway, garage, or carport located in the rear yard.

d) Articulation. Adjoined dwelling units shall be distinguishable through a change in plane, change in material, or architectural expression.

e) Applicable Districts: RM-1

4. Manufactured housing units

Any manufactured/modular single-family dwelling, constructed and erected on a lot outside a manufactured housing development, shall be permitted only if it complies with all the following requirements:

a) If the dwelling unit is a manufactured home, it must either be:

1) New and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.

2) Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Zoning Administrator or a designee, to be in excellent condition and safe and fit for residential occupancy.

b) If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and tongue removed.

c) If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks or manufactured housing communities.

d) The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the City, provided, that where a dwelling unit is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulations for construction are stricter than those imposed by City codes, then and such Federal or State standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Zoning Administrator.

e) The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot

width, minimum residential floor area, yard requirements, lot percent coverage and maximum building height requirements of the zoning district in which it is located.

f) The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty (20) feet.

g) The dwelling unit shall be placed on the lot so that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.

h) The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism.

i) A storage area within a building not less than one hundred twenty (120) square feet in an area shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions of this Ordinance pertaining to accessory buildings.

j) Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the City building code.

k) The main roof of the dwelling unit shall have a minimum pitch of four (4) feet of rise for each twelve (12) feet of horizontal run.

l) The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.

m) The dwelling unit shall not contain any additions of rooms or other areas which are not permitted and constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

n) The above standards may be modified by the Zoning Administrator upon determination that the proposed design is consistent with the predominant standard in the surrounding area.

o) Applicable district: MCH

Section 2.16 Residential Recreational Area

a. Any residential subdivision, condominium, or multiple-family development comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to fifteen hundred (1,500) square feet for each lot or dwelling unit in the subdivision, condominium project, or multiple-family development. The Planning Commission may modify this requirement when it is determined that alternate recreation facilities are provided nearby.

b. The recreational area shall be well-drained, graded, seeded, or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the Planning Commission as part of the site plan review.

c. Preservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

Section 2.16 Site Development Requirements

All Principal, Special, and Conditional Land Uses are subject to the following site development requirements:

a. Article 3: General Provisions

b. Article 4 Division 1: Off-Street Parking and Loading Standards

c. Article 4 Division 2: Access Management and Driveway Standards

d. Article 4 Division 3: Landscape Standards and Tree Replacement

e. Article 4 Division 4: Signs

f. Article 4 Division 5: Lighting Standards

g. Article 5 Division 1: Site Plan Review

Article 2: Districts

Division 3: Commercial

Section 2.20 Office, OS

a. Intent: The OS-1, Office-Service District, is intended to concentrate a variety of office uses of a business and professional nature, and personal and professional service activities compatible with office uses. This District is intended to provide a transition between commercial districts and the adjacent residential districts.

Section 2.21 Local Business District, B-1

a. Intent: The B-1, Local Business District, is intended for the convenience shopping of persons residing in nearby residential areas. The intent of this district is to concentrate businesses that harmonize with the character of the surrounding uses, and to prohibit uses which might create traffic hazards, offensive noises, and late hours of operation.

b. In the B-1 Local Business District, all uses shall deal directly with consumers; all business, servicing, or processing, except for off-street parking and loading, shall be conducted on the premises within a completely enclosed building.

Section 2.22 Central Business District, B-2

a. Intent: The B-2, Central Business District, is intended to provide for a traditional mixture of small office buildings, specialty retail stores, entertainment, public spaces, and related activities that are mutually supporting and serve the needs of both the city and surrounding communities. The intent of these district regulations is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented unified setting, with shared parking. The district makes special provisions for vertical zoning, allowing the upper floors to be used as residential dwellings.

b. In the B-2 Central Business District, all business, servicing, or processing, except for off-street parking and loading, shall deal directly with consumers; be conducted on the premises within a completely enclosed building and outdoor storage of commodities shall be expressly prohibited, unless otherwise noted.

Section 2.23 General Business District, B-3

a. Intent: The B-3, General Business District, is intended to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using M-53. This district is intended to provide sites for more diversified types which would often be incompatible with the pedestrian movement in the Local Business District or the Central Business District

Section 2.24 Schedule of Regulations

	Min Lot Area (square feet)[A]	**Min Lot Width[B.C] (feet)**	**Principal Building Minimum Setbacks (feet)[D]**			**Maximum Height (feet)**	**Maximum Lot Coverage (building/impervious surface)**
			Front[E]	**Side (one side/total of two sides)**	**Rear**		
O			25	15/30	35	30 feet	35/75%%
B-1			25	10/20	35	30 feet	45/75%
B-2			0	0	[F]	35 feet	
B-3						30 feet	45/75%

Footnotes:

Lot Measurement:

[A]Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.

[B]The maximum ratio of lot depth to lot width shall not exceed a depth of four (4) times the width.

[C]In residential districts, to ensure lot area is adequate to accommodate homes of similar size, the lot width of corner lots shall be fifteen (15) feet wider than required.

Setbacks

[D]Setbacks shall be measured from public rights-of-way, private road easements and interior driveways.

[E]Permitted front setback reductions:

1. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections (2) and (3) below.
2. The front yard reduction permitted in subsection (1) above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described in subsection (1) above for computing the average front yard.
3. In no case shall the required front yard resulting from the application of subsection (1) and (2) above be less than fifteen (15) feet.

[F]Where abutting a residential use or district the minimum setback is 20 feet.

Section 2.25 Permitted Uses

In the O, B-1, B-2 and B-3 Districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, "CLU" as permitted uses with use conditions or standards, and "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 5, Division 3: Conditioned Uses and Article 5, Division 4: Special Land Uses*. Additional applicable use standards are listed in the column at right.

	Office	**Commercial**			
	OS-1	**B-1**	**B-2**	**B-3**	**Use Standards**
Residential					
Upper floor residential dwellings			CLU		Section 5.44(b)(8)
Adult Foster and Child Care Residential Facilities	SLU	SLU		SLU	Section 3.2
Senior Housing (independent)		P			
Senior Housing (dependent care)		P			

	Office	Commercial			
	OS-1	**B-1**	**B-2**	**B-3**	**Use Standards**
Live/work			P		
Retail Uses					
Retail sales and services up to 20,000 square feet		P		P	
Shopping Center up to 50,000 square feet		P		P	
Retails sales and services up to 15,000 square feet			P		
Outdoor retail display and sales				SLU	Section 5.57(a)(10)
Office and Service Uses					
Personal, Medical and Business Services	P	P		P	
Professional, Medical and Business Offices	P	P	P	P	
Bank, Financial Institution	P	P	P	P	
Bank, Financial Institution with drive-up ATM	SLU	SLU			Section 5.57(a)(5)
Studio, such as art, dance, health, music, or other similar place of instruction	P	P		P	
Funeral homes and mortuaries	CLU	CLU		CLU	Section 5.44(b)(5)
Medical Uses					
Marihuana Provisioning Center			CLU		Section 5.44(6)(j)
Marihuana Safety Compliance Facility			CLU		Section 5.44(6)(j)
Marihuana Secure Transporter			CLU		Section 5.44(6)(j)
Marihuana Processor			CLU		Section 5.44(6)(j)
Hospitals				SLU	Section 5.51
Urgent care center				SLU	Section 5.51

	Office	**Commercial**			
	OS-1	**B-1**	**B-2**	**B-3**	**Use Standards**
Lodging					
Hotels and motels				SLU	Section 5.51
Bed and breakfast inns		SLU		SLU	Section 5.57(a)(4)
Food and Drink Establishments					
Bars, taverns, lounges				CLU	Section 5.44(b)(3)
Microbreweries, brewpubs				SLU	Section 5.44(b)(3)
Drive-through window facilities for banks, restaurants, or other permitted uses	SLU			SLU	Section 5.57(a)(5)
Restaurants, sit-down		SLU	P	P	Section 5.51
Auto-related Uses					
Auto or Boat dealerships, new and used				CLU	Section 5.44(b)(2)
Automobile gasoline stations				SLU	Section 5.57(a)(2)
Automobile washes, automatic or self-service				CLU	Section 5.44(b)(1)
Passenger terminals				P	
Automobile repair establishments				SLU	Section 5.57(a)(2)
Animals & Agricultural					
Veterinary clinic, office, hospitals		CLU		CLU	Section 5.44(b)(9)
Animal Grooming		SLU			Section 5.51
Pet Boarding Facilities		CLU		P	Section 5.44(b)(6)
Recreation and Entertainment Uses					
Health club or Fitness Center	CLU	CLU		P	Section 5.44(b)(4)

	Office	**Commercial**			
	OS-1	**B-1**	**B-2**	**B-3**	**Use Standards**
Indoor Recreational facility (public/private)		P		SLU	Section 5.51
Outdoor Recreational facility (public/private)		P		SLU	Section 5.51
Public/Private Open Space		P		P	
Adult Entertainment Regulated Uses					
Institutional, Educational, and Assembly Uses					
Places of assembly, including places of worship	SLU	SLU		SLU	Section 5.51
Post-secondary education, colleges, or vocational schools	SLU		P	P	Section 5.57(a)(12)
Public/Quasi-public buildings/uses	P	P	P	P	
Essential public services	P	P	P	P	
Essential public service buildings and structures		SLU		SLU	Section 5.57(a)(6)
Wireless Communications Facilities				SLU	Section 5.57(a)(15)
Parking garage/structure/off-street lot	SLU			SLU	Section 5.51

Section 2.26 Requirements Applicable to Commercial Uses

All uses permitted by right or by Conditional Land Use or Special Land Use approval shall be required to meet the following requirements:

a. Dealing Directly with Consumers. All permitted retail or service establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

b. Goods Produced. All goods produced on the premises shall be sold at retail on the premises where produced.

c. Conducted Within Enclosed Buildings. All businesses or services shall be conducted within a completely enclosed building except where commercial outdoor seating, display, storage, service, or sales is permitted as an accessory use and has been approved as part of the site plan in accordance with the standards of Article 3, Division 2 for the respective use or as otherwise permitted.

d. Accessory uses customarily incidental to the above permitted uses, only when conducted within a completely enclosed building.

e. Site and Building Design. All sites and buildings shall comply with the building, landscaping, parking, access, circulation, and all other design requirements of the Zoning Ordinance.

Section 2.27 Provisions Applicable to Office and Commercial Districts

a. Building Materials.

1. The following exterior finish materials shall be required for walls visible from streets or an adjacent residential district:

    a) Primary Materials must be used to compose a minimum of 75% of wall area of the building base and 50% of wall area for the upper floors.
    b) Secondary Materials are allowed to compose a maximum of 25% of wall area in the building base and 50% of wall area for the upper floors.

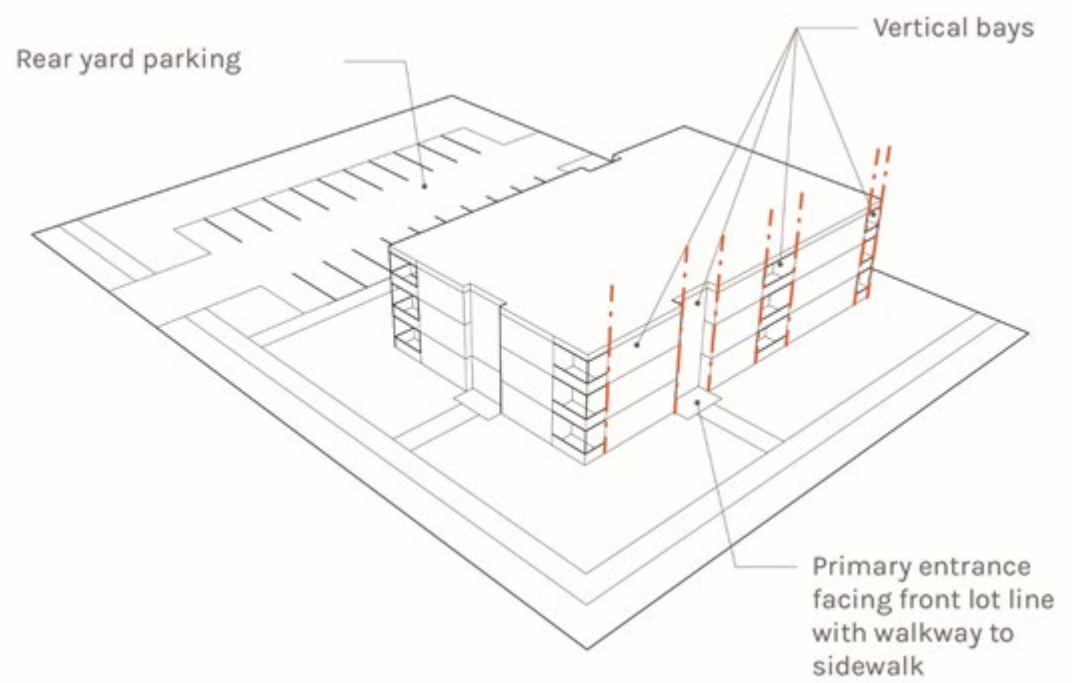
2. The exterior finish materials shall consist of no more than four (4) unique materials, excluding architectural detail, accent, or trim, and balconies and railings. A change in color, pattern, or profile shall constitute a unique material.

MATERIAL	Primary	Secondary
Masonry - Brick (natural, glazed, painted) - Stone (natural, synthetic) - Terra Cotta	X	X
Concrete - Cast-in-Place - Precast	X	X
Siding - Wood (natural, composite) - Fiber Cement Board (e.g., Hardie Panel)	X	X
Stucco (upper floors only) - traditional cementitious - synthetic EIFS		X
Architectural Metal Panel - insulated metal panel - composite metal panel	X	X

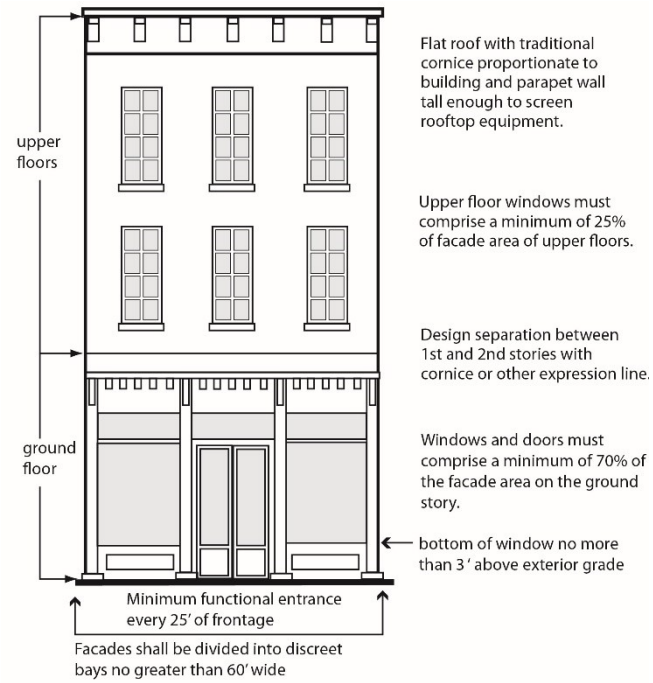
b. Design Standards. Buildings shall have architectural variety but enhance the overall cohesive community character. Buildings shall possess a unified and cohesive design intent demonstrated through the basic attributes of form, symmetry, proportion, height, scale, and repetition. Building additions shall be compatible to the attributes of the existing building.

c. Facade Articulation.

1. Walls visible from the public right-of-way shall include architectural features customarily found on the front facade of a building, such as windows, awnings, cornice work, columns, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.



2. Buildings greater than two stories or taller than 30 feet shall be designed to reduce apparent mass by including a clearly identifiable base, body, and top, with horizontal elements separating these components.
3. Blank walls over 30 feet in length are not permitted.
4. Balconies shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way without prior approval from road agency. The balcony support structure shall be integrated with the building façade.



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

d. All Windows

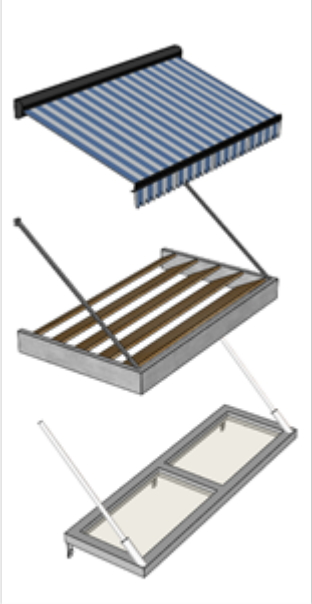
1. Windows shall be measured as a percentage of openings per total wall area.
2. Windows may be grouped horizontally if each grouping is separated by a mullion, column, pier, or wall section.
3. Exterior shutters, if applied, shall be sized, and mounted appropriately for the window (one-half the width), even if inoperable.
4. Window area shall make up at least twenty percent (20%) or more of the exterior wall area facing the principal street(s) from which access is gained, unless otherwise regulated elsewhere in this Division.

e. Upper-Story Windows

1. Upper-story windows shall be oriented vertically.
2. Windows may be triple-hung, double-hung, single-hung, hopper, awning, or casement windows.
3. Fixed windows are permitted only as part of a window grouping that includes an operable window.
4. Egress windows may be installed as required by the applicable building code.

f. Entrances

1. Storefront entries shall be recessed to accommodate door swing.
2. Double-height entryways are prohibited.
3. Customer entrances shall be clearly defined and highly visible. Features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged to identify such entrances. Entrances facing the street must be functional.
4. Awning and canopies
   a) Awnings and canopies may project over the sidewalk, provided the awning or canopy is at least eight (8) feet above the sidewalk and does not project closer than two (2) feet from the back of the street curb. Awnings shall be of traditional, shed design and shall be made from fabric or metal materials and not from plastic, vinyl, or fiberglass.
   b) Architectural horizontal canopies or sunshades are permitted and shall be made from metal, glass, or wood materials.
   c) No internal illumination is permitted through the awning or overhang.
   d) Overhead loading doors shall not face a public street or residential district. The planning commission can waive this requirement upon a determination that there is no reasonable alternative, it is essential to the operation of the business, and the visual impact will be moderated through use of building materials, architectural features, or landscaping. This provision is not intended to regulate retail customer access or outdoor café windows on tracks; however, overhead vehicular access doors facing a public street are discouraged.



Retractable fabric, wood louver, or glass/ metal sunshade canopies

g. Rooftop Equipment.

1. Building-mounted mechanical equipment shall be screened.

h. Existing buildings**.** The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:

1. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the City may modify the material requirements

of this Section to ensure consistency with the architecture of the remainder building.

2. Where an addition is proposed to an existing building, the Planning Commission or Community Development Director may allow the use of existing or compatible wall materials for the addition, provided that the design of the alteration is consistent with the existing building wall design.

i. Modification Requiring Planning Commission Approval

1. In the Central Business District, B-2, modifications to the standards of Sec. (above) may be approved by the Planning Commission. A modification shall require an application that includes a site plan and a front elevation drawing. The application shall be reviewed by the Planning Commission based upon the following criteria:

   a) The design of the building shall be in keeping with the architectural character of Munising, as articulated in the Master Plan. This shall not prevent innovation and creativity in design that is in keeping with the Master Plan, as determined by the Planning Commission.
   b) The building shall be oriented toward the front sidewalk, have a functioning entrance, and enhance the continuity of the pedestrian-oriented environment. A modification shall not result in increasing the dominance of vehicular parking or garage doors along the front of the building.
   c) The design of the roof shall be compatible with character of other buildings along the block and shall meet district height requirements.
   d) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian-orientation of the streetscape and upper story windows and shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

Section 2.28 Site Development Requirements

All principal uses, conditioned uses, and special land uses are subject to the following site development requirements:

a. Article 3: General Provisions

b. Article 4 Division 1: Off-Street Parking and Loading Standards

c. Article 4 Division 2: Access Management and Driveway Standards

d. Article 4 Division 3: Landscape Standards and Tree Replacement

e. Article 4 Division 4: Signs

f. Article 4 Division 5: Lighting Standards

g. Article 5 Division 1: Site Plan Review

Article 2: Districts

Division 4: Industrial

Section 2.30 Industrial Districts, I-1 and I-2

a. Intent: The I-1 Light Industrial District is intended to primarily accommodate research, wholesale and warehouse activities, and light industrial operations whose external, physical effects are restricted to the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.

b. Intent: The I-2 General Industrial District is intended to primarily accommodate the manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The I-2 General Industrial District is so structured as to permit the manufacturing, processing, and compounding of semi-finished or finished products from raw materials, as well as from previously prepared material.

Section 2.31 Schedule of Regulations

All uses within the Industrial Districts shall adhere to the following area, height, bulk, and placement regulations:

	Min Lot Area (square feet)[A]	**Min Lot Width[B.C] (feet)**	**Principal Building Minimum Setbacks (feet)[D]**			**Maximum Height (feet)**	**Maximum Lot Coverage (building/impervious surface)**
			Front[E]	**Side (one side/total of two sides)**	**Rear**		
I-1			40	20/40	20	40 feet	35/75%%
I-2			60	30/60	30	60 feet	35/75%

Footnotes:

Lot Measurement:

[A]Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.

[B]The maximum ratio of lot depth to lot width shall not exceed a depth of four (4) times the width.

[C]In residential districts, to ensure lot area is adequate to accommodate homes of similar size, the lot width of corner lots shall be fifteen (15) feet wider than required.

Setbacks

[D]Setbacks shall be measured from public rights-of-way, private road easements and interior driveways.

[E]Permitted front setback reductions:

1. Where the front yards for existing main buildings in the vicinity of, and in the same zoning districts as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections (2) and (3) below.
2. The front yard reduction permitted in subsection (1) above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described in subsection (1) above for computing the average front yard.
3. In no case shall the required front yard resulting from the application of subsection (1) and (2) above be less than fifteen (15) feet.

[F]Where abutting a residential use or district the minimum setback is 20 feet.

Section 2.32 Permitted Uses

In the Industrial Districts, land, buildings, and other structures shall be used only for one (1) or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right and uses denoted by "CLU" are uses which have additional specific requirements. These uses may be approved administratively, whereas uses denoted by "SLU" are considered special land

uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 5, Division 3: Conditional Land Uses* and *Article 5, Division 4: Special Land Uses*. Any use requiring Planning Commission approval must be reviewed by a planning consultant and any other applicable consultants for compliance with zoning regulation and district intent.

	I-1	**I-2**	**Section Reference**
Retail Uses			
Outdoor retail display and sales	P		
Garden Centers	P		
Retail businesses with adult novelties	SLU		Section 5.57(a)(11)
Auto-related Uses			
Automobile repair establishments	P	P	
Industrial, Construction & Storage			
Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs, and products	P	P	
Contractor's establishments not engaging in any retail activities on the site	P	P	
Log yards (sorting and/or storage)	P	P	
Research and testing laboratories	P	P	
Stone cutting and monuments	P	P	
Building supply and equipment stores and yards	P	P	
Storage facilities/units	CLU	CLU	Section 5.44(b)(7)
Outdoor storage	SLU	SLU	Section 5.57(a)(10)
Truck terminal	P	P	
Extractive uses (commercial mining of sand, gravel, stone, and similar materials)		SLU	Section 5.57(a)(7)
Railyard		SLU	Section 5.51
Airport and similar	P		
Solar energy collectors	SLU	SLU	Section 5.57(a)(13)
Wind Energy Systems	SLU	SLU	Section 5.57(a)(14)
Animals & Agricultural			
Kennels/Breeding/Training	SLU		Section 5.57(a)(8)

	I-1	I-2	Section Reference
Pet boarding facilities	CLU		Section 5.44(b)(6)
Recreation and Entertainment Uses			
Adult Entertainment Regulated Uses		SLU	Section 5.57(a)(1)
Medical			
Marihuana Growing Center	CLU	CLU	Section 5.44(6)(j)
Institutional, Educational, and Assembly Uses			
Post-secondary education, colleges, or vocational schools	P	P	
Essential public services	SLU	SLU	Section 5.57(a)(6)
Essential public service buildings and structures	SLU	SLU	Section 5.57(a)(6)
Wireless Communications Facilities	SLU		Section 5.57(a)(15)
Billboard		SLU	Section 5.51

Section 2.33 Requirements Applicable to All Uses

All uses permitted by right, by Conditional Land Use approval, and by Special Land Use approval shall be required to meet the following requirements:

a. Conducted Within Enclosed Buildings. All businesses or services shall be conducted within a completely enclosed building except where display, storage, service, or sales is permitted as an accessory use and has been approved as part of the site plan in accordance with the standards of Article 5, Division 4 for the respective use or as otherwise permitted.
b. Accessory uses customarily incidental to the above permitted uses, only when conducted within a completely enclosed building.

c. Site and Building Design. All sites and buildings shall comply with the building, landscaping, parking, access, circulation, and all other design requirements of the Zoning Ordinance.

d. Industrial Design Standards
    1. Physical features and site relationships. All development in the district shall minimize its impact on the natural environment and adjacent properties. Site design shall preserve and incorporate any natural features unique to the site. Specifically:

a) Topography and grading. Site improvements shall be designed to minimize changes to existing topography. Topography and existing vegetation shall be utilized for screening, buffering, and transition of uses and developments. The project shall be designated to avoid massive grading to create flat building "pads" and shall maintain a naturally appearing grading design. Grading should be blended with the contours of adjacent properties.

b) Existing site features. The design shall retain existing site features that are worthy of preservation as determined by the planning commission. The design shall also incorporate natural site amenities such as creeks, wetlands, views, trees, natural ground forms, and similar features into the overall site design.

c) Building orientation. The design shall be sensitive to the existing terrain, existing buildings in the surrounding area in terms of size, design, and orientation of buildings. Outdoor spaces shall be sensitive to views, climate, and the nature of outdoor activities that could occur in association with the project. This list is not exclusive.

d) Building design. The design of buildings shall neither impair nor interfere with the development or enjoyment of other properties in the area. Though site planning and design, projects proposed near dissimilar land uses shall carefully address potential negative impacts on existing uses. These impacts may include, but are not limited to, traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.

    1) Buildings shall have architectural variety but enhance the overall cohesive community character. Buildings shall possess a unified and cohesive design intent demonstrated through the basic attributes of form, symmetry, proportion, height, scale, and repetition. Building additions shall be compatible with the attributes of the existing building.

    2) Facade Articulation. Walls visible from the public right-of-way shall include architectural features customarily found on the front facade of a building, such as windows, awnings, cornice work, columns, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale. Blank walls over 30 feet in length are not permitted.

    3) Windows. Window area shall make up at least twenty percent (20%) or more of the exterior wall area facing the principal street(s) from which access is gained, unless otherwise regulated elsewhere in this Division.

    4) Entrances. Customer entrances shall be clearly defined and highly visible. Features such as canopies, porticos, arcades, arches, wing walls, and

integral planters are highly encouraged to identify such entrances. Entrances facing the street must be functional.

5) Overhead loading doors shall not face a public street or residential district. The Planning Commission can waive this requirement upon a determination that there is no reasonable alternative, it is essential to the operation of the business, and the visual impact will be moderated through use of building materials, architectural features, or landscaping.
6) Rooftop Equipment. Building-mounted mechanical equipment shall be screened.

2. Distance between buildings. In a development in which there is more than one building, the distance between buildings shall be limited. Covered walks, arcades, landscaping and/or special paving shall be provided to connect buildings with each other and with the street. A variety in building size and massing shall be encouraged provided that architectural and spatial consistency can be maintained through the use of proportion, height, materials, and design.
3. Rear façades of both new and existing buildings must be designed to permit public access from parking lots whenever appropriate.
4. Vehicular cross-access between properties shall be provided to minimize the number of curb cut openings onto public streets. Generally, vehicular access shall be limited, with no more than one access per street frontage.

a. Existing buildings**.** The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:
   1. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the City may modify the material requirements of this Section to ensure consistency with the architecture of the remainder of the building.
   2. Where an addition is proposed to an existing building, the Planning Commission or Zoning Administrator may allow the use of existing or compatible wall materials for the addition, provided that the design of the alteration is consistent with the existing building wall design.

Section 2.34 Site Development Requirements

All principal uses and Special Land Uses are subject to the following site development requirements:

a. Article 3: General Provisions

b. Article 4 Division 1: Off-Street Parking and Loading Standards

c. Article 4 Division 2: Access Management and Driveway Standards

d. Article 4 Division 3: Landscape Standards and Tree Replacement

e. Article 4 Division 4: Signs

f. Article 4 Division 5: Lighting Standards

g. Article 5 Division 1: Site Plan Review

Article 2: Districts

Division 5: Fairgrounds

Section 2.40 Intent

a. Intent: The FD, Fairgrounds District is intended to recognize the Eastern Michigan Fairgrounds property, bounded by M-53, Borland Road, and Almont Avenue. The intent of the district is to allow those uses and activities typically associated with a fairground, providing compatibility with nearby uses, and providing an attractive appearance to passersby along abutting roads.

Section 2.41 Schedule of Regulations

	Min Lot Area [A]	**Principal Building Minimum Setbacks (feet)[D]**				**Maximum Height (feet)**	**Maximum Lot Coverage**
		Front[E]	**Interior Side**	**Side Abutting Street**	**Rear**		
Abutting a lot zoned and used for residential	35 acres	60	30	60	60	40 feet	35 %
Abutting a lot zoned and used for non-residential	35 acres	30	10	30	20	40 feet	35%

Section 2.42 Permitted Uses

In the FG District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, and "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in *Article 5, Division 4: Special Land Uses*. Additional applicable use standards are listed in the column at right.

	FG
Parking garage/structure/off-street lot	P
Fair/Circus/Carnival	P

Public/Private Trade Shows/Events	P
Fair (annual agricultural)	P
Market/Flea Market	P
Animal/Livestock Exhibition	P
Auction	P
Community Recreation/Organized Camping	P
Firework Display	P
Temporary Outside Storage	P

Section 2.43 Use Regulations

a. The property owner shall cooperate with the City and the Lapeer County Office of Emergency Preparedness to develop an emergency preparedness plan.

b. All events must provide adequate access to and within the site for emergency vehicles as described in the emergency preparedness plan.

c. The property owner shall cooperate with the City to provide for adequate security protection of people and property on the site including a plan for weather related emergencies.

d. The property owner shall comply with all county and state requirements for the protection of water supplies, including the use of cross-connection control devices.

e. All food service vendors shall be licensed by the Lapeer County Health Department and/or the state as required by law.

f. Garbage and trash shall be removed at the end of every event and as needed during the event.

g. Animal waste shall be removed at the end of each event and as needed during the event. Disposal of animal waste, water used for animal washing, and water used to clean animal facilities shall comply with state Department of Agriculture regulations.

h. All applicable City ordinances shall be enforced on the property during each event.

i. Signs shall be permitted as provided in Article 4, Division 5.

Section 2.44 Site Specific Standards

a. Screening – A minimum four (4) foot tall, vegetated screen shall be provided along each property line of the Fairgrounds District that abuts a lot zoned and used for residential purposes. The screen shall consist of upright shrubs and/or evergreen trees that are planted in accordance with Section 23.7(d). This requirement shall be enacted at the first instance when site plan review is applicable.

b. Street trees – One (1) deciduous canopy tree per 30 linear feet of road frontage, including openings for driveways, paths and easements, shall be planted along any lot line that is adjacent to a street. The Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees.
   1. Ornamental trees may be used to diversify the street tree planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
   2. Up to one-third (1/3) of the required street trees may be planted within the interior of the property.
   3. Street trees, including ornamental trees, must be a minimum of two (2) inches in caliper at the time of planting and may be planted in groups or in a row(s). Trees planted in the interior of the property must be a minimum of one and one-quarter (1-1/4) inches in caliper at the time of planting.
   4. The street trees shall be located so they ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants.

c. Parking- Roadway surface shall be compacted crushed gravel, milled asphalt, crushed concrete, limestone or other material that shall be compacted to a smooth surface and maintained in a dust free condition.

d. Public Entrances – Public entrances to the grounds shall be paved at least 60 feet from the edge of the nearest public street to prevent mud from being tracked onto City streets. Overflow parking may be permitted on grass areas, provided such areas are regularly maintained to preserve turf integrity and to prevent soil erosion.

Article 2: Districts

Division 6: Park Land

Section 2.50 Intent

Intent. The intent of the Park Land (PL) district is to:

a. Identify and provide a zoning classification for park land that is owned or may be owned by the City that is intended for public use, public parks, and recreation;
b. Protect and preserve the appearance, character, and value of City park land;
c. Provide public opportunities for active and passive outdoor recreation sites and related open space areas; and
d. Encourage community activities that contribute to the attainment and maintenance of the physical and mental health of the residents of the Imlay City.

Section 2.51 Permitted Uses

In the PL District, land, buildings, and other structures shall be used only for one or more of the uses:

a. Outdoor recreation including, but not limited to athletic fields and courts, skate parks and rinks, pavilions, gazebos, picnic facilities, and walking paths
b. Playground and other recreational structures
c. Accessory Buildings and Structures supporting principal activities and land use

Section 2.52 Site Specific Standards

a. Height Limitations. The maximum height of accessory buildings shall be two (2) stories but not to exceed twenty-four (24) feet.
b. Setbacks. Accessory structures shall be no closer than five (5) feet to any rear or side property line and twenty (20) feet from any property line adjacent to a public street.
c. Street trees – One (1) deciduous canopy tree per 30 linear feet of road frontage, including openings for driveways, paths and easements, shall be planted along any lot line that is adjacent to a street. The Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees.
    1. Ornamental trees may be used to diversify the street tree planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.

2. Up to one-third (1/3) of the required street trees may be planted within the interior of the property.
3. Street trees, including ornamental trees, must be a minimum of two (2) inches in caliper at the time of planting and may be planted in groups or in a row(s). Trees planted in the interior of the property must be a minimum of one and one-quarter (1-1/4) inches in caliper at the time of planting.
4. The street trees shall be located so they ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants.

d. Parking- Roadway surface shall be compacted crushed gravel, milled asphalt, crushed concrete, limestone or other material that shall be compacted to a smooth surface and maintained in a dust free condition.

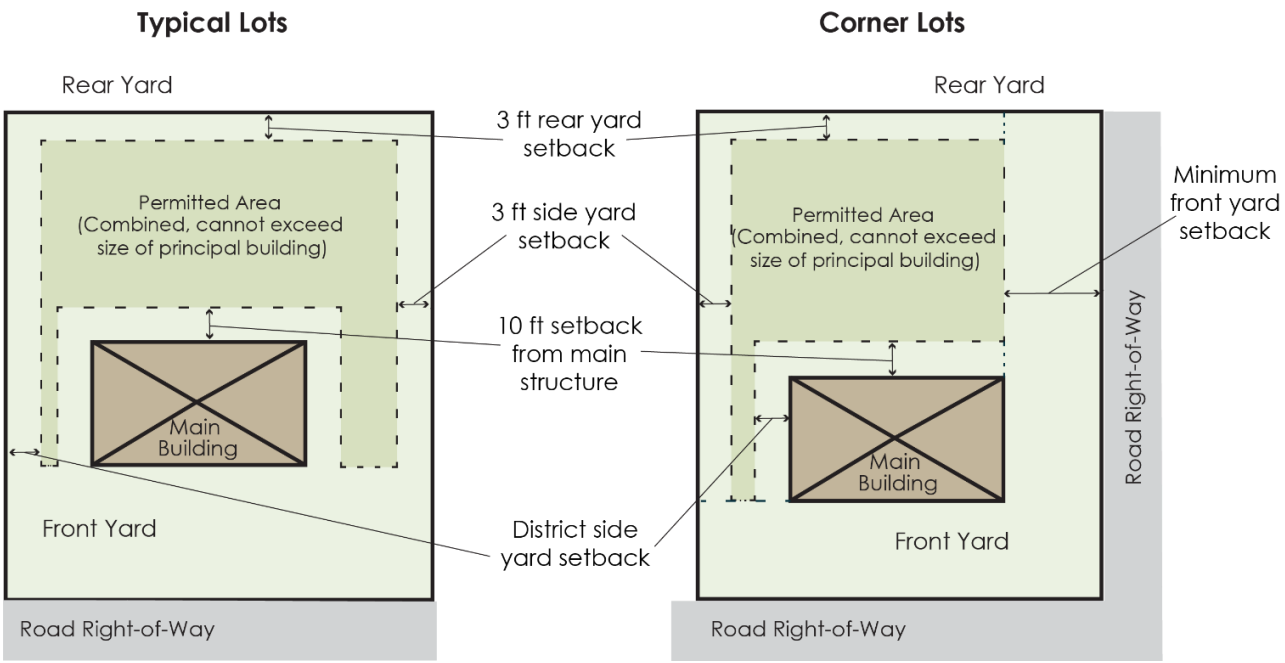
Article 3: General Provisions
Division 1: Residential Districts

Section 3.1 Accessory Buildings, Structures, and Uses

Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

a. Relation to Principal Building
   1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
   2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
   3. Detached accessory buildings shall be set back a minimum of ten (10) feet from the principal building.
   4. A principal building must exist on the lot prior to the construction of accessory buildings.

b. Locations for Detached Accessory Buildings
   1. Detached accessory buildings and structures shall only be located in the yards listed in the Table below.
   2. Accessory buildings shall not be located within a dedicated easement or right-of-way.
   3. Temporary Car Ports/Tents and shipping/storage containers are not permitted as a detached accessory building.



Locations Permitted		All Residential Districts
Front Yard		Not permitted
Side Yard	*Building Wall Setback*	3 ft
Rear Yard	*Building Wall Setback*	3 ft
Side or Rear Yard	*Drip Edge Setback*	3 ft
Corner lot side-street yard		

c. Size. In residential districts, a total of the combined buildings accessory to a residential building shall not exceed twice (2x) the ground floor area of the principal building. The total floor area of accessory buildings may not exceed 10% of the total lot area or the maximum listed below, whichever is greater.

d. Number. Maximum two accessory buildings are permitted in residential districts.

e. Height Limitations. The maximum height of detached accessory buildings shall be two (2) stories but not to exceed twenty-four (24) feet.

f. Use. Accessory buildings shall not be occupied for dwelling purposes unless otherwise provided in this Ordinance. Accessory buildings used for a home occupation may not exceed 25% of the total square area is limited to homeowner use exclusively.

g. Appearance. The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the zoning administrator.

h. Roof. To alleviate ice dams sliding onto adjacent yards, snow guards shall be installed on any accessory building's roof located within 8 feet of a property line.

i. Attached Garages. Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks and lot coverage, and not the regulations of this Section. Attached garages shall not exceed the height of the living portion of the dwelling.

Section 3.2 Adult and Child Care Facilities

a. Adult and Child Care facilities, as defined in Article 1, Division 2: Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Type of Facility **P = Permitted** **SLU = Special Land Use** **NA = Not permitted**	**R1, R2, L1, L2, H1, and H2**
Adult Daycare Facilities	SLU as accessory
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	P
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	SLU

Type of Facility **P = Permitted** **SLU = Special Land Use** **NA = Not permitted**	**R1, R2, L1, L2, H1, and H2**
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA
Congregate Facility (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA
Foster Family Home (4 or fewer children 24 hours per day)	P
Foster Family Group Home (5 to 6 children 24 hours per day) (1)(2)(3)(4)(5)	P
Family Day-Care Home (6 or fewer children less than 24 hrs. per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	P
Group Day-Care Home (7 to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	SLU
Childcare Center or Day-Care Center (more than 6 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU as accessory
Child Caring Institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	NA

Footnotes:

[1]The use shall be registered with the City of Imlay City Clerk's Office and shall continually have on file with the City documentation of a valid license as required by the State.
[2]Since the State law preempts in this area; the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835.
[3]Documentation of such compliance with State requirements shall be provided.
[4]The site shall comply with the sign provisions of Article 4, Division 4, Signs.
[5]Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.
[6]The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.

[7]Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.
[8]There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.
[9]There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.
[10]The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.
[11]The facility shall operate not more than sixteen (16) hours per day.
[12]A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (, 2022), that has been operating under a valid State license and is registered with the City no later than sixty (60) days following the effective date of this Ordinance (, 2022), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of Article 5, Division 1: Site Plan Review as applicable.

Section 3.3 Antennas and Towers

a. Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as "regulated reception antenna"), may be erected or installed in a residential district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of Article 5, Division 4 Special Land Uses, Wireless Communication Facilities.

b. Ground-Mounted Antenna. Regulated reception antenna not exceeding one (1) meter (3.28 feet) in diameter are permitted in the residential district subject to the following conditions:
    1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.

2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with Article 5, Division 1: Site Plan Review, indicating the location of the satellite dish and buildings, paved areas, and other appropriate site features within one hundred (100) feet of the proposed location.
4. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any residential district.
5. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.

c. Building-Mounted Antennae. Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in residential districts, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.

d. General
   1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
   2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
   3. The color of the antennae shall be of tones similar to the surroundings.
   4. All electrical and antenna wiring shall be placed underground where applicable.
   5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.
   6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
   7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the zoning administrator prior to erection.
   8. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject

to the submission of a written affidavit and approval of the Zoning Board of Appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this Section.

Section 3.4 Application Procedures in General, Change of Use

a. The process for application and review by the city for Site Plan Review, Special Land Use approval, Planned Unit Developments (PUDs), amendments to this zoning ordinance and rezonings of land is described in Article 5, Division 1 Site Plan Review; Article 6, Division 4, Rezoning; Article 5, Division 5, Condominium; Article 5, Division 2 Planned Unit Development; and Article 5, Division 4, Special Land Uses.

b. Submittal dates, application forms and information of fee requirements are available at the City Clerk's office.

c. A zoning compliance permit shall be acquired from the zoning administrator before any construction is undertaken or any structure is moved within the City and before any change in the use of any land, structure, or building is undertaken.

d. The words "change in the use" shall mean a land use which is new to or different from how the property was previously used.
   1. However, a use that is accessory to an existing land use (and which conforms to this Ordinance) is not considered a change in use.
   2. Except that, "Home Occupations" and the "Caregiver Cultivation of Marijuana for Medical Use" within residential dwellings shall be deemed changes in the use requiring a zoning permit.

e. Furthermore, it will be presumed that a change in the use occurs when electrical equipment that has an ampacity of more than 200 amperes is to be installed at a residential property. This presumption can be overcome by the Applicant filing an "Accessory Use Affidavit" (in a form to be supplied by the City) with the zoning administrator, which indicates that the purpose for the installation is not for a home occupation or the caregiver cultivation of marijuana for medical use. City representatives have the right to conduct annual or random inspections to verify compliance.

Section 3.5 Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or zoning administrator. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Section 3.6 Caregiver Cultivation of Marijuana for Medical Use

The caregiver cultivating marijuana for medical use pursuant to the Michigan Medical Marijuana Act of 2008, found at MCL 333.26421 et seq (as amended), is allowed as a permitted accessory use to a residential dwelling in any district where residential dwellings are allowed, subject to the following:

a. The caregiver(s) seeking approval to cultivate marijuana for medical use in the City must submit proof (as part of the zoning application) that he or she is a properly licensed caregiver with the State of Michigan.

b. A caregiver cultivating marijuana for medical use must reside in the dwelling where the marijuana is being cultivated.

c. The caregiver cultivation of marijuana for medical use shall be clearly accessory, incidental, and subordinate to the residential dwelling use.

d. There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of the caregiver cultivation of marijuana for medical use.

e. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the caregiver cultivation of marijuana for medical use shall be permitted on the premises.

f. Traffic generated by the caregiver cultivation of marijuana for medical use shall not be greater than would normally be expected in a residential neighborhood, or in any case, it shall not be more than ten (10) vehicular trips per day.

g. The caregiver cultivation of marijuana for medical use must be conducted within the confines of the dwelling.

h. Any necessary parking spaces for vehicles generated by the caregiver cultivation of marijuana for medical use shall be provided on the site in a normal driveway or designated parking area, but not within any required yard area.

i. No equipment of process shall be used in the caregiver cultivation of marijuana for medical use which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the premises on which the caregiver cultivation of marijuana for medical use is located. In addition, no equipment or process shall be used in the caregiver cultivation of marijuana for medical use which causes visible or audible interference with radio or television receivers off the premises or causes fluctuation in the line of voltage off premises.

j. A floor plan shall be provided to verify the location and type of hazardous material (herbicides, pesticides, fertilizers, etc.) proposed to be stored or use onsite. Material Data Sheets (MDS) shall be provided for all chemicals onsite. An inventory of the chemicals include quantity and location shall be provided. The applicant shall provide the City with an updated inventory as changes occur, but at minimum the inventory shall be updated on a quarterly basis.

k. City representatives have the right to conduct annual or random inspections to verify compliance.

Section 3.7 Determination of Similar Use

Since every type of potential use cannot be addressed in this Ordinance, each district provides for similar uses, referencing this Section. All applications for a use not specifically addressed in any zoning district shall be submitted to the zoning administrator for review and decision, based on the following standards: (The zoning administrator may refer the review and decision to the Planning Commission.)

a. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.

b. If the use is not addressed in this Ordinance, the zoning administrator or Planning Commission may attempt to select a named use listed in this Ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the City.

c. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other Ordinance requirements that apply to the named use.

d. Where the zoning administrator or Planning Commission determines a proposed use is not similar to any named use addressed in this Ordinance, the applicant may petition for an amendment to this Ordinance.

e. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the zoning administrator Planning Commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Section 3.8 Electric Distribution and Service Lines

The electric distribution system for new residential developments shall be placed underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rules 460.511 - 460.512.) Electric lines servicing new office, commercial, and industrial developments shall be located underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rule 460.513) unless the practical difficulty associated with such action shall result in an undue burden to the customer as determined by the City Commission.

Section 3.9 Essential Public Services

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in Article 1, Division 2: Definitions, authorized under any franchise in effect within the City shall be permitted subject to regulation as provided in any law in the State of Michigan or in this Ordinance or any City Ordinance. It is the intention of this Ordinance to ensure conformity of all structures and uses to the

requirements of this Ordinance wherever such conformity shall be practical and not in conflict with the specific requirements of such franchise, State legislation, or City Ordinance. In absence of such conflict, the standards of this Ordinance shall prevail.

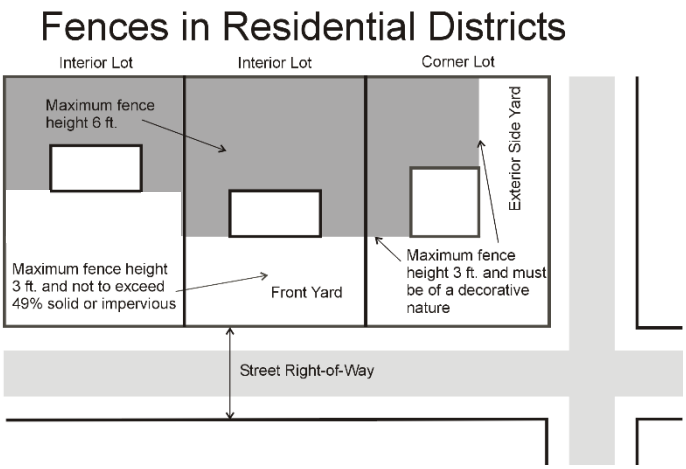
Section 3.10 Fences and Walls (Also see Article 4, Division 3, Landscape Standards and Tree Replacement)

General Requirements

1. Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six (6) feet.
2. Fences and walls shall not be erected within any public right-of-way or easement.
3. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
4. Electronic fences buried beneath the ground are permitted in all districts.
5. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered between the two vertical exterior surfaces of the fence.

Residential Districts

1. Unless specifically authorized elsewhere in this Ordinance, fences may be located within the required exterior side yard for corner lots but shall not exceed six (6) feet in height, be in excess of forty-nine percent (49%) solid or impervious, and shall be tubular aluminum, black vinyl-coated chain link fence, or similar, as determined by the zoning administrator. It must also be determined that the fence will not be detrimental to the property or its surroundings including neighboring properties, streetscape, or intersection visibility.



2. Any fence in the front yard shall be:

a) No more than three (3) feet in height or be in excess of forty-nine (49%) solid or impervious.
b) Constructed of wrought iron (tubular aluminum), wood or vinyl "picket," or similar as determined by the zoning administrator, per the adopted design guidelines.

Section 3.11 Flagpoles

a. The maximum height of flagpoles shall not exceed twenty (20) feet, measured from the average surrounding grade.

b. A maximum of one (1) flagpole per property is allowed in single-family residential districts. A maximum of two (2) flagpoles is permitted on property developed as a multiple family residential development (minimum of 12 units.)

c. Flagpoles shall be set back a minimum of ten (10) feet from any public right-of-way, private road access easement, access drive, or property line.

d. A maximum of two (2) flags per flagpole shall be permitted.

Section 3.12 Front Yard Requirements

a. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.

b. Corner lots and through lots must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.

c. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.

d. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

Section 3.13 Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

a. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable County and State regulations. Properties within the Floodplain Zone must permission from the State to conduct any construction on a property in the Floodplain Zone.

b. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet, on a one-time basis, on properties NOT in the Floodplain Zone, may be permitted after review and approval of a sketch plan by the zoning administrator in accordance with Article 5, Division 1, Site Plan Review and with applicable County and State regulations.

c. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.

d. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained, and the pool is completely constructed within six (6) months of the excavation.

e. Any clearing of trees of over one hundred (100) square feet on lots prior to site plan approval in accordance with Article 5, Division 1, Site Plan Review shall be prohibited.

Section 3.14 Height Exceptions and Limitations

The building height restrictions shall not apply to the following: cornices not exceeding four (4) feet in height, chimneys, elevator bulkheads, fire towers, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

Section 3.15 Home Occupations

All home occupations must comply, and remain in continuous compliance with, the following standards:

a. A home occupation permit must be obtained from the City and include a floor plan indicating the area(s) within the house or garage where the home occupation will be conducted.

b. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.

c. The use of the dwelling or garage for the home occupation shall be clearly accessory, incidental, and subordinate to its use for residential purposes, and not more than twenty percent (25%) of the gross floor area of the dwelling or garage shall be used for the conduct of the home occupation.

d. There shall be no change in the outside appearance of the dwelling or garage or any other visible evidence of the conduct of the home occupation.

e. There shall be no signs on any structure, in the windows or anywhere on the property.

f. Traffic generated by the home occupation shall not be greater than would normally be expected in a residential neighborhood, or no more than an average of ten (10) vehicular trips per day.

g. The home occupation shall be conducted entirely within the confines of the dwelling or garage but shall not be conducted in other accessory structure (I.e., pole barn, shed).

h. There shall be no sale of products or service on the premises where the home occupation is located. A retail showroom, sales area, outlet, or similar facility is prohibited as is outdoor display of goods.

i. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided on the site in a normal driveway, but not within any required yard.

j. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off the premises on which the home occupation is located. In addition, no equipment or process shall be

used in the home occupation which causes visual or audible interference in any radio or television receivers off the premises or causes fluctuation in the line voltage off the premises.

Section 3.16 In-Home Office

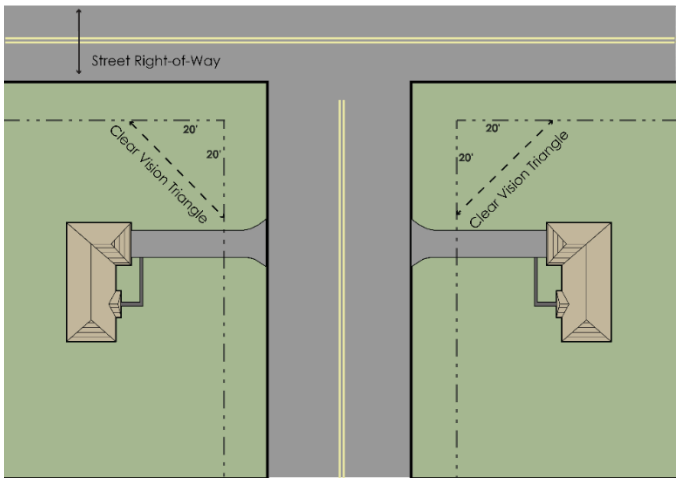
An in-home office is permitted by-right in any residential zoning district when in compliance with the following standards:

a. Clients or customers shall not make visits to the office.

b. The above conditions b and d through h of Section 3.13 Home Occupations, shall be met.

Section 3.17 Intersection Visibility

a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between grade and three (3) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.



b. The grade to three (3) feet height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

Section 3.18 Keeping of Animals

The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any residential district. Waterfowl, hens, roosters, wolves, and foxes shall not be regarded as household pets. However, no more than three (3) dogs or cats, four (4) months of age or older, in any combination, nor more than a total of five (5) animals, shall be kept or housed in or at one (1) dwelling unit.

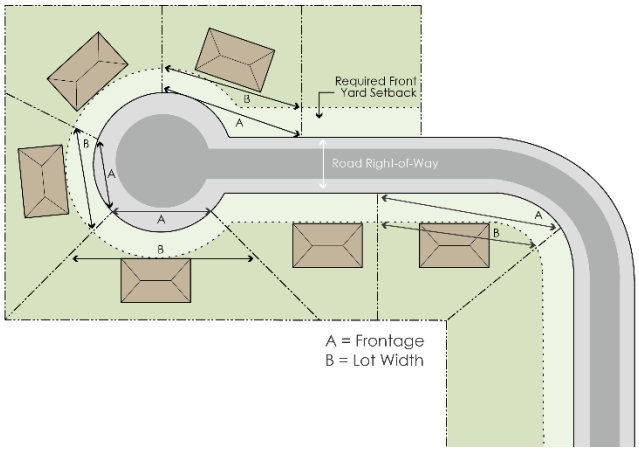
Section 3.19 Lot Area Allocation

a. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.

b. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

Section 3.20 Lot Width/Depth Ratio

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth (1/4) the depth of the lot.



Section 3.21 Mechanical Equipment and Utilities

a. Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the zoning administrator.

b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line.

Section 3.22 Principal Buildings, Structures, and Uses

a. No lot may contain more than one (1) principal building, structure, or use.

b. Groups of multiple-family dwellings, site condominiums, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the zoning administrator.

c. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the zoning administrator.

Section 3.23 Projections into Yards (See also Figure 2.1 Accessory Buildings and Structures Location Standards)

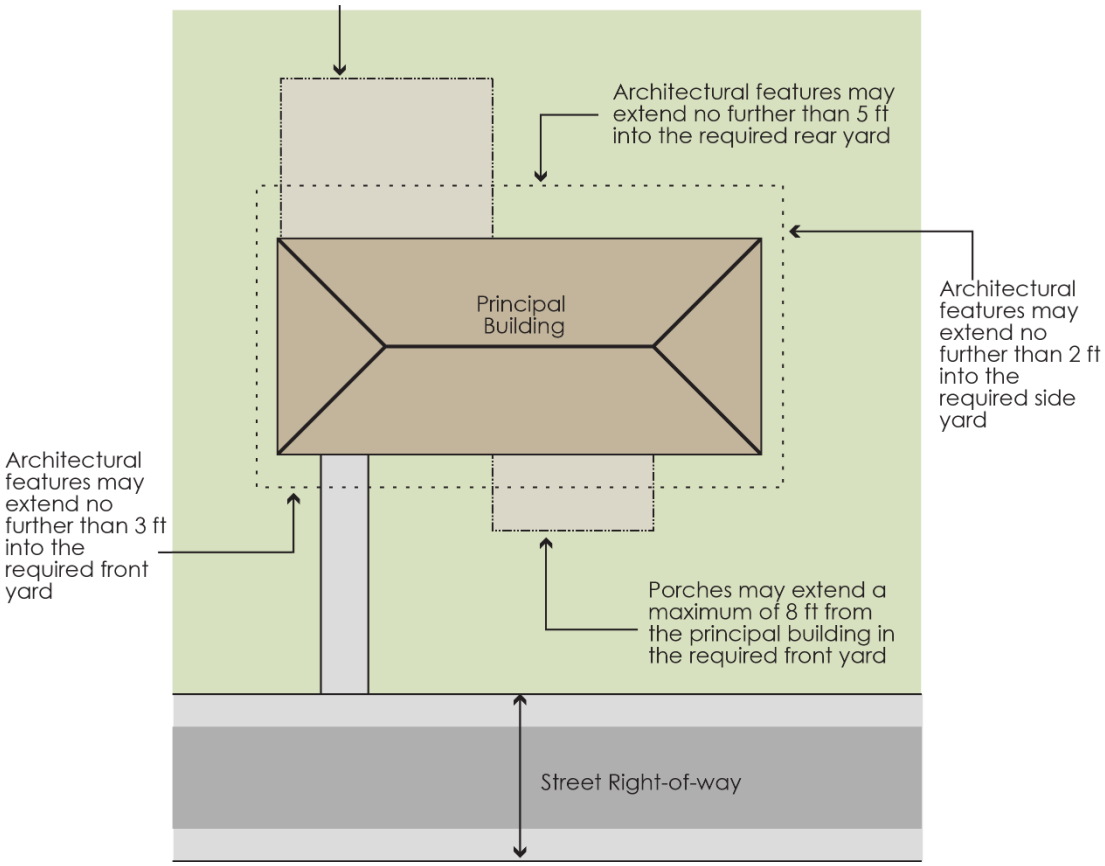
a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than listed below. A "required" yard shall mean the setback area of the yard.
   1. Three (3) feet into a required front yard.
   2. Five (5) feet into a required rear yard.
   3. Two (2) feet into a required side yard.

   b. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An

unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:

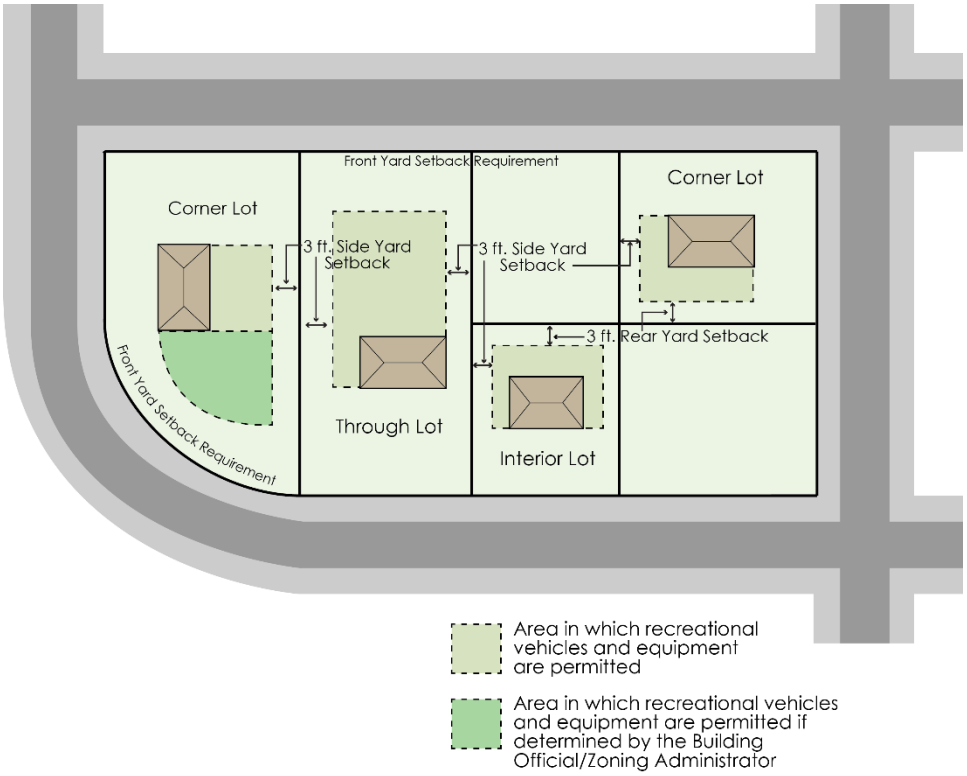
1. Eight (8) feet into a required front yard.
2. Maximum of 33% into required rear yard setback.

c. At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.



Section 3.24 Recreational Equipment and Vehicle Parking and Storing

The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property to promote the public health, safety, and welfare and to preserve property values.



a. Location Standards

1. Generally. Recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this Section. Recreational vehicles or equipment shall be placed or parked in the rear yard or side yard behind the front building line, on a hard paved surface not closer than ten (10) feet from any structure and set back a minimum of three (3) feet from any lot line, except as provided in paragraphs 2. through 6. below.
2. Placement on Lot. Recreational vehicles and equipment are permitted to be parked or stored only on a lot with a principal building, structure, or use unless it is adjacent lot which is under the same ownership.
3. Corner Lots. In the case of corner lots, as defined in this Ordinance, the regulations of this Section shall apply to both the front yard and the exterior side yard.
4. Through Lots. In the case of through lots, as defined in this Ordinance, parking and storage shall be permitted in the rear yard, as determined by the zoning administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.
5. Through Corner Lots. In the case of through lots on a corner (i.e., lots with frontage along three (3) streets), parking shall be allowed only in the side yard. The zoning administrator may permit parking in the rear yard, upon determination that such parking is allowed on the adjacent lot.

b. Owner or Legal Tenant. The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.

c. Condition and Licensing Requirements. All recreational vehicles and/or recreational equipment stored or parked in any Residential District shall be in an operable condition, as determined by the zoning administrator.

d. Detachable Camper Tops. Detachable camper tops shall not be stored in any Residential District except in accordance with above guidelines. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.

e. Permanent Special Exceptions. A recreational vehicle and/or recreational equipment which is officially licensed as a vehicle for a disabled person in accordance with State law and which is used as the regular means of transportation by or for a disabled person may be parked within the required setback area. Appropriate landscaping must be provided to screen the recreational vehicle from adjacent residential structures.

Section 3.25 Sidewalks, Bike paths, and Walkways

a. Any development shall provide pedestrian pathways meeting the following requirements:

1. Sidewalks. Sidewalks shall be required on both sides of the street or road in accordance with City of Imlay City Code of Ordinances.
2. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
3. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
4. In lieu of concrete sidewalks, the Planning Commission may permit asphalt, stone or wood chip paths, or wooden boardwalks in open space areas or areas with sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the Planning Commission waives the requirement for concrete sidewalks.

b. Bike paths. Bike paths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.

c. Walkways from the Sidewalk to Building Entrances
   1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
   2. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least fifty percent (50%) of the length of the walkways.
   3. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.

Section 3.26 Walkways from Parking Areas to Building Entrances in Multiple Family Residential Developments

a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).

b. The walkways shall be designed to separate people from moving vehicles as much as possible.

c. The walkways must be designed for disabled access according to the adopted building code for the City of Imlay City and other applicable laws.

d. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or pavement markings. The Planning Commission may approve other materials if appropriate to the overall design of the site and building.

e. Unless otherwise permitted by this Ordinance, sidewalks, bike paths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.

f. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Section 3.27 Solar Panel Energy Systems

a. Freestanding solar panels shall be considered an accessory building and shall be subject to the following requirements for such, together with all other applicable building codes and ordinances:
   1. Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principle use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.)
   2. Solar energy systems are subject to the following:
      a) Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three (3) feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
      b) Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
   3. Solar energy systems are prohibited in front yards and shall not be located past the front wall of the principle building.
   4. The number of solar panels and supporting equipment shall be considered as one system.
   5. Ground mounted solar energy systems shall not be categorized as accessory buildings.
   6. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in Article 3, Division 1, Section 300: Accessory Buildings, Structures, and Uses.
   7. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed 10 feet in height.
   8. No more than 20% of a lot may be covered with a solar energy system.
   9. Ground mounted systems shall be located on lots of one half (1/2) acre or more.
   10. zoning and construction permits are required.

Section 3.28 Storage and Repair of Vehicles

a. The parking of commercial vehicles, as defined in Article 1, Division 2: Definitions, shall be prohibited in all zoning districts except Commercial and Industrial Districts, unless otherwise permitted.

b. Commercial vehicles shall not be permitted in a Residential District except as permitted below:
   1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
   2. The vehicle shall not be a commercial trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor
   3. No part of the vehicle may exceed ten (10) feet in overall height, measured from grade
   4. The vehicle shall not have more than four (4) rear wheels
   5. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.

c. In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.

d. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner, or the occupant is exempt from these provisions.

e. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in the City of Imlay City Code of Ordinances.

Section 3.29 Street Access and Design

a. Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way, at least sixty (60) feet in width, unless the City Commission have approved a private road of lesser width.

b. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street, at least sixty

(60) feet in width, unless the City Commission have approved a private road of lesser width.

c. Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the City standards.

d. All street access shall meet the standards of Article X, Division X: Access Management and Driveway Standards.

e. All streets shall be constructed in accordance with the City of Imlay City Code of Ordinances.

f. All streets shall be constructed with curb and gutter unless waived by the City Commission.

Section 3.30 Swimming Pools

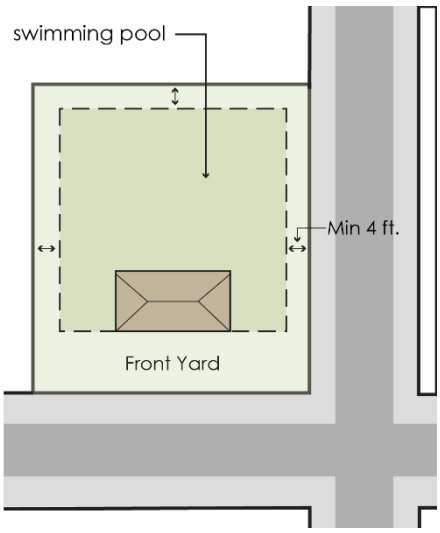
a. Swimming pools, spas, hot tubs, and similar devices shall be built in accordance with the Michigan Building Code.

b. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard.

c. Swimming pools, spas, hot tubs, and similar devices shall not be located less than four (4) feet from any lot line.

d. Swimming pools shall be considered in computing impervious surface calculations.

e. All swimming pools, spas, hot tubs, and similar devices shall be enclosed by a barrier (i.e., fence or other enclosure) where required by State law and as approved by the zoning administrator.



Section 3.31 Voting Place

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

Article 3: General Provisions

Division 2: Non-Residential

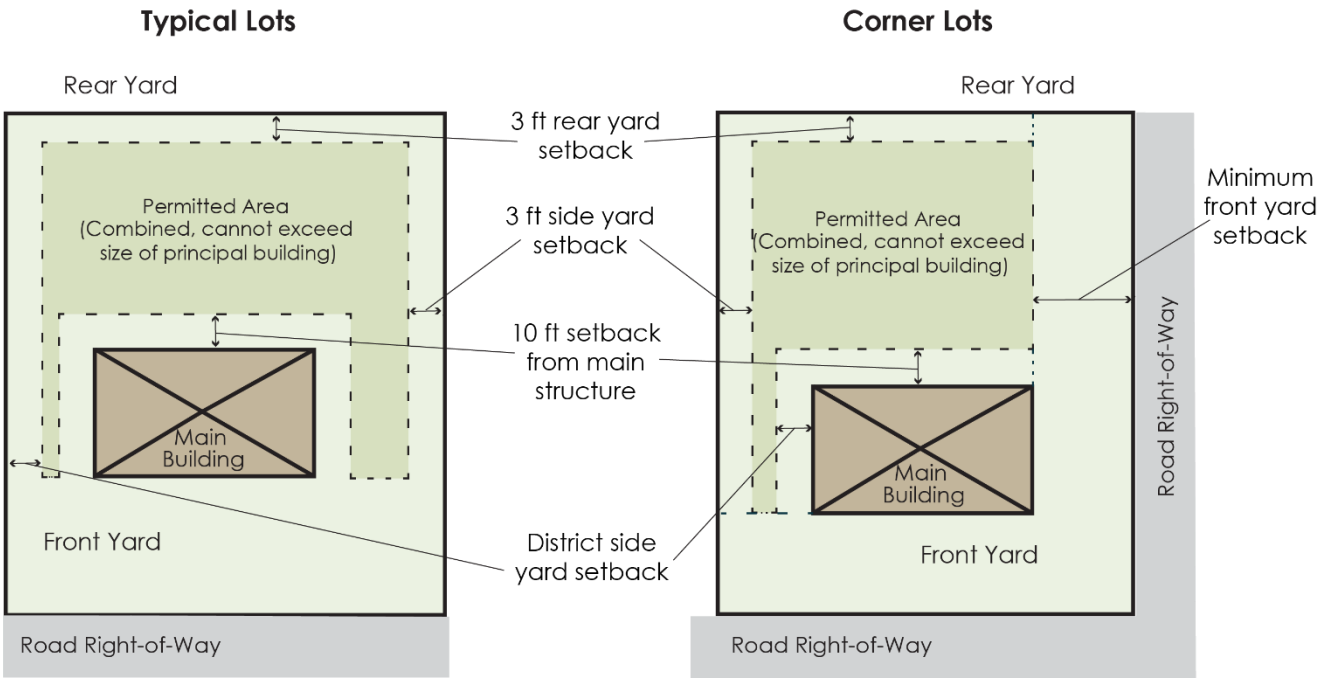
Section 3.40 Accessory Buildings, Structures, and Uses

Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

a. Relation to Principal Building
   1. Accessory buildings, structures, and uses are permitted only in connection with, incidental to and on the same lot with, a principal building that is occupied by a use permitted in the particular zoning district.
   2. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
   3. Detached accessory buildings shall be set back a minimum of ten (10) feet from the principal building.
   4. A principal building must exist on the lot prior to the construction of accessory buildings.

b. Locations for Detached Accessory Buildings
   1. Detached accessory buildings and structures shall only be located in the yards listed in below.
   2. Accessory buildings shall not be located within a dedicated easement or right-of-way.
   3. Temporary Car Ports/Tents and shipping/storage containers are not permitted as a detached accessory building.

Locations Permitted		**All Residential Districts**
Front Yard		
Side Yard	*Building Wall Setback*	3 ft
Rear Yard	*Building Wall Setback*	3 ft
Side or Rear Yard	*Drip Edge Setback*	3 ft



c. Appearance. The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g., material, color), as determined by the zoning administrator.

d. Roof. To alleviate ice dams sliding onto adjacent yards, snow guards shall be installed on any accessory building's roof located within 8 feet of a property line.

Section 3.41 Adult and Child Care Facilities

a. Adult and Child Care facilities, as defined in Article 1, Division 2: Definitions, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Type of Facility	D, T, C, LC	I1 and I2
Adult Daycare Facilities	SLU	SLU
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)	NA	NA
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	NA
Congregate Facility (more than 20 adults 24 hours per day) (1)(2)(3)(4)(5)(9)	NA	NA
Foster Family Home (4 or fewer children 24 hours per day)	NA	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1)(2)(3)(4)(5)	NA	NA
Family Day-Care Home (6 or fewer children less than 24 hrs. per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	NA	NA
Group Day-Care Home (7 to 12 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)(10)	NA	NA
Child Care Center or Day-Care Center (more than 6 children less than 24 hours per day) (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU	SLU
Child Caring Institution (1)(2)(3)(4)(5)(6)(7)(8)(9)	SLU	SLU

Footnotes:

[1]The use shall be registered with the City of Imlay City Clerk's Office and shall continually have on file with the City documentation of a valid license as required by the State.

[2]Since the State law preempts in this area; the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835.

[3]Documentation of such compliance with State requirements shall be provided.

[4]The site shall comply with the sign provisions of Article 4, Division 4, Signs.

[5]Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.

[6]The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.

[7]Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.

[8]There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.

[9]There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.

[10]The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.

[11]The facility shall operate not more than sixteen (16) hours per day.

[12]A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (, 2022), that has been operating under a valid State license and is registered with the City no later than sixty (60) days following the effective date of this Ordinance (, 2022), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of Article 5, Division 1: Site Plan Review as applicable.

Section 3.42 Antennas and Towers

a. Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as "regulated reception antenna"), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of Article 5, Division 4, Special Land Uses, Wireless Communication Facilities.

b. Ground-Mounted Antenna. Regulated reception three (3) meters (9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:
   1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
   2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
   3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with Article 5, Division 1, Site Plan Review, indicating the location of the satellite dish and buildings, paved areas, and other appropriate site features within one hundred (100) feet of the proposed location.
   4. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed one hundred (100) feet above mean grade in any non-residential zoning district.
   5. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
   6. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.

c. Building-Mounted Antennae. Regulated reception antenna having a diameter of two (2) meters (6.56 feet) in non-residential districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than thirty-six (36) inches above the highest point of the roof.

d. Roof-mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in non-residential districts only, provided that the antenna complies with the height requirements of the district in which they are located. Roof-mounted regulated reception antenna shall not be placed on the front of any primary structure.

e. General
   1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
   2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
   3. The color of the antennae shall be of tones similar to the surroundings.
   4. All electrical and antenna wiring shall be placed underground where applicable.
   5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.
   6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
   7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Zoning administrator prior to erection.
   8. If a usable signal cannot be obtained by locating the ground-mounted antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of Appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this Section.

Section 3.43 Application Procedures in General, Change of Use

a. The process for application and review by the city for Site Plan Review, Special Land Use approval, Planned Unit Developments (PUDs), amendments to this zoning ordinance and rezonings of land is described in Article 5, Division 1 Site Plan Review;

Article 6, Division 4, Rezoning; Article 5, Division 5, Condominium; Article 5, Division 2 Planned Unit Development; and Article 5, Division 4, Special Land Uses.

b. Submittal dates, application forms and information of fee requirements are available at the City Clerk's office.
c. A zoning compliance permit shall be acquired from the Zoning administrator before any construction is undertaken or any structure is moved within the City and before any change in the use of any land, structure, or building is undertaken.
d. The words "change in the use" shall mean a land use which is new to or different from how the property was previously used.
    1. However, a use that is accessory to an existing land use (and which conforms to this Ordinance) is not considered a change in use.
    2. Except that, "Home Occupations" and the "Caregiver Cultivation of Marijuana for Medical Use" within residential dwellings shall be deemed changes in the use requiring a zoning permit.
e. Furthermore, it will be presumed that a change in the use occurs when electrical equipment that has an ampacity of more than 200 amperes is to be installed at a residential property. This presumption can be overcome by the Applicant filing an "Accessory Use Affidavit" (in a form to be supplied by the City) with the zoning administrator, which indicates that the purpose for the installation is not for a home occupation or the caregiver cultivation of marijuana for medical use. City representatives have the right to conduct annual or random inspections to verify compliance.

Section 3.44 Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or zoning administrator. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Section 3.45 Determination of Similar Use

Since every type of potential use cannot be addressed in this Ordinance, each district provides for similar uses, referencing this Section. All applications for a use not specifically addressed in any zoning district shall be submitted to the zoning administrator for review and decision,

based on the following standards. (The zoning administrator may refer the review and decision to the Planning Commission.)

a. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.

b. If the use is not addressed in this Ordinance, the zoning administrator or Planning Commission may attempt to select a named use listed in this Ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the City.

c. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other Ordinance requirements that apply to the named use.

d. Where the zoning administrator or Planning Commission determines a proposed use is not similar to any named use addressed in this Ordinance, the applicant may petition for an amendment to this Ordinance.

e. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the zoning administrator Planning Commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Section 3.46 Caregiver Cultivation of Marijuana for Medical Use

The caregiver cultivating marijuana for medical use pursuant to the Michigan Medical Marijuana Act of 2008, found at MCL 333.26421 *et seq* (as amended), is allowed as a permitted accessory use to a residential dwelling in any district where residential dwellings are allowed, subject to the following:

a. The caregiver(s) seeking approval to cultivate marijuana for medical use in the City must submit proof (as part of the zoning application) that he or she is a properly licensed caregiver with the State of Michigan.

b. A caregiver cultivating marijuana for medical use must reside in the dwelling where the marijuana is being cultivated.

c. The caregiver cultivation of marijuana for medical use shall be clearly accessory, incidental, and subordinate to the residential dwelling use in the Central Business District.

d. There shall be no change in the outside appearance of the dwelling or other visible evidence of the conduct of the caregiver cultivation of marijuana for medical use.

e. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the caregiver cultivation of marijuana for medical use shall be permitted on the premises.

f. Traffic generated by the caregiver cultivation of marijuana for medical use shall not be greater than would normally be expected in a residential neighborhood, or in any case, it shall not be more than ten (10) vehicular trips per day.

g. The caregiver cultivation of marijuana for medical use must be conducted within the confines of the dwelling.

h. Any necessary parking spaces for vehicles generated by the caregiver cultivation of marijuana for medical use shall be provided on the site in a normal driveway or designated parking area, but not within any required yard area.

i. No equipment of process shall be used in the caregiver cultivation of marijuana for medical use which creates noise, vibration, glare, fumes, or odor detectable to the normal senses off the premises on which the caregiver cultivation of marijuana for medical use is located. In addition, no equipment or process shall be used in the caregiver cultivation of marijuana for medical use which causes visible or audible interference with radio or television receivers off the premises or causes fluctuation in the line of voltage off premises.

j. A floor plan shall be provided to verify the location and type of hazardous material (herbicides, pesticides, fertilizers, etc.) proposed to be stored or use onsite. Material Data Sheets (MDS) shall be provided for all chemicals onsite. An inventory of the chemicals include quantity and location shall be provided. The applicant shall provide the City with an updated inventory as changes occur, but at minimum the inventory shall be updated on a quarterly basis.

k. City representatives have the right to conduct annual or random inspections to verify compliance.

Section 3.47 Donation Boxes

In all nonresidential districts donation boxes shall be allowed with the following conditions:

a. Approval must be obtained from the zoning administrator or other Administrator designated by the City.

b. Donation boxes can only be located to the rear of a building.

c. They cannot cause the elimination of required parking spaces.

d. They cannot impede the orderly flow of traffic in the site.

e. Contact information for the donation box owner must be located on the donation box.

f. Donation boxes must be kept free of donation items. Permit may be revoked if the donation box or area surrounding the box are not kept free of items.

g. In those instances where donation boxes cannot be located in the rear of the building, a location in the side yard may be allowed but cannot be highly visible to any abutting residential district or from a public street.

h. There must be proof that unique circumstances exist that make compliance with items a through e above impractical.

Section 3.48 Essential Public Services

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in Article 1, Division 2: Definitions, authorized under any franchise in effect within the City shall be permitted subject to regulation as provided in any law in the State of Michigan or in this Ordinance or any City Ordinance. It is the intention of this Ordinance to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practical and not in conflict with the specific requirements of such franchise, State legislation, or City Ordinance. In absence of such conflict, the standards of this Ordinance shall prevail.

Section 3.49 Fences and Walls (Also see Article 4, Division 3, Landscape Standards and Tree Replacement)

a. General requirements:
   1. Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six (6) feet.
   2. Fences and walls shall not be erected within any public right-of-way or easement.
   3. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
   4. Chain link fences shall not be erected in any non-residential front or exterior side yard, except the Industrial District, unless enclosing a retention pond approved by the zoning administrator or Planning Commission. The chain link fence must be black vinyl coated.
   5. Electronic fences buried beneath the ground are permitted in all districts.
   6. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered between the two vertical exterior surfaces of the fence.

Section 3.50 Flagpoles

a. The maximum height of flagpoles shall not exceed forty (40) feet, measured from the average surrounding grade.

b. A maximum of two (2) flagpoles are allowed per site in non-residential zoning districts.

c. Flagpoles shall be set back a minimum of ten (10) feet from any public right-of-way, private road access easement, access drive, or property line.

d. A maximum of two (2) flags per flagpole shall be permitted.

Section 3.51 Front Yard Requirements

a. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line, or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.

b. Corner lots and through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.

c. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.

d. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

Section 3.52 Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

a. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable County and State regulations. Properties within the Floodplain Zone must permission from the State to conduct any construction on a property in the Floodplain Zone.

b. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet, on a one-time basis, on properties NOT in the Floodplain Zone, may be permitted after review and approval of a sketch plan by the zoning administrator in accordance with Article 5, Division 1: Site Plan Review and with applicable County and State regulations.

c. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.

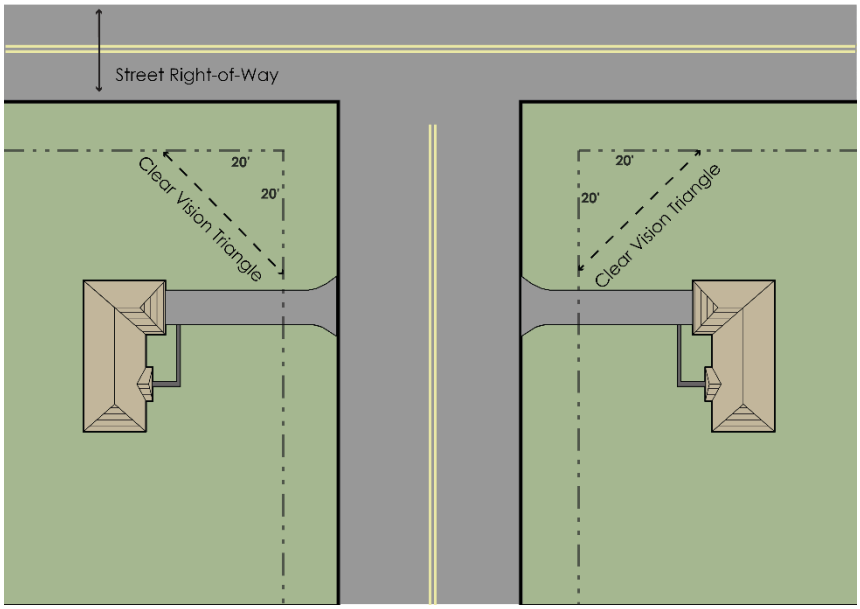
d. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained, and the pool is completely constructed within six (6) months of the excavation.

e. Any clearing of trees of over one hundred (100) square feet on lots prior to site plan approval in accordance with Article 5, Division 1: Site Plan Review shall be prohibited.

Section 3.53 Height Exceptions and Limitations

The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

Section 3.54 Intersection Visibility



a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between grade and a height of three (3) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.

b. The grade to three (3) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.

Section 3.55 Lot Area Allocation

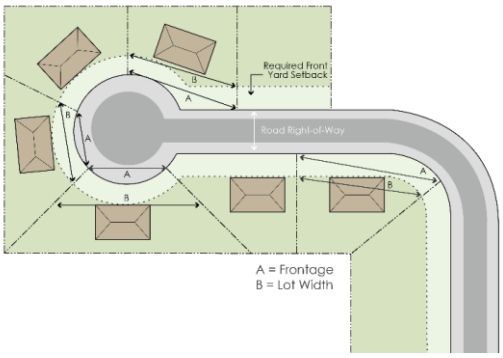
a. No portion of a lot can be used more than once for determining compliance with the provisions for lot area and yard dimensions for construction or alteration of buildings.

b. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in

dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

Section 3.56 Lot Width/Depth Ratio

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth (1/4) the depth of the lot.



Section 3.57 Mechanical Equipment and Utilities

a. Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the zoning administrator.

b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line.

c. Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation, and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
   1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
   2. For all commercial and industrial buildings, roof-mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface and shall occupy no more than fifteen percent (15%) of the total roof area. All roof-mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Section 3.58 Outdoor Dining

a. Outdoor dining may be allowed only as conditionally approved accessory to otherwise allowed restaurants, subject to the following requirements:

1. Outside of public right-of-way or on easements for public use. Outdoor dining is allowed by permit, between April 1 and October 31 subject to approval by the zoning administrator, when located outside of public rights-of-way or easements for public use and comply with the following:

   a) Additional signage shall not be permitted.
   b) Confirmation of appropriate liquor licenses shall be submitted to the City, if proposed. Outdoor dining areas in the public right-of-way or on an easement for public use, must apply and receive an outdoor dining permit. Outdoor dining permits must be re-applied for every six months.
   c) Pedestrian circulation and access to the building entrance shall not be impaired. A minimum sidewalk width of five feet along the curb and leading to the entrance to the establishment must be maintained free of tables, chairs, and other encumbrances. The seating in an outdoor dining area must be accessible to people with disabilities. Americans with Disabilities Act (ADA) accessibility requirements must be met within the outdoor dining area. Five percent (5%), or at least one (1) of the seating spaces in the outdoor café area must be accessible to people with disabilities. An accessible route connecting the outdoor dining area, the business entrance, and the restrooms must be provided.
   d) The seating area on the public sidewalk shall only be limited to the area directly in front of the permitted restaurant use to which the seating area is accessory and shall not extend into adjoining sites. Seating may also be permitted within the front, side, and rear yard area of the lot.
   e) The seating area shall be kept free of debris and litter. Written procedures for cleaning and trash containment and removal must be submitted.
   f) Tables, chairs, umbrellas, canopies, planters, waste receptacles, and other street furniture shall be compatible with the architectural character of the principal building.

g) Outdoor dining, including any canopies or covers associated with such dining, shall be permitted within the required setback. Said canopies or covers may be affixed to the ground.

h) Except as provided above, all fixtures and furnishings in the outdoor dining area including, but not limited to, tables, chairs, bar, server stations, and sources of heat shall be portable and not affixed to the ground, building, or other permanent structures. Permanent railings or fences may be permitted only where and to the extent that the building code requires an affixed fence for safety purposes. Permanent attachment of railings must be approved by the building department and permit emergency egress.

i) The hours of operation of outdoor dining shall not extend past the normal operating hours of the main use, the restaurant.

j) Outdoor dining located inside or rear yards, abutting or across from a residential district, shall not operate before 9 a.m. or after 11 p.m.

k) No sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor dining area before 9 a.m. or after 11 p.m. on Fridays and Saturdays and before 9 a.m. or after 10 p.m. on Sundays through Thursdays.

l) Outdoor dining areas shall not have permanent fixtures, tables, or seating.

m) Tables, seating, barriers, and other furniture may be required to be removed at the end of every business day, if identified as a condition of the outdoor dining permit.

n) Heating is permitted in outdoor dining areas. Heaters must be portable and be removed at the end of every business day.

o) .

p) Outdoor dining areas shall follow any other applicable zoning regulations, such as signs, etc.

q) Outdoor cafes provide an alternative to sitting inside but are not intended to be permanent expansions of a restaurant's capacity.

r) Lighting in the outdoor dining area must meet lighting standards as specified Article 4, Division 5, Lighting.

s) Requests for outdoor dining shall include submission of a sketch plan to determine compliance with the above requirements. The request may be administratively approved by the zoning administrator and building department. At the time of approval, a performance guarantee is required that provides liability coverage in an amount determined by the city.

2. Outdoor dining on private property.

   a) Outdoor dining is allowed by permit subject to approval by the zoning administrator.
   b) Permanent fences or barriers may be installed where safety is a concern or where such permanence is required by building code. They shall be shown on all applications and permits.
   c) The hours of operation of outdoor dining shall not extend past the normal operating hours of the main use, the restaurant.
   d) Outdoor dining located inside or rear yards, abutting or across from a residential district, shall not operate before 9 a.m. or after 11 p.m.
   e) No sound or audio or video entertainment, including but not limited to television or radio playing of music and/or sports events, may be piped into, or played so as to be visible or audible from the outdoor dining area before 9 a.m. or after 11 p.m. on Fridays and Saturdays and before 9 a.m. or after 10 p.m. on Sundays through Thursdays.
   f) The seating in an outdoor dining area must be accessible to people with disabilities. Americans with Disabilities Act (ADA) accessibility requirements must be met within the outdoor dining area. Five percent, or at least one of the seating spaces in the outdoor dining area must be accessible to people with disabilities. An accessible route connecting the outdoor dining area, the business entrance, and the restrooms must be provided.
   g) Lighting in the outdoor dining area must meet lighting standards as specified in Article 4, Division 5, Lighting.

Section 3.59 Performance Standards

a. No land use otherwise allowed shall be permitted within zoning district that does not conform to the following standards of use, occupancy, and operation. These performance standards are hereby established as the minimum requirements to be maintained.

   1. Smoke
      a) Generally. It shall be unlawful for any person to permit the emission of any smoke from any source, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, to a density greater than that density

described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four (4) minutes in any thirty (30) minute period. The provisions set forth in Chapter 35, Outdoor Furnaces, of the City Code, shall also be adhered to.

b) Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with the Ringelmann's Chart.

2. Radioactive, Toxic and Hazardous Materials. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted in excess of quantities established as safe by the American National Standards Institute, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the Federal government.
3. Noise. Operations or activities which exceed the maximum sound intensity levels defined below shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer; and the maximum levels indicated in the following table may be exceeded by no more than five (5) decibels. Where questions on noise arise, the current standards recognized by the American National Standards Institute shall apply.

Maximum Permitted Sound Intensity Levels		
Center Frequency (Cycles per second)	Sound Pressure Level in Decibels (0.0002 dyne/cm2)	
	Residential Districts	Non-Residential Districts
31.5	72	77

63	71	76
125	65	70
250	57	62
500	51	56
1,000	45	50
2,000	39	44
4,000	34	39
8,000	32	37

Source: American National Standards Institute

The following sources of noise are exempt:

a) Transportation vehicles not under the control of an on-site use.
b) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
c) Temporary construction activity between 6:00 a.m. and 7:00 p.m.
d) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
e) Noises resulting from authorized public activities such as parades, fireworks display, sports events, musical productions, and other activities that have the approval of the City Commission or its designee.
f) The requirements of Chapter 16, Noise Control, of the City Code, shall also be met.

4. Dust, Dirt, and Fly Ash
   a) Generally. No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or devices are equipped with recognized and approved equipment, methods, or technology to effectively reduce the quantity of gas-borne or

airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of carrying medium at a temperature of five hundred (500) degrees Fahrenheit. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stove.

b) Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The zoning administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

5. Fire and Explosive Hazards. The storage, utilization, or manufacture of materials, goods, or products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with these performance standards and all other standards of this Ordinance, and providing that the following conditions are met:
   a) Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.
   b) All such buildings or structures shall be set back at least forty (40) feet from lot lines and all buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFiPA prevention codes.
   c) The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State rules and regulations as established by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the NFiPA.

Section 3.60 Principal Buildings, Structures, and Uses

a. No lot may contain more than one (1) principal building, structure, or use.

b. Groups of multiple-family dwellings, site condominiums, retail business buildings, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the zoning administrator.

c. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the zoning administrator.

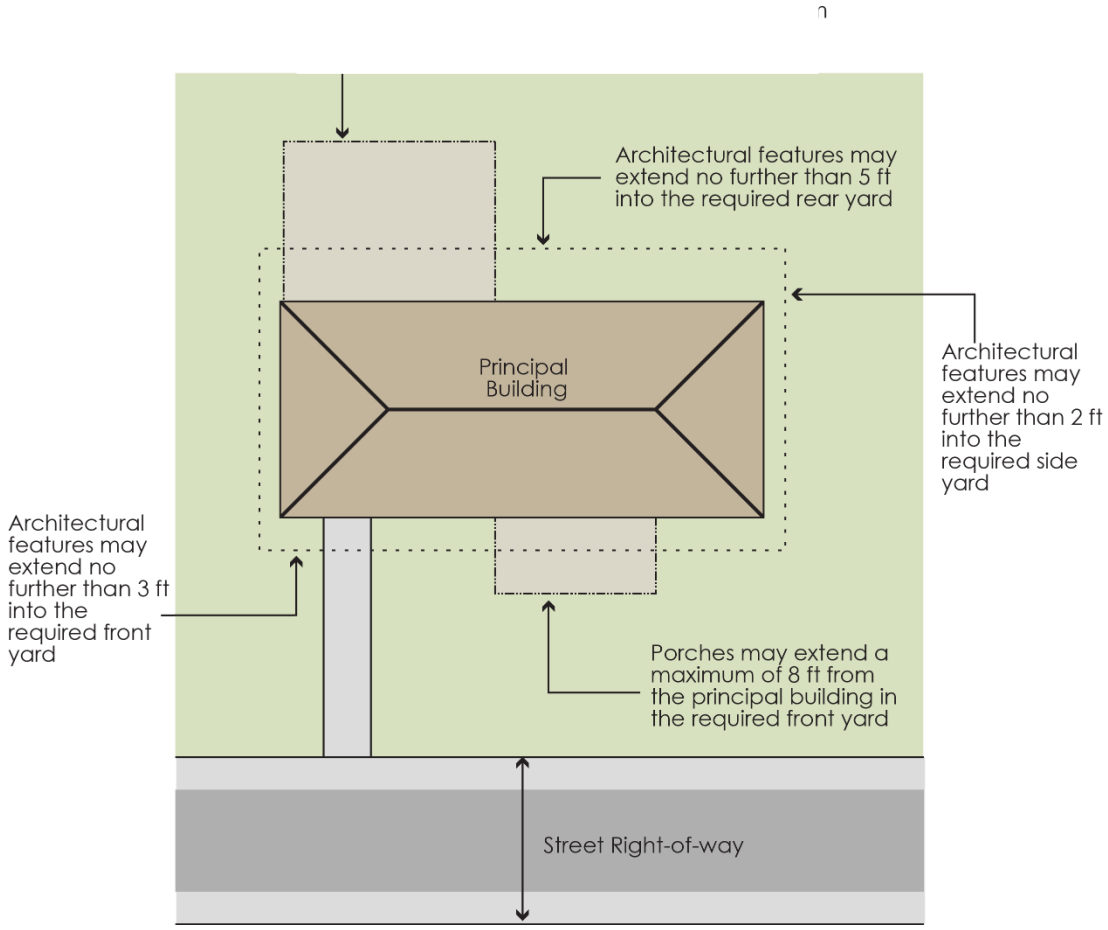
d. Single-family residential use is permitted when incidental to a permitted business use. To be considered incidental, the business owner or operator must occupy the dwelling.

Section 3.61 Projections into Yards

a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
   1. Three (3) feet into a required front yard.
   2. Five (5) feet into a required rear yard.
   3. Two (2) feet into a required side yard.

b. Projection of building appurtenances such as unenclosed porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
   1. Eight (8) feet into a required front yard.
   2. Maximum of 33% into required rear yard setback.

3. Five (5) feet into the right-of-way in the Downtown and Lakefront Commercial districts if such feature is located at least eight (8) feet above ground level.



c. At-grade patios can extend into required side and rear yards but must meet the accessory structure setback.

Section 3.62 Sidewalks, Bike paths, and Walkways

a. Any development shall provide pedestrian pathways meeting the following requirements:
   1. Sidewalks. Sidewalks shall be required on both sides of the street or road in accordance with City of Imlay City Code of Ordinances.
   2. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Administrators (ASHTO).

3. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
4. In lieu of concrete sidewalks, the Planning Commission may permit asphalt, stone or wood chip paths, or wooden boardwalks in open space areas or areas with sensitive environmental features such as wetlands. The path or boardwalk shall provide direct access to all lots where the Planning Commission waives the requirement for concrete sidewalks.

b. Bike paths. Bike paths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.

c. Walkways from the Sidewalk to Building Entrances
1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
2. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least fifty percent (50%) of the length of the walkways.
3. Walkways shall be connected to adjacent sites wherever practical and connect to other pedestrian systems.

Section 3.63 Walkways from Parking Areas to Building Entrances

a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide safe, guided access from these areas to the entrances of the building(s).

b. The walkways shall be designed to separate people from moving vehicles as much as possible.

c. The walkways must be designed for disabled access according to the adopted building code for the City of Imlay City and other applicable laws.

d. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, scored concrete, or

pavement markings. The Planning Commission may approve other materials if appropriate to the overall design of the site and building.

e. Unless otherwise permitted by this Ordinance, sidewalks, bike paths, and walkways shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.

f. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Section 3.64 Solar Panel Energy Systems

a. Freestanding solar panels shall be considered an accessory building and shall be subject to the following requirements for such, together with all other applicable building codes and ordinances:
   1. Solar energy systems are a permitted use in all zoning districts except solar energy commercial operations, which are prohibited as a principle use except in the I-2 industrial district. (These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.)
   2. Solar energy systems are subject to the following:
      a) Roof mounted systems on the principal building shall not exceed the height limits in the district, nor be more than three (3) feet higher than the finished roof to which it is mounted, whichever is less. In no instance shall any part of the system extend beyond the edge of the roof.
      b) Ground mounted systems and systems attached to accessory buildings shall adhere to the setback requirements in the district.
   3. Solar energy systems are prohibited in front yards and shall not be located past the front wall of the principle building.
   4. The number of solar panels and supporting equipment shall be considered as one system.
   5. Ground mounted solar energy systems shall not be categorized as accessory buildings.
   6. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in Article 3, Division 2, Section 340, Accessory Buildings, Structures, and Uses.

7. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed 10 feet in height.
8. No more than 20% of a lot may be covered with a solar energy system.
9. Ground mounted systems shall be located on lots of one half (1/2) acre or more.
10. Zoning and construction permits are required.

Section 3.65 Storage and Repair of Vehicles

a. Commercial vehicles which are employed in conjunction within a Non-Residential District shall be parked or stored in compliance with the following provisions:
   1. For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan and per site plan approval.
   2. For situations not covered under 1. above, commercial vehicles shall not be parked or stored in the front yard.
   3. The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.

b. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in the City of Imlay City Code of Ordinances.

Section 3.66 Street Access and Design

a. Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way, at least sixty (60) feet in width, unless the City Commission have approved a private road of lesser width.

b. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street, at least sixty (60) feet in width, unless the City Commission have approved a private road of lesser width.

c. Access driveways shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the City standards.

d. All street access shall meet the standards of Article 4, Division 2: Access Management and Driveway Standards.

e. All streets shall be constructed in accordance with the City of Imlay City Code of Ordinances.

f. All streets shall be constructed with curb and gutter unless waived by the City Commission.

Section 3.67 Temporary Buildings, Structures, Seasonal/Special Events, and Uses

Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

a. Temporary Construction, Buildings, and Structures/Offices. With the exception of moving/storage pods, temporary buildings and construction structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
   1. Moving pods are allowed without a permit for up to seven (7) days, no more than twice during a calendar year, and must be placed upon a hard surface such as a driveway.
   2. No temporary building or structure shall be used for dwelling purposes.
   3. The placement of temporary buildings and structures shall be in conformance with the requirements of Article 5, Division 1, Site Plan Review. A building permit for such building or structure shall be issued by the Zoning administrator prior to installation.
   4. Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the zoning administrator for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

b. Seasonal, and Special Events. Seasonal or special events may be allowed in any district upon issuance of a permit by the zoning administrator, when meeting the standards listed below:
   1. Seasonal, and special events may be allowed on any lot with a permitted principal building.
   2. Seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
   3. The seasonal or special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
   4. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such seasonal or special event.
   5. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
   6. A sketch plan (to scale) shall be provided illustrating:
      a) Property lines.
      b) Adjacent uses and zoning districts.
      c) Existing and proposed buildings and structures.
      d) Location of any areas for storage such as inventory not being displayed.
      e) Fire hydrants.
      f) Layout of parking.
      g) Boundaries of proposed sales areas.
      h) Location and size of any proposed sign (off-premise signs shall also be mapped).
7. All equipment, materials, goods, poles, wires, signs, and other items associated with the seasonal or special event shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.
8. The length of a seasonal or special event shall not exceed four (4) days, except seasonal sales of items such as Christmas trees, pumpkins, and seasonal roadside stands which are permitted for up to sixty (60) days.
9. Two (2) permits for a seasonal or special event by a single business or property are permitted each calendar year.

c. Temporary Uses. Temporary uses may be allowed in any commercial, office, or industrial district upon approval by the Planning Commission, when meeting the standards listed below:

1. Temporary uses may be allowed on any lot with a permitted principal building.
2. Temporary uses may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
3. In no case shall the setbacks for any buildings, structures or parking be less than ten (10) feet except in the Downtown or Lakefront Commercial districts.
4. The temporary use must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
5. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an activity prior to beginning such a temporary use.
6. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
7. A sketch plan (to scale) shall be provided illustrating:
    a) Property lines.
    b) Adjacent uses and zoning districts.
    c) Existing and proposed buildings and structures.
    d) Location of any areas for storage such as inventory not being displayed.
    e) Fire hydrants.
    f) Layout of parking.
    g) Boundaries of proposed sales areas.
    h) Location and size of any proposed sign (off-premise signs shall also be mapped).
8. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five (5) days of the end of the activity. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.
9. The length of a temporary use shall not exceed three (3) months.
10. One (1) temporary use permit by a single business or property is permitted each year and there must be a minimum three (3) month gap between temporary uses on a property.
11. Special standards for carnivals, circuses, farmer's markets, flea markets, and similar events shall be as follows:

a) Such uses shall be approved by the City Commission. The City Commission shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The City Commission may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
b) The applicant shall provide information establishing that a reasonable amount of liability insurance coverage is carried, as determined by the City's insurance carrier.
c) The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on City streets.
d) Farmer's markets which are to occur on a regular schedule shall be permitted only in commercially zoned districts. The City Commission may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of the City Commission are maintained.

d. Review and Approval Procedures, Permit Fees, and Required Escrow for Temporary Uses and Sales Events
   1. Review. Except as otherwise noted above for carnivals, circuses, farmer's markets, and similar events as defined by the zoning administrator, the Zoning administrator shall review and approve requests for a temporary use or seasonal event. Where appropriate, the zoning administrator shall consult with the Police Chief and Fire Department Administrator. If the request is denied, the zoning administrator shall state the reasons for denial in writing and provide a copy to the applicant.
   2. Use Fee. The applicant shall pay a nonrefundable permit fee to the City Clerk. The fee shall be established and modified, from time to time, by the City Commission. The amount of the permit fee may vary depending upon the type of event.
   3. Use Escrow. The proprietor of the temporary use or seasonal event shall deposit a cash bond or similar type of escrow, in an amount established by the zoning administrator, prior to the issuance of a permit. The City shall use the escrow to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this Ordinance and any other applicable ordinances.
   4. Sign Fee and Escrow. The sign standards provided in Article 4, Division 4, Signs permits the use of temporary signs, to be reviewed concurrent with use permit.

Section 3.68 Voting Place

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

Section 3.69 Waste Receptacles and Enclosures

a. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided.

b. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete block material or solid wood fencing, consistent with the building materials of the principal building.

c. The enclosure shall also include a gate, made of wood or other high-quality material, as determined by the Planning Commission, on the fourth side. The gates shall remain close when not being emptied and must always be maintained as approved. If the waste receptacle is a dumpster, it must have an enclosing lid or cover.

d. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater. The enclosure must be spaced at least three (3) feet from the waste receptacle.

e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may function as one side of the enclosure.

f. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.

g. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.

h. The unloading of waste receptacles shall only occur between the hours of 7 a.m. and 11 p.m.

i. The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.

Article 4: Development Standards
Division 1: Off- Street Parking and Loading

Section 4.0 Purpose

The purpose of this Article is to ensure adequate and well-designed parking and loading areas are provided in all districts at the time of erection, enlargement or change in use, of any principal building or lot. Off-street parking and loading areas are to be designed, maintained, and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts. Off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

Section 4.1 General Requirements

a. Parking
   1. Single-family residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
   2. No parking shall be permitted in required yards on a regular basis or on lawns, landscaped boulevard, sidewalks, or other unpaved areas on residential lots.
   3. A minimum three (3) feet wide lawn or landscape strip shall be required between the edge of parking area pavement and all property lines to provide adequate room for drainage, snow storage and privacy screening.
   4. Commercial and recreational vehicle parking in residential districts shall comply with the standards in Article 3, Division 2: General Provisions.
   5. Garage doors facing the front yard shall be setback twenty (20) feet from the road right-of-way.

b. Location
   1. Except within the D, Downtown District, off-street parking for multiple-family and nonresidential uses shall be either on the same lot or within lots under the same ownership and control within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building, or use entrance to the nearest point of the off-street parking lot, except as otherwise permitted in this chapter.
   2. Within the Downtown, off-street parking shall be either on the same lot, lot(s) under the same ownership and control, open public parking lots, or on the street within five hundred (500) feet of the building it is intended to serve, measured from the nearest point of the building entrance to the nearest point of the off-street parking

lot. The Planning Commission may, however, require that some or all of the parking required by Section 403: Parking Space Numerical Requirements, be provided outside of municipal parking lots or on-street if it is determined that sufficient capacity is unavailable within the municipal parking lot(s) or on-street. The Planning Commission can require a parking supply and demand study if necessary to make this determination.

c. Change in Use or Intensity
   1. Whenever the use of a building or lot is changed, parking facilities shall be provided as required by this article for the new use.
   2. If any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided to bring the site into compliance.
   3. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Article are provided elsewhere, or the parking requirements of the site change as determined by the City Manager.

d. Storage and Repair
   1. The use of required parking spaces, drives, and loading areas for material storage, refuse storage stations/dumpsters, storage or display of vehicles, trailers and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited.
   2. Control of Off-Site Parking. It shall be unlawful to park or store any motor vehicle on private property without the expressed or implied consent of the owner, holder, occupant, lessee, agent, or trustee of such property.

e. Shared Parking. The provision for shared off-street parking for two (2) or more buildings or uses is permitted subject to the following:
   1. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the Planning Commission may reduce the total number of spaces by up to twenty-five percent (25%) if they determine that the operating hours of the buildings or uses do not overlap.
   2. Where buildings are located on separate lots, written easements which provide for continued use and maintenance of the parking shall be submitted to the city for approval. Such agreement shall include provisions to address any changes in use

which shall be reviewed in accordance with Section 401(c): Change in Use or Intensity.

3. Where shared parking between two or more lots is utilized, provisions for pedestrian connection(s) must be provided.

f. Parking Lot Deferment.
   1. Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage within six (6) months of being informed of such request in writing by the City Manager.
   2. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
   3. Stormwater calculations shall be provided based on the required amount of parking to verify adequate capacity if an expansion is necessary.

g. Additional Parking. To minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, the number of spaces provided shall not exceed twenty percent (20%) beyond the number required by this Article, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence of actual use and demand provided by the applicant.

h. Construction. During construction, off-street parking shall be provided on-site for all construction vehicles and employees. Gravel surfacing may be permitted by the City Manager for such temporary parking.

i. Carports and Garages. Carports are permitted in the rear or side yard only, any single-family residential lot. Carports and garages for multiple-family dwellings and other non-single family residential uses shall be calculated as parking spaces on a one-to-one (1:1) basis. Carports and garages in such developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be enclosed or obscured at least twenty-five percent (25%) along sides visible from public streets, residential districts, or vehicular drives within the site. All details must be provided on the site plan and reviewed and approved by the Planning Commission.

j. Stacking Space Requirements (add pick up window stacking space)
   1. Stacking spaces, as required by Section 403: Parking Space Numerical Requirements, which block access to parking spaces shall not be included in calculating the required number of spaces.
   2. Each required stacking space shall be a minimum of twenty-four (24) feet long and nine (9) feet wide.
   3. Stacking space shall be designed so that an efficient circulation pattern is maintained on the site and a sufficient width is available to allow a vehicle to maneuver around another vehicle waiting in line.
   4. An area equivalent to 10% of the required parking area shall be provided for snow storage. The snow storage areas shall be landscaped and shall be located within any fence bounding the parking lot.

k. Uses Not Cited. For uses not specifically listed in Section 403: Parking Space Numerical Requirements, the requirements for off-street parking facilities shall be in accordance with a similar use as determined by the City Manager based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission.

Section 4.2 Parking Units of Measurement

The following standards shall be used in determining the required number of parking spaces:

a. Floor Area
   1. Where floor area is the unit for determining the required number of off-street parking and loading spaces, such unit shall mean the gross floor area (GFA), unless otherwise noted.
   2. Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas nor intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be eighty-five percent (85%) of the gross floor area.

b. Bench Seating. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews, or other such seating, shall be counted as one (1) seat.

c. Employees. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises at any one time and may include overlap of employees during shift changes.

d. Fractional Spaces. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one (1) additional space.

e. Where a building has multiple, defined, and differing uses (i.e., manufacturing area and retail sales area), each separate use shall be calculated based on the square footage of the use area.

Section 4.3 Parking Space Numerical Requirements

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule:

Parking Space Numerical Requirements	
Residential	
Mobile or Manufactured Homes in a Mobile Home or Manufactured Housing Park	2.0 spaces per dwelling unit plus 5.0 additional spaces for any office or clubhouse facility, plus 1 visitor space for every 3 homes
Multiple-family Dwellings	1.5 spaces per each efficiency or one-bedroom dwelling unit, 2.0 spaces per each unit with two bedrooms, 2.5 spaces per each unit with three or more bedrooms, plus 2.0 additional spaces for any office, plus 1.0 space per 200 sq. ft. of GFA of any clubhouse facility, plus visitor off-street parking equal to at least 10% of the total spaces required
Single and two-family dwellings	2.0 spaces per dwelling unit
Congregate, Assisted Living or Interim Care Housing	1.0 space per each room or three beds, whichever is less,
Dependent Housing Facilities including convalescent homes, nursing homes, rest homes, etc.	1.0 space per each four beds or two rooms, whichever is less,

Parking Space Numerical Requirements	
Senior Apartments	.75 spaces per unit
Institutional/Public	
Adult and Child Care Facilities	1.0 space per 400 sq. ft. of GFA, plus 1.0 space per employee, plus adequate drop-off area
Auditoriums, Assembly Halls, Stadiums and Sports Arenas with Fixed Seating	1.0 space per each three seats or six lineal feet of bleachers
Places of Public Assembly or Worship	1.0 spaces per each three seats or six feet of pews in the main unit of worship, plus required spaces for any accessory uses such as a school, childcare center, recreation facilities, etc.
Community Centers Including Senior Centers, Cultural Centers, and Teen Centers	1.0 space per each 250 sq. ft. of GFA, or 1.0 space per every four persons of capacity authorized by the Uniform Building Code, plus 1.0 space per employee, whichever is greater
Group Day-Care Homes, Adult Foster Care Group Homes, and Adult Congregate Care Facilities	1.0 space per four residents, plus 1.0 space per employee, plus adequate drop-off spaces
Hospitals, Outpatient Service Centers, Urgent Care Centers, Emergency Medical Stations, and Similar Uses	1.0 space per 175 sq. ft. of GFA plus 1.0 space per employee
Lodge and Union Halls; Fraternal Orders; Private and Civic Clubs and Similar Uses	1.0 space per every three persons of capacity authorized by the Uniform Building Code
Municipal Office Buildings	1.0 space per 250 sq. ft. of GFA
Post offices, Public Libraries, Museums	1.0 space per 200 sq. ft. of GFA (available for public use) plus spaces for employees and delivery vehicles
Public Utility Use	1.0 space per employee
Schools, Elementary and Middle Schools	2.0 spaces per classroom plus 2.0 drop-off spaces per classroom plus spaces required for any assembly hall, auditorium, and/or outdoor arena or athletic fields
Schools, High Schools, Colleges, Business and Vocational Schools, and	2.0 spaces per classroom plus 15.0 student spaces per classroom plus parking required for any assembly hall, auditorium, or outdoor arena

Parking Space Numerical Requirements	
Technical Training Facilities	
Office	
Banks, Credit Unions, Savings and Loans	1.0 space per 200 sq. ft. of GFA, plus 2.0 spaces per each 24-hour teller, plus 4.0 stacking spaces for the first drive-through window and 2.0 stacking spaces for each additional drive-through lane
Business Offices and Professional Services	1.0 space per 300 sq. ft. of GFA
Medical and Dental Clinic/Offices (where such use comprises at least 50% of the building or site)	1.0 space per 150 sq. ft. of GFA
Veterinary Offices, Clinics or Hospitals	1.0 space per 250 sq. ft. of GFA.
Commercial	
Animal Grooming Establishments	1.0 space per 300 sq. ft. of GFA plus 1.0 space per employee
Automobile Gasoline Stations	1.0 spaces per each pump island and service bay (bay can be included as a space), plus 1.0 space per employee, plus plus 1.0 space for each 500 sq. ft. of GFA devoted to sales of automotive goods, plus required spaces for any convenience store (mini mart), restaurant or auto wash
Automobile and Vehicle Service Centers and Auto Repair Establishments	3.0 spaces for each service bay (bay can be included as a space), plus 1.0 space per employee, plus 1.0 space for each tow truck. plus 1.0 stacking space per bay
Automobile and Vehicle Dealerships Including Recreational Vehicles, Boats, Motorcycles, and Mobile Homes	1.0 space per 400 sq. ft. of GFA of interior sales space plus 1.0 space per 600 sq. ft. of GFA of exterior display, plus 3.0 spaces per each service bay (bay can be included as a space)
Automobile Washes (Automatic)	2.0 spaces, plus 1.0 space per employee, plus 12.0 stacking spaces per bay for free-standing washes, 6.0

Parking Space Numerical Requirements	
	stacking spaces when accessory to a gas station
Bars, Taverns, Lounges, and Brewpubs (majority of sales consist of alcoholic beverages)	1.0 space per 75 sq. ft. of GFA
Barber Shops, Beauty Salons, and Tanning Facilities	1.0 space per 175 sq. ft. of GFA or 2.5 spaces per each barber or beautician's chair/station, whichever is greater
Business and Personal Service Establishments	1.0 space per 300 sq. ft. of GFA plus 1.0 space per employee
Conference, Meeting or Banquet Rooms; Exhibit Halls and Similar Uses	1.0 space per every two persons of capacity authorized by the Uniform Building Code
Convenience Stores (Mini marts), with or Without Gasoline Service	1.0 space per 250 sq. ft of GFA, plus spaces required for automobile gasoline stations plus 2.0 stacking spaces
Dry Cleaners	1.0 space per 500 sq. ft. of GFA plus 2.0 stacking spaces per drop off station
Funeral Homes and Mortuary Establishments	1.0 space per 50 sq. ft. of GFA of service parlors, chapels, and reception area, plus 1.0 space per each funeral vehicle stored on the premises
Furniture, Carpet and Flooring Stores	1.0 space per 500 sq. ft. of GFA
General Retail and Service Uses Not Otherwise Specified	1.0 space per 200 sq. ft. of GFA
Grocery Store and Retail Food Establishments	1.0 space per 250 sq. ft. of GFA
Hardware, Paint and Home Improvement Stores	1.0 space per 200 sq. ft. of GFA including outdoor sales space
Kennels, Commercial	1.0 space per 400 sq. ft. of GFA, plus 1.0 space per employee
Laundromats	1.0 space per each two (2) washing machines, plus 2.0 spaces for employees

Parking Space Numerical Requirements	
Marinas	1.0 space per each boat slip during boating season, plus 1.0 space per each five (5) dry-docked boats during the winter season, plus additional access and maneuvering space as determined necessary by the Planning Commission, plus year-round parking spaces as required for other uses such as clubhouse, restaurant, or retail store
Mini or Self-storage Warehouses	minimum of 6.0 spaces
Motel, Hotel, Bed and Breakfast Inn, and Similar Uses	1.0 space per guest room, plus 1.0 space per employee, plus 75% of required spaces for restaurants, conference rooms, banquet halls and other uses
Open Air Businesses including Nurseries, Garden Centers and Other Outdoor Display, Sales, and Storage Uses	1.0 space per 500 sq. ft. of GFA of outdoor display, sales, and storage area, plus 1.0 space per 200 sq. ft. of GFA of indoor space, plus 1.0 space per employee
Restaurants, Standard, with Liquor License	1.0 space per 60 sq. ft. of GFA, or 0.6 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting rooms
Restaurants, (Standard**,** Without Liquor License	1.0 space per 70 sq. ft. of GFA or 0.5 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting
Restaurants, Fast Food with Drive-through Window, Including Coffee Shops, Cafes, Delicatessens, etc.	1.0 space per 80 sq. ft. of GFA, plus 10.0 stacking spaces
Restaurants, Drive-in	1.0 space per drive-in station, plus 1.0 space per employee
Restaurant Carry-out and Open Front Window, with fewer than 6 Tables and/or Booths	6.0 spaces plus 1.0 space per employee
Shopping Centers with less than 100,000 Sq. Ft. Gross Leasable Floor Area	1.0 space per 225 sq. ft. of GFA, plus spaces required for any grocery store**,** bookstore, or restaurant, if included
Shopping Centers with 100,000 Sq. Ft. or More Gross Leasable Floor Area	1.0 space per 250 sq. ft, if GFA, plus spaces required for any grocery store, bookstore, or restaurant, if included
Studios for Art, Photography,	1.0 space per 300 sq. ft. of GFA plus

Parking Space Numerical Requirements	
Music, Dance and Similar Uses	1.0 space per employee
Wholesale Establishments and Warehouse Clubs	1.0 space per 500 sq. ft. of GFA
Recreation/Entertainment	
Baseball and Softball Fields	25.0 spaces per field
Batting Cages	3.0 spaces per cage
Boat Marinas	1.5 spaces per boat berth, plus required spaces for winter boat storage and other uses
Bowling Centers	3.0 spaces per lane, plus 0.5 spaces per seat in spaces designated for any lounge or dining area
Golf Course Driving Ranges	1.0 space per tee
Golf Courses, Miniature and Par Three	2.0 spaces per each course hole, plus 1.0 space per employee
Golf Courses	6.0 spaces per each course hole, plus 1.0 space per employee, plus required spaces for restaurants, banquet rooms, pro shop, offices, and other uses
Health Clubs and Fitness Centers	1.0 space per 250 sq. ft. of GFA, plus required spaces for swimming pools, courts, restaurants, and other uses
Ice/Roller Skating Rinks	1.0 space per 170 sq. ft. of GFA, or 1.0 space for each 6.0 seats or feet of bench, whichever is greater, plus 50% of parking required for restaurants, pro shops, and other uses
Pool and Billiard Halls	1.0 space per 70 sq. ft. of GFA or 1.0 space per every three persons of capacity authorized by the Uniform Building Code
Recreation Centers (Indoor) Commercial, Not Already Specified	1.0 space per 1,000 sq. ft. of GFA, plus required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Recreation Centers (Outdoor) Public or Commercial	1.0 space per 200 sq. ft. of GFA
Soccer and Football Fields	30.0 spaces per field

Parking Space Numerical Requirements	
Swimming Pools	1.0 space per each three persons of capacity authorized by the BOCA Code
Tennis Courts and Racquetball Centers	1.0 space per 1,000 sq. ft. GFA or 6.0 spaces per court, whichever is greater, plus 50% of required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Theaters, Cinemas	1.0 space per each three seats plus 1.0 space per two employees
Industrial	
Light Industrial, Manufacturing, Testing Labs, Research**,** Design and Development Centers	1.0 space per 700 sq. ft. GFA, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area
Warehousing and Wholesale Establishments (Non-retail)	1.0 space per each 1,500 sq.ft. GFA, or 1.0 space per employee, whichever is greater; plus 1.0 space for each corporate vehicle plus spaces required for any office/sales area

Section 4.4 Barrier-Free Parking Requirements

Each parking lot that serves a building or use, with the exception of single and two-family dwelling units, shall provide barrier free spaces in compliance with the State Building Code.

Section 4.5 Off-Street Parking Space Design and Setback Requirements

Where required, off-street parking facilities containing more than five (5) parking spaces shall be designed, constructed, and maintained according to the following standards and regulations:

a. Ingress and Egress
   1. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways in accordance with Article 4, Division 2: Access Management and Driveway Standards.
   2. All spaces shall be provided adequate access by means of maneuvering lanes.
   3. Spaces backing directly onto a street use of the street for maneuvering between parking rows shall be prohibited

4. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.

b. Surfacing, Drainage, and Grading
   1. Grading, surfacing, and drainage plans shall comply with City engineering specifications and subject to the review and approval of the City engineer. All driveways, parking lots, access lanes and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material, in accordance with specifications of the City.
   2. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
   3. All driveways, parking lots, and loading-unloading areas shall not be less than one percent (1%) and not exceed a grade differentiation of four percent (4%).
   4. Curbs. A rolled concrete curb a least six (6) inches in height shall be installed with the construction of all driveways, parking lots, access lanes and other vehicle maneuvering areas to prevent motor vehicle conflicts with abutting landscape areas, sidewalks, streets, buildings, or adjoining property. The use of bumper blocks is prohibited, except when associated with barrier-free parking spaces.

c. Parking Lot Setbacks
   1. From Street Rights-of-Way. The Planning Commission may determine that parking lots may be appropriate in the front yard. If such determination has been made, parking lots, including drives, and maneuvering aisles but excluding driveways, must be set back a minimum of twenty (20) feet from any adjacent street right-of-way line in all zoning districts except the Downtown District, wherein the setback shall be a minimum of ten (10) feet. Required parking lot setback areas shall be landscaped according to the standards of Article 4 Division 3: Landscape Standards and Tree Replacement.
   2. From Non-Residential Districts. Parking lots shall have a minimum setback of ten (10) feet from any nonresidential property line that is not a street right-of-way line. This requirement may be waived by the Planning Commission where a shared access driveway, connected parking lots, frontage road, or rear service drive, designed in accordance with Article 4, Division 2: Access Management and Driveway Standards, is provided.
   3. From Residential Districts. Parking lots shall have a minimum rear and side yard setback of ten (10) from any residential zoning district. This setback area shall

include either berming, a wall and/or landscaping, designed according to the standards of Article 4, Division 3: Landscape Standards and Tree Replacement.

4. Downtown District. The above setback requirements may be reduced in the Downtown District by the Planning Commission upon showing that adequate buffering and/or screening is provided.

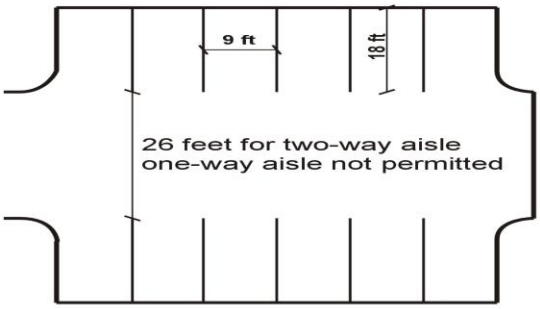
d. Dimensions. All spaces shall be designed and marked with dimensions described below and shown:

Dimensions			
Parking Pattern	**Parking Space Dimension**	**2-Way Aisle Width**	**1-Way Aisle Width**
80-90 degree	9 feet X 18 feet	26 feet	not permitted
60-75 degree	9 feet X 21 feet	24 feet	18 -20 feet
45-55 degree	9 feet X 21 feet	24 feet	15 feet
parallel parking	9 feet X 25 feet with 3-foot area striped for "no parking" between each two (2) spaces	22 feet	15 feet

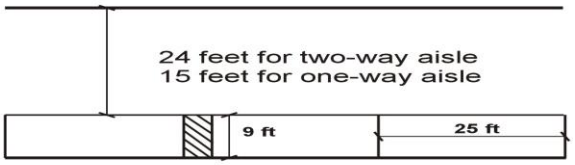
e. Parking Lot Marking. All parking spaces must be marked with double (or loop) stripes three (3) to four (4) inches wide and spaced not less than eighteen (18) inches apart and no greater than twenty-four (24) inches apart.

Parking Lot Marking

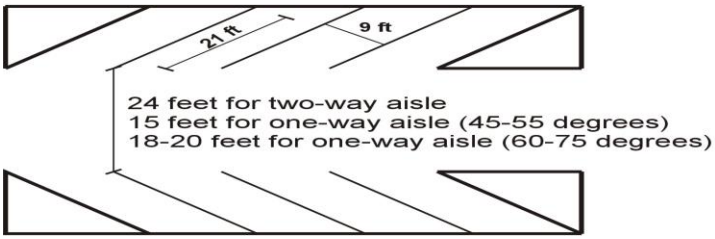
For required barrier-free parking requirements refer to the State Building Code



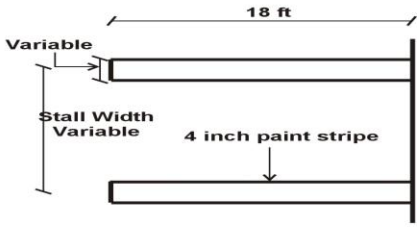
80-90 Degree Pattern



Parallel Pattern



45-75 Degree Pattern



Double or Loop Striping Pattern

f. Walkways. In accordance with Article 3, Division 2, Section 361, Sidewalks, Bikepaths, and Other Pedestrian Pathways, walkways shall be located within the parking areas and provide access to the entrances of the building(s).

Section 4.6 Parking Lot Construction and Maintenance

a. Plans and specifications for parking and loading areas shall be submitted to the City Manager prior to the issuance of a building permit. These plans shall at a minimum: Show existing and proposed grades.
   1. Be designed to ensure that stormwater runoff shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures.
   2. Provide specifications on surface and base materials to be used for construction.

b. Required parking lots shall be installed and completed within six (6) months of receipt of a building permit and before issuance of an occupancy permit. The City Manager

may grant a single extension for an additional six (6) months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.

c. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in good condition.

d. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.

e. All off-street parking and loading facilities required by this Article shall be maintained free of accumulated snow or standing water which prevent full use and occupancy of such facilities, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.

Section 4.7 Off-Street Loading and Unloading Requirements

a. General Applicability. On-premises space for standing, loading, and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

b. Change in Use and Intensity. Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this article for the new use, regardless of any variance which may have been in effect prior to change of use.

c. Location
   1. Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible from a public street. Loading/unloading areas that are in the front yard and/or facing any building side facing and directly from a public street shall be considered existing and conforming.
   2. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
   3. The vehicular path and turning radii to the loading area must be shown on the site plan to verify truck maneuverability for the largest truck intended to serve the use.

d. Size. The size of all required loading/unloading spaces shall be at least ten (10) feet by

fifty (50) feet or five hundred (500) square feet in area for office uses and at least ten (10) feet by seventy (70) feet or seven hundred (700) square feet in area for commercial and industrial uses, with a clearance of at least fourteen (14) feet in height.

e. Surfacing and Drainage
   1. Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material.
   2. Loading areas shall be graded and drained so as to dispose of surface waters.
   3. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
   4. Grading, surfacing, and drainage plans shall be subject to review and approval by the engineer.

f. Storage and Repair. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

g. Central Loading. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
   1. Each business served shall have direct access to the central loading area without crossing streets or alleys.
   2. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
   3. No building served shall be more than three hundred (300) feet from the central loading area.

h. Loading Space Requirements. The minimum number of loading spaces shall be provided in accordance with the following table. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Central Loading	
Institutional, Commercial and Office Uses	
Up to 5,000 sq. ft. GFA	1.0 space.

5,001-60,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA or fraction thereof
60,001 sq. ft. GFA and over	3.0 spaces, plus 1.0 space per each 50,000 sq. ft. GFA or fraction thereof
Industrial Uses	
Up to 1,400 sq. ft. GFA	0
1,401-20,000 sq. ft. GFA	1.0 space
20,001-100,000 sq. ft. GFA	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft. or fraction thereof
100,001 sq. ft. GFA and over	5.0 spaces

i. Screening. When required off-street loading in a nonresidential district abuts a residential district, the off-street loading shall be screened by a solid, ornamental masonry wall at least six (6) feet in height above the grade elevation at the residential district line, in addition to the landscape requirements of Article 4, Division 3: Landscape Standards and Tree Replacement.

j. Calculations. Required loading areas shall not be included in calculations for off-street parking space requirements.

Article 4: Development Standards
Division 2: Access Management

Section 4.10 Statement of Purpose

The purpose of this Article is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

Section 4.11 Application of Standards

The standards of this Article shall be applied to the following major traffic routes (arterials) in the City of Imlay City Master Plan:

a. The access standards contained herein shall be required in addition to, and where permissible shall supersede and the Michigan Department of Transportation (MDOT).

b. The standards contained in this Article shall apply to all uses, except permitted single-family and two-family dwelling units.

c. For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all the standards of this Article is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this Article may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:
    1. Size of the parcel is insufficient to meet the dimensional standards.
    2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
    3. The use will generate fewer than five hundred (500) total vehicle trips per day or fewer than seventy- five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers (ITE).
    4. There are no other reasonable means of access.

Section 412 Number of Driveways

a. Access to a parcel shall consist of either a single, two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to

accommodate ingress movements and the other egress movements.

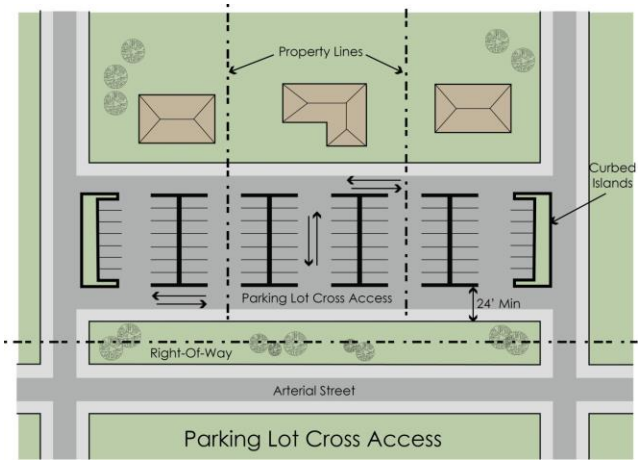
b. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.

c. Where parcels of at least two (2) acres in area, have frontage along two (2) streets, access should be provided only along the street with the lower average daily traffic volume, unless the Planning Commission determines this would negatively affect traffic operations or surrounding land uses.

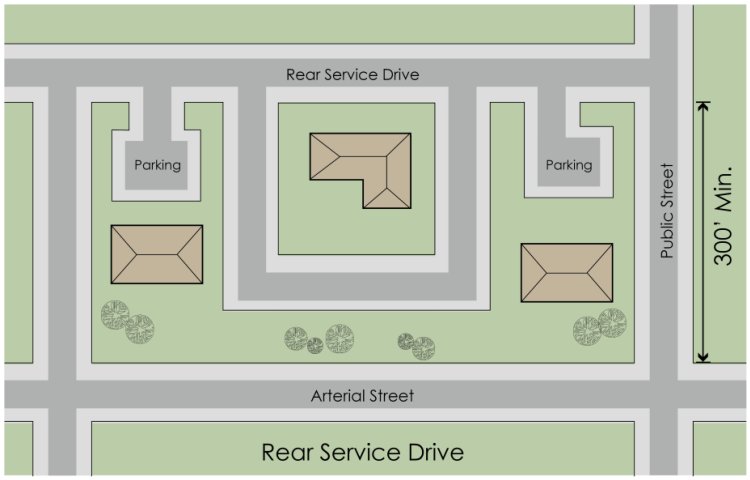
d. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers Trip Generation Manual or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point. Where possible, this access should be spaced accordingly to the standards contained herein, located on a side street, shared with an adjacent property, and/or be constructed to restrict one (1) or both left turn movements.

e. Where the property has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being constructed and signed for right-turns-in, right-turns-out only.

Section 413 Shared Access-Joint Driveways, Frontage Roads, Parking Lot Connections, and Rear Service Drives



a. Shared use of access between two (2) or more property owners should be encouraged through use of driveways constructed along property lines, connecting parking lots and construction on-site of frontage roads and rear service drives; particularly within one-quarter mile of major intersections, for sites having frontage on two (2) or more streets, where frontage dimensions are less than three hundred (300) feet, at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.



b. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the Planning Commission.

c. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection or rear service drive.

d. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.

Section 414 Adequate Sight Distance

a. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways
and Streets, 1994.

b. The Planning Commission may adjust driveway location where there is inadequate sight distance.

Section 415 Driveway Spacing from Intersections

a. Driveway spacing from intersections shall be measured from the centerline of the driveway to the extended edge of the intersecting street's right-of-way line.

b. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
   1. For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service 'C' for one (1) or more movements) and/or a significant number of traffic accidents (five or more annually), the Planning Commission may require that access be constructed along the property line furthest from the intersection.
   2. For locations within two hundred (200) feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of one hundred fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in, right-turn out only'' movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
   3. For locations not addressed by section (b)(2) above, not including single-family parcels, driveways shall be spaced one hundred (100) feet from the intersection.

Section 416 Driveway Spacing from Other Driveways

a. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.

b. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

Driveway Spacing from Other Driveways	
Posted Speed (mph)	**Minimum Driveway Spacing**
25 mph	100 feet
30 mph	125 feet
35 mph	150 feet
40 mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

c. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be a minimum of one hundred fifty (150) feet, as determined by the Planning Commission, excluding when one (1) or both driveways are designed and signed for right-turn-in, right-turn-out only.

Section 417 Driveway Design, Channelized Driveways, Deceleration Lanes and Tapers, and Bypass Lanes

a. Standards. Driveways shall be designed to the standards of MDOT, except where stricter standards are included herein.

b. Driveway Width and Radii:
   1. The typical driveway design shall include one (1) ingress and one (1) egress lane, with a combined maximum throat width of thirty (30) feet, measured from face to face of curb.
   2. Wherever the Planning Commission determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.
   3. For one-way paired driveway systems, each driveway shall be sixteen (16) feet wide, measured perpendicularly.
   4. In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet.
   5. Driveways shall be designed with twenty-five (25) foot radii; thirty-foot radii where daily semi-truck traffic is expected.

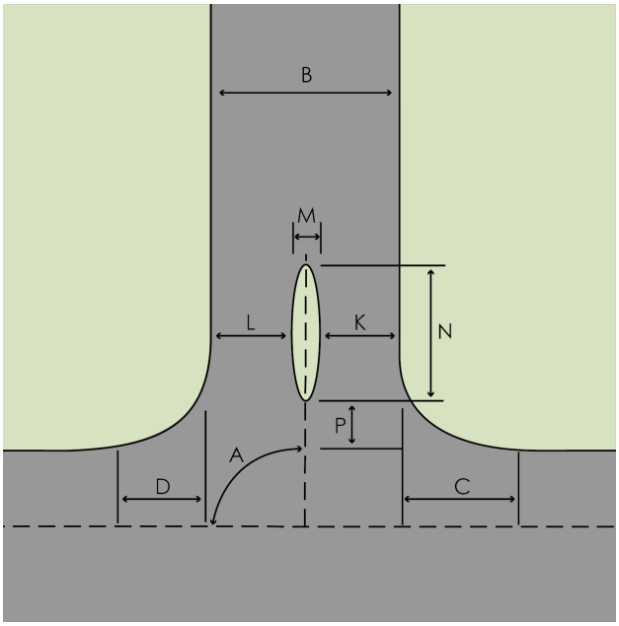
c. Driveway Storage. Driveway storage shall be determined by the Planning Commission based on traffic volumes and conditions. A minimum of forty (40) feet of driveway storage shall be provided for less intense developments and a minimum of one-hundred and twenty (120) feet of driveway storage shall be required for larger developments. Driveway storage shall be measured from the right-of-way line.

d. Directional Driveways, Divided Driveways, and Deceleration Tapers and/or By-pass Lanes. Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they are necessary to reduce congestion and accident potential for vehicles accessing the proposed use or site. Right-turn tapers shall be a minimum of seventy-five (75) feet in length and at least eleven (11) feet wide. Design of direction and divided driveways shall be in accordance with the designs in Figures Directional Driveway Standards and Divided Commercial Driveway Standards.

Divided Commercial Driveway

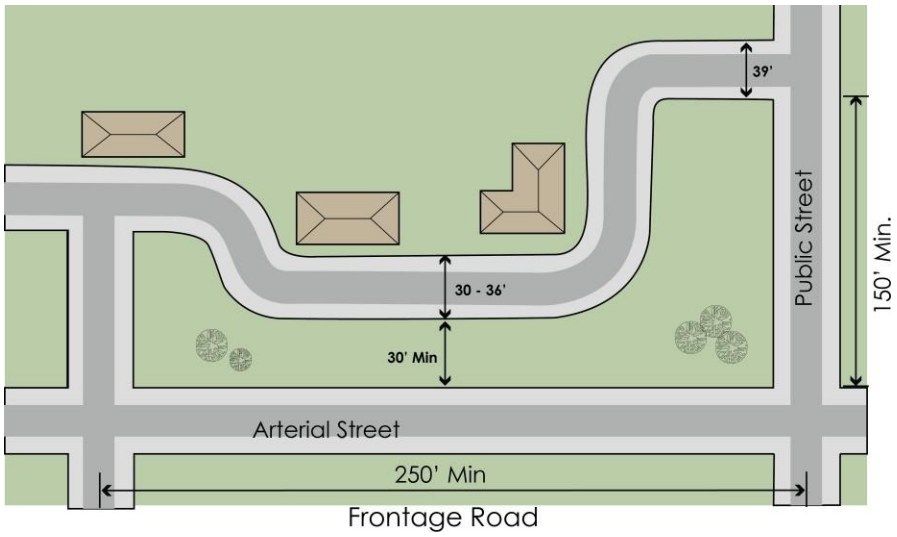
Design Features		Required (feet)	Range* (feet)
Intersecting Angle	A	90	-
Driveway Width	B	48	46 to 78
Entering Radius	C	30	25 to 40
Existing Radius	D	25	20 to 35
Entrance Drive Width	K	16	16 to 27
Exit Driveway Width	L	22	20 to 27
Island Width	M	10	6 to 24
Island Length	N	12	6 to 18
Nose Offset	P	35	30 to 100

*The "required" dimension shall be used unless the City specifies, or the applicant demonstrates technical justification for a different value. The range in dimensions indicate the working values for each design feature.



Section 418 Design of Frontage Roads, Rear Service Drives and Parking Lot Connections

a. Frontage roads, rear service drives and drives connecting two (2) or more parking lots shall be constructed in accordance with the following requirements:
   1. Pavement width shall be a maximum of thirty (30) feet, measured face of curb to face of curb; intersection approaches may be widened to thirty-nine (39) feet for a left turn lane.
   2. Frontage road access to public streets shall be spaced according to the standards of Section 415: Driveway Spacing from Intersections and Section 416: Driveway Spacing from Other Driveways.
   3. Frontage roads shall have a minimum setback of thirty (30) feet between the outer edge of pavement and the right-of-way line, with a minimum sixty (60) feet of uninterrupted queuing (stacking) space at the intersections.
   4. Parking along or which backs into a frontage road shall be prohibited.



b. For properties which are currently developed or adjacent to developed uses which the Planning Commission, determines to be too restrictive, frontage roads can be defined through parking lots by a raised curb and/or painted islands, as shown, provided that at least every third island at the end of the parking row is a raised curbed island.

Article 4: Development Standards

Division 3: Landscaping and Tree Replacement

Section 4.20 Intent

a. The intent of this Article is to promote the public health, safety, and welfare by establishing minimum standards for the design, installation, and maintenance of landscape improvements. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values, and the overall character of the City. The standards of this Article are intended to help achieve a number of functional and environmental objectives such as:
   1. Promoting the implementation of the City of Imlay City Master Plan and subarea studies.
   2. Defining and articulating outdoor spaces and architectural elements.
   3. Obscuring, integrating, and complementing various site elements.
   4. Assisting in directing safe and efficient movement of vehicular and pedestrian circulation.
   5. Screening headlights to reduce glare and incidental pollution.
   6. Reducing the physical impact between adjacent land uses.
   7. Providing landscape treatments that are consistent with adjacent sites and parcels within the surrounding area.
   8. Providing incentives to preserve quality existing plant material and trees.
   9. Providing reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein.
   10. Encourage drought-resistant species.

b. The standards contained in this Article are considered the minimum necessary to achieve the objectives identified above. In several instances these standards are intentionally flexible to encourage flexibility and creative design. Additional landscaping beyond the minimum specified is encouraged to further improve the function, appearance, and value of the property.

c. The intent of the tree protection removal requirements set forth in this section is to protect to the extent practical, the existing tree cover in the city and when trees must be removed, to sustain tree cover in the city by replacing trees in the community that are removed.

Section 4.21 Tree Protection: Removal and Replacement, Permit Required

a. Permit Required. If more than 25% of the trees eight (8) inches in caliper or larger on a site are proposed for removal, the property owner must first notify the zoning administrator and obtain approval. The zoning administrator may require submittal of a proposed site plan for review and/or may send to the Planning Commission for approval.

b. Normal Maintenance. This article is not intended to prevent the removal of dead or diseased trees on a site, after obtaining a permit from the zoning administrator.

c. Tree location survey. If a tree location survey is required by the zoning administrator, it shall be presented in a form acceptable to the city and shall include at least the following information:
   1. The scale of the tree location survey map shall be drawn at the same scale as the site plan, except a scale shall not be used that will make detail information illegible.
   2. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, including existing and proposed utilities.
   3. The location and related setback dimensions of all buildings, structures, and off-street parking areas, along with all existing or proposed easements.
   4. All such trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags.
   5. The location of all existing trees measuring six inches or more in diameter at breast height (DBH), including:
      a) All such trees within any adjoining street right-of-way, and
      b) All such trees on any abutting properties that are within twenty-five feet of the property lines of the subject property, and
      c) All such trees that may be affected by the development, including all such trees located in any off-site right-of-way or utility easement or other easement in which improvements, including off site utility work necessary to serve the new development will be extended.
   6. All such trees that are proposed to remain, or which are proposed to be relocated, and all such trees that are proposed to be removed shall be clearly identified on the tree location survey map. The tree location survey map shall also contain a list of all of these trees. Their tag number will key the trees on the list to the trees on the survey map. The list shall include the common name of each tree, its DBH number,

its condition, and the existing and proposed grade at the base of each tree. The condition of each such tree shall be determined by using the tree-rating matrix set forth in Section 4.23, in this section.

7. All tree location surveys shall be performed on the site as field surveys. A registered land surveyor shall map the location of each such tree and record the existing and proposed grades at the base of each such tree. The type, size, and condition of each such tree shall be determined in the field by a registered landscape architect, certified arborist, or forester. The name, address, and the phone and fax number, and any email address of those performing these responsibilities shall be provided on the tree location survey map, along with the date the field information was obtained.
8. Identify existing trees that will be relocated, their new location on the property, along with a statement as to how they will be protected and/or stored during land clearance and construction, and how these trees will be maintained in a living and growing condition, as required by ordinance.
9. A statement explaining how trees not included in item (7), in this subsection, and which will remain on site will be protected during land clearance, construction, including the proposed use of tree wells, protective barriers, tunneling or retaining walls, and explaining thereafter, how these trees will be maintained as a permanent part of the site's landscaping.
10. Figures that represent the number of trees that are six inches in DBH that will be removed from:
    a) The property;
    b) The public rights-of-way along the property;
    c) Any abutting property, if applicable;
    d) Any affected easements, if applicable; and
    e) Any rights-of-way and/or easements beyond the site in which such trees must be removed to extend services to the site, if applicable.

d. A tree location survey may be waived by the city for any area or areas of a development site that lie fifty feet or more outside of the development's construction zone. For the purpose of this section the construction zone shall mean any area of the property that will be disturbed in any way by any new development taking place on the property. Prior to receiving a waiver, the applicant shall submit a statement to the city identifying the most predominant species of trees in the waiver area, the total number of trees in the waiver area, and the estimated predominate tree size in the waiver area. A waiver area shall be

physically separated from any designated construction zone on the property by a snow fence prior to any activity taking place on the property.

e. Tree protection during site development.

1. Prior to the land clearing stage of development and before a tree permit is issued, the owner, developer, or agent shall do the following:
   a) Clearly identify the on-site trees that are to be removed and those that are to be relocated by fluorescent orange spray paint or by red flagging tape. This responsibility shall be completed before any field inspection shall be conducted by the city or its designee.
   b) Erect barriers of four-foot-high wooden fencing or orange snow with metal stakes ten feet on center (OC) which will shield and protect trees, no closer than six feet from the trunk or at the edge of the tree canopy, whichever is greater, of all such trees or groups of trees.
   c) Keep the area within the protective barrier clear of all debris or fill, and any equipment and material.
2. During the construction stage of development, the owner, developer, or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees including but not limited to the storage of equipment, dumpsters, boulders, dirt, and excavated material, building or waste material, or any other material harmful to the life of a tree.
3. No damaging attachment, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this section.
4. The city or its designee shall conduct periodic inspections of the site during land clearing and construction to ensure compliance with this section.

f. Emergency tree removal. When high winds, storms, tornadoes, floods, freezes, fires, or other manmade or natural disasters damage or destroy trees in the city, making it necessary to expedite the removal of these trees in the interest of promoting the public safety, health and general welfare of the city, the requirements of this chapter may be suspended by the city for a period of 30 days in the affected areas.

g. Penalties. Each unauthorized removal of a tree that is protected by this section shall be deemed a separate offense. The City's zoning code, as amended, shall be applicable to violations and penalties involving the unauthorized removal of a protected tree.

Section 4.22 Replacement of Removed Trees

a. A tree survey shall be submitted with any site plan for new development. The survey shall identify the location, species, and size of existing trees on the proposed site that are to be removed or are within ten (10) feet of the removal area. Existing landmark trees that are planned to be removed shall be replaced on the site in accordance with the following standards:
   1. Removed landmark trees between eight (8) and eighteen (18) caliper inches shall be replaced at a rate of 50% of the total diameter breast height (dbh).
   2. Removed landmark trees greater than eighteen (18) caliper inches shall be replaced at a rate of 75% of the total dbh.
   3. Removed landmark trees greater than thirty (30) caliper inches shall be replaced at a rate of 100% of the total dbh.
   4. Landmark trees that are dead or diseased, with no visible growth, as determined by the zoning administrator, are exempt from replacement requirements.
   5. A summary table of existing trees shall be provided, indicating those trees that will be removed.

b. Landmark trees are defined by size and species, as listed in the table below:

COMMON NAME	SPECIES	MINIMUM DBH (INCHES)
American Beech	Fagus grandifolia	18
American Chestnut	Castanea dentata	8
Birch	Betula spp	18
Black Alder	Acinus glutinosa	12
Black Tupelo	Nyssa sylvatica	12
Black and White Walnut	Juglans nigra, J. cinerea	20
Buckeye	Aesculus glabra	18
Cedar, Red	Juniperus spp	12
Crabapple (cultivar)	Malus spp	12
Choke Cherry	Prunus spp	18
Douglas Fir	Pseudotsuga menziesii	18
Eastern Hemlock	Nuga canadensis	12

Flowering Dogwood	Cornus florida	8
Hickory	Carya spp	18
Horse-chestnut	Aesculus camea	18
Kentucky Coffeetree	Bymnociadus diocius	18
Larch/Tamarack	Larix Laricina (Eastern)	12
London Planetree/Sycamore	Plantanus spp	18
Maple	Acer spp	18
Oak	Quercus spp	16
Pine	Pinus spp	18
Sassafras	Sassafins albidum	15
Spruce	Picea spp	18
Tuliptree	Liriodendron tulipfera	18

Section 4.23 Tree Health Condition Ranking Matrix

Except as may be otherwise waived herein, the applicant shall be responsible for determining the condition (health) in the field of all trees that are to be removed or relocated. Compliance with the applicable requirements of this subsection may be waived by the city, provided the applicant has properly requested a waiver from the applicable requirements of this section, in the manner set forth in this section:

a. The applicant or his designee shall evaluate the condition of the tree trunk, the growth rate of the tree, its general structure, identify any insect infestations and/or diseases, the crown development of the tree, and the life expectancy of the tree. From this evaluation the expert examining the trees shall assign a point value to each such tree using the tree condition rating matrix provided in subsection b, of this section. The rating number shall be placed in the column listing all the trees as outlined in subsection b. of this section.

b. The ranking matrix that the expert shall use in the field to calculate the condition (health) of a tree is outlined:

Factor	5 or 4	3 or 2	1
Trunk	Sound and solid	Sections of bark missing	Extensive and hollow
Growth/rate	More than 6" twig elongation	2"–6" twig elongation	Less than 2" twig elongation
Structure	Sound	1 major or several minor limbs dead	2 or more major limbs dead
Insects/diseases	No pests present	1 pest present	2 or more pests present
Crown/development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown
Life Expectancy-Remaining	Over 30 years	15–20 years	Less than 5 years

c. When the city or its designee evaluates the applicant's tree condition data in the field, the rating matrix set forth in subsection b, of this section shall be used.

Section 4.24 Incentives to Preserve Existing Trees

The standards listed below are intended to encourage the preservation of quality and mature landmark trees by providing credits toward required landscape components:

a. Trees intended to be preserved shall be indicated on the site plan.

b. To obtain credit, the preserved trees shall be arranged to meet the intent of this Article, be of high-quality, as confirmed by the City, and at least 2.5" caliper in size for deciduous trees, 6 ft. in height for evergreen trees.

c. Each deciduous tree preserved that is between 2.5" to 7.9" caliper in size and evergreen tree that is between 6 ft. to 19 ft. shall be calculated as one (1) required tree, two (2) credits for deciduous trees with a caliper of 8" or greater and evergreen trees greater than 19 ft.

d. The landscape plan shall include a matrix that lists required trees and credits for preserved trees.

e. During construction, tree protection fencing shall be placed ten (10) feet beyond the dripline of the tree. The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. The Planning Commission may allow pedestrian pathways, driveways, or parking within the dripline upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials within the dripline is prohibited.

f. If trees are lost within three (3) years after completion of the construction, the property owner shall replace with new trees equal to the number of tree credits granted.

g. Tree credits may account for up to fifty percent (50%) of the required trees and be applied anywhere on the site.

Section 4.25 Landscape Plan Specifications

a. A separate detailed landscape plan, prepared by a licensed/registered design professional, shall be submitted as part of the site plan review process.

b. The landscape plan shall demonstrate that all requirements of this Article are met and shall:
   1. Illustrate location, spacing, species, and size of proposed plant material.
   2. Separately identify compliance with the minimum numeric requirements for greenbelts, buffer zones, parking lot trees, detention ponds, and interior landscaping; required trees or materials cannot be double counted.
   3. If applicable, identify compliance with the numeric requirements for tree replacement and preservation.
   4. Provide, as determined by the Planning Commission, typical cross sections to illustrate views from adjacent land uses and the slope, height and width of proposed berms or landscape elements.
   5. Identify trees and other landscape elements to be preserved.
   6. Delineate the location of tree protection fence and limits of grading at the perimeter of areas that to be preserved.
   7. Provide significant construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees or culverts to maintain natural drainage patterns.

8. Provide details to ensure proper installation and establishment of proposed plant material.
9. Identify grass areas and other methods of ground cover.
10. Identify a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

Section 4.26 Design Standards

a. Greenbelts. A greenbelt shall be planted or preserved along public rights-of-way, private road easements, and designated frontage roads and access drives. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:

1. The width of the greenbelt shall be thirty-five (35) feet in residential districts and twenty (20) feet in nonresidential districts.
2. Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.
3. Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway to provide visual and physical separation between the vehicular and pedestrian circulation.
4. The greenbelt shall contain a minimum of one (1) canopy tree and six (6) upright shrubs per forty (40) linear feet, or fraction thereof, of street frontage including any openings for driveways, pathways, or easements. The Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses. A hedgerow with upright shrubs planted four (4) to five (5) feet on center along the entire road frontage may also be utilized.
5. Ornamental trees may be used to diversify greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
6. Greenbelt plantings shall be arranged to simulate a natural setting such as massing or staggered rows, except where the Planning Commission finds a more formal arrangement would be consistent with the established character of the area.
7. Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities, and accessibility to fire

hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location of the required materials so as long as the design intent is met.

8. The Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses

b. Parking Lot Landscaping. Parking lot landscaping shall be provided in accordance with the following standards:
   1. Landscaping shall be dispersed evenly throughout the parking lot to break up large expanses of pavement and assist with vehicular and pedestrian flow.
   2. At least one (1) canopy tree shall be provided per fifteen (15) parking spaces provided.
   3. All of the required parking lots trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending outward ten (10) feet from the edge of the parking lot.
   4. A minimum of one-third (1/3) of the trees shall be placed within parking islands located inside the perimeter of the parking lot.
   5. Parking lot islands shall be curbed and be at least one hundred (100) square feet in area. Islands within parking lots having less than one hundred spaces may be a minimum of ten (10) feet in width, parking areas with more than one hundred (100) spaces shall have islands at least twenty (20) feet in width. The depth of the island shall be two (2) feet shorter than an adjacent parking space.
   6. Only trees, shrubs, grass, or other living ground cover shall be used within parking lot islands.
   7. The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.

c. Buffer Zones. A buffer shall be provided between the subject site and all adjacent properties, developed or undeveloped, in accordance with the table on the following page.
   1. At a minimum, the width of the buffer shall be equal to the required setback. However, when a wall or berm are used, a larger buffer width may be required to accommodate both the required plant material and the wall or berm.
   2. All walls and berms shall be designed in accordance with the standards contained herein.

3. The Planning Commission may reduce the following requirements if it is determined that the buffer zone cannot be reasonable accommodated due to existing site conditions.
4. The Planning Commission shall use the Buffer Table on the following page as the minimum requirements necessary and determine whether landscaping, a wall, a berm, or combination of these elements are needed to attain the intended screening.
5. The use of canopy trees and associated understory are encouraged while walls and berms are discouraged.
6. Buffer zones shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.

Buffer Table								
	Zoning or Use of Adjacent Site							
Zoning or Proposed Use of Subject Site	**Single Family**	**Multiple Family**	**Downtown District**	**Commercial**	**Industrial**	**Outdoor Storage Areas in any District**	**Public Utility Buildings & Structures in any District**	**Parking Lots**
Single Family	none	B	A	A	A	A	A	A
Multiple Family	B	none	A	A	A	A	A	A
Downtown	A	A	none	B	A	A	A	B
Commercial	A	A	B	none	A	A	A	B
Industrial	A	A	A	A	none	B	B	B
Outdoor Storage Areas in Any District	A	A	A	A	B	none	B	B
Public Utility Buildings & Structures in Any District	A	A	A	A	B	B	none	B
Parking Lots	A	A	B	B	B	B	B	none

Buffer Zone A	One (1) canopy or evergreen trees and two (2) shrubs, per thirty (30) linear feet along the property line, rounded upward.
Buffer Zone B	One (1) canopy or evergreen tree and two (2) shrubs, per forty (40) linear feet along the property line, rounded upward.

d. Detention/Retention Pond Landscaping. Ponds shall be located outside required setbacks and designed to provide a natural appearance. Detention and retention ponds shall be provided in accordance with the following standards:
   1. Side slopes shall be such that the perimeter of the pond shall not need to be fenced.
   2. The sides of the pond must be undulating to avoid an "engineered" appearance.
   3. One (1) canopy or evergreen tree and ten (10) shrubs are required per fifty (50) feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
   4. Wild grasses and wetland plantings should be utilized on the side slopes and bottom of the pond to give it a more natural appearance, minimize on-going maintenance, and provide improved filtering of sediments.
   5. Where a natural landscape is found not to be particular or desirable the Planning Commission may require some type of decorative fencing.

e. Interior Site Landscaping. Site landscaping shall be located near building entrances, along building foundations, along pedestrian walkways, near service areas or as landscaped plazas.

f. Residential and Site Condominium Developments. Landscaping for single-family and multiple-family residential developments shall be provided in accordance with the following requirements:
   1. Street trees shall be provided at a rate of one (1) tree per forty (40) linear feet of frontage, or thereof, along all interior roads. The Planning Commission may determine that existing trees preserved within ten (10) feet of the road edge may fulfill the street tree requirement for that portion of the road. Trees should be planted between the sidewalk and road curb, in consideration of intersection sight distance.
   2. The landscape plan shall also include details of the cul-de-sac islands, project entrances, accessory buildings, and common open space areas.

g. Right-of-Way Landscaping. Public rights-of-way shall be planted with grass or other suitable living plant material and maintained by the owner or occupant of the property. Trees and shrubs may be planted within the right-of-way with permission from the appropriate authority with jurisdiction over the street.

h. Accessory Site Components. In addition to required screens or walls, site elements such as waste receptacles, air conditioner units, utility boxes and other similar components shall be appropriately screened with plant material.

Section 4.27 Specifications for Landscape Improvements and Plant Materials

a. Wall Standards. While walls are not necessarily encouraged, certain situations may be appropriate for provision of a wall. When provided, walls shall meet the following requirements:
   1. Walls shall be located on the lot line or within the required setback when it is desired to have plant material on both sides of the wall.
   2. Walls shall be continuous except for openings for pedestrian connections as approved by the Planning Commission.
   3. Walls shall be constructed of the primary building material of the principal structure as determined by the Planning Commission.
   4. The height of any wall shall be as determined by the Planning Commission based on the intended screening.

b. Berm Standards. While berms are not necessarily encouraged, they may be appropriate in certain situations.
   1. In instances where wider open spaces are available between uses, the Planning Commission may allow the substitution of a berm with additional landscaping in place of the wall requirement.
   2. Berms shall be constructed with horizontal and vertical undulations to represent a natural appearance with a crest area at least four (4) feet in width.
   3. Berms shall be planted with trees, shrubs, or lawn to ensure that it remains stable.
   4. The exterior face of the berm shall be constructed as an earthen slope.
   5. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace, or other similar method.
   6. The maximum slope of the berm shall not exceed one (1) foot of vertical rise to three (3) feet of horizontal distance.

c. Plant Material. All plant material shall be hardy to the City of Imlay City, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen. Landscaped areas shall include only living plant materials and planting beds, no pebbles or stones are permitted.

d. Minimum Sizes and Spacing. The minimum plant sizes and spacing shall be provided in accordance with the following:
   1. Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.

Minimum Sizes and Spacing		
Type of Plant Material	**Minimum Plant Sizes**	**Spacing Requirements**
Deciduous canopy trees	2½ in. caliper	25 ft. on-center
Ornamental trees	2 in. caliper 6 ft. height (clump form)	15 ft. on-center
Evergreen trees	8 ft. height	15 ft. on-center
Narrow evergreen trees	4 ft. height	12 ft. on-center
Deciduous shrubs	3 ft. height	4 ft.-6 ft. on-center
Upright evergreen shrubs	3 ft. height	3 ft.-4 ft. on-center
Spreading evergreen shrubs	18 in.-24 in. spread	6 ft. on-center

e. Mixing of Species. The overall landscape plan shall not contain more than thirty-three percent (33%) of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.

f. Trees Not Permitted. The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains, and sewers, and they are unusually susceptible to disease or insects. The Planning Commission may, however, allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ash, Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).

g. Planting Beds. Bark used as mulch shall be maintained at minimum of two (2) inches deep. Planting beds shall be edged with plastic, metal, brick or stone in residential districts and metal edging in all other zoning districts.

h. Topsoil. Topsoil shall consist of a 4" base for lawn areas and an 8"-12" base within planting beds.

i. Proximity to Utilities. Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads, or other public facilities.

j. Lawn Grasses. Lawn grasses shall be planted in species normally grown as permanent lawns in Alger County. Grasses may be plugged, sprigged, seeded, or sodded except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.

Section 4.28 Exceptions to Landscape Standards

Those properties located within the Central Business District (B-2) are subject to the following screening requirements:

a. Greenbelts and buffers are not required.

b. Any on-site surface parking shall be paved and must be screened with plant materials, masonry walls, or masonry and metal (not chain-link) fences, or some combination thereof, to provide at least a 90% screen from grade to three feet above the grade.

c. Parking shall be set back six feet from the property line if only plant materials are used for screening or set back three feet if fence or wall are used.

d. The Planning Commission may grant landscaping waivers in the Central Business District where space and conditions prevent healthy landscape plantings from thriving.

Section 4.29 Minimum Standards for Installation, Irrigation and Maintenance

a. Timing of Planting. All required plant material shall be planted prior to issuing a Final Certificate of Occupancy. If the project is completed during a time of year when planting is impractical, a financial guarantee in the amount of the remaining improvements shall be provided in a form of payment acceptable to the City.

b. Completion of Improvements. Tree stakes, guy wires and tree wrap shall be removed after completion of the initial growing season.

c. Irrigation. All landscaped areas shall be provided with an underground irrigation system.

d. Maintenance. Landscaped areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within thirty (30) days written notice from the City or within an extended period as specified in said notice.

Section 4.30 Standards for Compliance for Existing Sites

In any case where the building and/or parking area is being increased by at least twenty-five percent (25%) over the originally approved site plan or is being changed to a more intense use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than twenty-five percent (25%) over

the original site plan, the extent of new landscaping shall be equal to four percent (4%) of compliance for every one percent (1%) of increase in building or parking footprint. For example, a building or parking area increase of ten percent (10%) requires forty percent (40%) compliance with the landscape standards.

Article 4: Development Standards

Division 4: Signs

Section 4.40 Purpose and Intent

a. Signs may be erected or maintained in the City of Imlay City only as permitted by this ordinance and subject to other restrictions contained in this City's ordinances. The sign regulations in this ordinance are intended to balance the public and private interests and to promote a safe, well-maintained, vibrant, and attractive community while accommodating the need for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. The sign regulations of this division are intended to ensure that signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare while allowing adequate communication.

b. The following municipal interests are considered by the City to be compelling government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events intended to promote an important government interest that would not be effectively achieved absent the regulation. Regulating the size and location of signage in the most narrowly tailored manner represents the least restrictive means of addressing the targeted government interests of avoiding nuisance-like conditions while maintaining and improving pedestrian and vehicular safety and efficiency; character and quality of life; economic development and property values; and property identification for emergency response and wayfinding purposes.

    1. Pedestrian and Vehicular Safety. Maintaining pedestrian and vehicular safety are predominant and compelling government interests throughout the City, with particular emphasis on the safety of pedestrians. The sidewalk network provides facilities for pedestrians in the City even in automobile-oriented commercial areas. The City recognizes that pedestrian traffic in the commercial areas leads to retail sales, and it serves a variety of business, entertainment, government, and residential uses in the districts. In addition, the City also accommodates automobile-oriented businesses and other land uses that generate motor vehicle trips.
        a) Since most signage is intended and designed to attract the attention of operators of motor vehicles, thereby creating distractions from vigilance for traffic and pedestrian safety, this ordinance is intended to regulate signs such as to reduce such distractions and, in turn, reduce the risk for crashes, property

damage, injuries, and fatalities, particularly considering the rate of speed at which the vehicles are traveling in these districts.

b) The City encourages signage that shall inform pedestrians regarding their desired locations without conflicting with other structures and improvements in these districts, while concurrently allowing effective signage for motorists. These interests are legitimately supported by limiting the maximum size of signage, providing setbacks where relevant, and specifying minimum-sized characters for efficient perception by motorists and pedestrians**,** while minimizing distractions that could put pedestrians at risk.

c) In some circumstances, adjusting the size, setback, and other regulations applicable to signage may be important to avoid confusion and promote clarity where vehicular speeds vary on busy thoroughfares.

d) In multi-tenant buildings and centers, it is compelling and important to provide distinct treatment with a gradation of regulation for individual identification depending on base sign size, amount of road frontage, and the like, all intending to provide clarity to alleviate confusion and thus additional traffic maneuvers, provide a minimum size of characters to allow identification, and maintain maximum-sized overall signage to prevent line-of-sight issues.

e) Maximum size and minimum setback of signage is compelling and important to maintain clear views for both traffic and pedestrian purposes.

2. Character and Quality of Life. Achieving and maintaining attractive, orderly, and desirable places to conduct business, celebrate civic events, entertain people, and provide for housing opportunities is directly related to the stability of property values needed to provide and finance quality public services and facilities within the City. This ordinance intends to allow signs that are of sufficient, but not excessive, size to perform their intended function as necessary to provide and maintain the City's character and support neighborhood stability. Signs that promote potential vehicular and pedestrian conflict, hinder sight distance, and distract from the pedestrian experience shall be prohibited in efforts to preserve the character and unique experience within the City. Also, the intent of this ordinance is that signs shall reflect the character of unique districts as may be established by the City's Master Plan, other adopted plans, or the zoning ordinance.

3. Economic Development and Property Values**.** It is found and determined that there is a clear relationship between the promotion of a set of specifications and restrictions for signage and the promotion of economic development, recognizing that unregulated and haphazard determinations concerning the size, location, and other characteristics of signs has a realistic tendency to result in an appearance that

reduces economic development, and, in the long-term, property values. In addition, the establishment of the restrictions in this ordinance has a direct relationship to creating stability and predictability, allowing each private interest to secure reasonable exposure of signage, and thus promote business success. The application of the restrictions in this ordinance allows businesses to reasonably command attention to the content and substance of their messages while concurrently allowing the promotion of other visuals, including types of business, landscaping, and architecture, all promoting economic development and property value enhancement.

4. Avoidance of Nuisance-Like Conditions. Due to the concentration of people and activities, there is a potential for, and it is a compelling interest to avoid, blight, physical clutter, and visual clutter in the City, recognizing that such conditions tend to create nuisance-like conditions contrary to the public welfare. The result of these conditions leads to diminished property values, reduced attractiveness of the community, and reduced quality of life within the districts. Minimum regulations that substantially relate to signage are compelling and important and are necessary for the maintenance and well-being of positive conditions, good character, and quality of life in the City. Ultimately, these regulations are compelling and important for the protection of all police power values.
   a) An excessive number of signs in one location creates visual blight and clutter, as well as confusion of the public. Thus, limiting the number of signs on properties, and establishing setbacks from property lines is a compelling interest that can be directed with minimum regulation.
   b) Signs that are too large and not properly spaced can lead to confusion, undermine the purposes of the signs, and ultimately lead to physical and visual clutter. Establishing maximum sizes and locations can be the subject of clear and effective regulations that address this compelling and important interest.
   c) Requiring minimum construction and maintenance specifications for signs can minimize the creation of blight and clutter due to the deterioration of signs that are not durable or otherwise well-constructed, and such regulations would be consistent with construction codes for other structures. These requirements can be enforced with efficient and low discretion application and review.
   d) The sign ordinance is designed to prevent blight and protect aesthetic qualities by preventing visual clutter and protecting views. There is a compelling governmental interest that signs avoid glare, light trespass, safety, and skyglow. A framework that enables the selection of proper fixture types and location, use of supportive lighting technology, and control of light levels in a reasonable

fashion is consistent with regulations that are narrowly tailored to achieve the City's interests.

5. Property Identification for Emergency Response and Wayfinding Purposes**.** Locating a business or residence by emergency police, fire, and other emergency responders can be a matter of life and death, and thus it is a compelling interest to ensure that proper, understandable, unambiguous, and coordinated signage be permitted and required, and specifications for such purposes can be accomplished in a simple and narrow manner. Wayfinding for vehicular and pedestrian purposes is also a compelling interest to avoid confusion in public rights-of-way, and unnecessary intrusions on private property, and sign specifications for such wayfinding can be coordinated with property identification for emergency purposes.
6. Protection of the Right to Receive and Convey Messages. The important governmental interests contained herein are not intended to target the content of messages to be displayed on signs, but instead seek to achieve *non-speech* objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying a desired message. Nothing in this ordinance is intended to prohibit the right to convey and receive messages, particularly noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution.
7. Ease of Administration**.** To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to understand and follow.

Section 4.41 Definitions

The following words and phrases shall have the meanings set forth in this ordinance when they are used in this ordinance:

a. Sign Definitions, Sign Types**.** The following definitions apply to types of signs based on the characteristics of the sign without respect to the content of the message:

   1. Air-Activated Signs**.** A sign that is inflated by air or uses air flow to induce movement. Inflatable objects used for signs are often made of flexible fabric and are equipped with a motor to blow air into the object. Air-activated signs are

typically temporary and are restrained, attached, or held in place by a cord, rope, cable, or similar method, but can be permanent.

2. Animated Sign. A sign that has any visible moving part either constantly or at intervals; flashing, scintillating, intermittent, or oscillating lights; visible mechanical movement of any description; or other apparent visible movement achieved by any means that move, change, flash, oscillate or visibly alters in appearance to depict action, create an image of a living creature or person, or create a special effect or scene.

3. Awning Sign**.** A permanent sign painted, or screen printed on the exterior surface of an awning.

4. Banner Sign. A temporary sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached flat against a permanent sign face or strung between two poles or structures.

Figure 1: Banner Sign

5. Bench Sign**.** A sign applied to or affixed to the seat or back of a bench.

6. Billboard Sign**.** A large sign erected, maintained, and used for the purpose of displaying messages that can be seen from a long distance or read from a vehicle traveling at high speeds. A Billboard Sign generally differs from a Freestanding Size based on its size.

7. Box Sign. A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a cabinet or box that houses the lighting source and equipment.

8. Box Sign (Screened) with Raised (push-through) or Recessed Letters: A box sign with opaque (screened) background and lighting that highlights only the individual letters, symbols, or logos and on which the letters, symbols, or logos are raised or recessed onto a different plane than the sign background, thereby giving a clearly distinguishable "dimensional" effect to the sign.

9. Canopy Sign**.** A permanent Projecting Sign affixed to the side or bottom surface(s) of an attached canopy.

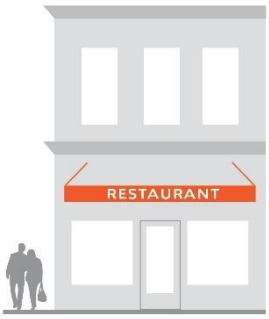


Figure 2: Canopy Sign

10. Changeable Message Sign**.** A permanent sign or portion thereof on which the copy or symbols change either manually through placement of copy and symbols on a panel mounted in or on a track system.

11. Display Board**.** An accessory sign displayed near a public building entrance either on the building or on a freestanding podium. Display Boards are intended to be viewed at close proximity. Examples include displaying menus, special sales, and descriptions of goods or services provided within the building.

12. Electronic Message Center (EMC) Sign. An electrically activated changeable-copy sign whose variable message and/or graphic presentation capability can be electronically programmed. EMCs typically use light emitting diodes (LEDs) as lighting sources.

13. Entranceway Signs**.** A sign placed at a major entrance to a development consisting of multiple users, parcels, lots, or a combination of each. Entranceway signs are often integrated into freestanding walls, columns, boulders, or other

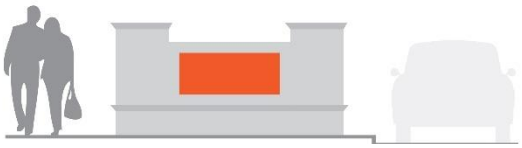


Figure 3: Entranceway Sign

distinguishing features unique to the development.

14. Festoons. A string of ribbons, pennants, spinners, streamers, tinsel, small flags, pinwheels, or lights typically strung overhead and/or in loops.

Figure 4: Festoons

15. Flag**.** A sign on paper, cloth, fabric or other flexible or combustible material of any kind that is attached to a permanent conforming pole. Flags are typically supported on one side of the sign. Flags are not considered air-activated signs for the purposes of this ordinance.

Figure 5: Flag

16. Freestanding Sign**.** A sign supported by one or more uprights, poles, pylons, monuments, or braces placed in the ground and not attached to any building or other structure. Freestanding signs include Monument Signs, but do not include Billboards.

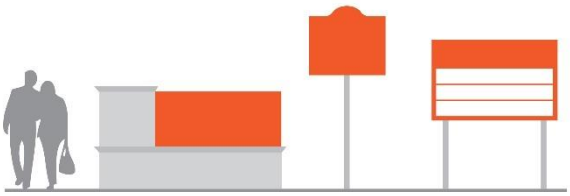


Figure6: Freestanding Sign

17. Incidental Sign**.** A small sign, usually two (2) square feet or less, designed and located to be viewed by persons on a property and are generally not visible or legible from the right-of- way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating hours of business, no smoking signs, signs used to designate bathrooms, handicapped signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, and other signs providing information to be read at close proximity.

18. Interior Sign**.** A sign placed within a building, but not including a Window Sign as defined by this division, that is not visible from any public street, sidewalk, alley, park, or public property.

19. Marquee Sign. A type of projecting sign typically mounted parallel to the building façade in a vertical manner. Marquee signs often include a changeable copy component in addition to the display of a permanent message but are not

Figure7: Marquee Sign

required to have changeable copy.

20. Monument Sign. A base-mounted, freestanding sign placed on the ground and not attached to any building or other structure. A Monument Sign includes a solid

Figure 8: Monument Sign

supporting base of at least twenty-four (24) inches in height and a width equal to or greater than the width of the sign face. Monument signs are constructed of a

decorative and durable material (e.g., masonry), and shall have no separations between the sign face and the base.

21. Nonconforming Sign**.** A sign that was lawfully permitted at the time it was erected but is not permitted under current law.

22. Permanent Sign. A sign constructed of durable materials intended to withstand prolonged exposure to exterior elements. Permanent signs are affixed to the ground or a structure by means of footings beneath the ground surface, bolts or screws into a structure, or other method intended to ensure the sign is displayed for an extended period of time with minimal maintenance or replacement of parts.

23. Portable Sign**.** A temporary sign designed to be easily movable. Portable signs are typically held in place during the period of display by sandbags, blocks, or other easily movable anchor.

24. Projecting Sign**.** A sign attached to a building or other structure and extending beyond the attachment surface by more than two (2) feet. A "Projecting Sign" is differentiated from a "Wall Sign" based on the distance the sign projects from the surface of the building. "Awning Signs," "Canopy Signs," "Blade Signs" and "Marquee Signs" are types of Projecting Signs.

Figure 9: Projecting Sign

25. Roof Sign. A sign that is erected, constructed, and maintained upon, against, or above the roof or parapet of a building or any portion thereof. A sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet is considered a "Wall Sign."

26. Sandwich Board Sign**.** A temporary sign that is not permanently anchored or secured to either a building, structure, or the ground. Often referred to as "sidewalk signs," sandwich board signs include, but are not limited to, "A" frame, "T" shaped, or inverted "T" shaped stands.

Figure 10: Sandwich Board Sign

27. Temporary Sign. A display sign, banner or other device constructed of cloth, canvas, fabric, plastic, or other light temporary materials, with or without a structural frame, or any other sign intended for a limited period of display that is not permanently anchored to the ground or a building.

28. Transported Sign. A sign attached to or pulled by a vehicle that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. A "Portable Sign" does not constitute a "Vehicle Sign."

Figure 11: Transported Sign

29. Vehicle Sign. A sign, painted or otherwise, attached to an operable vehicle that is regularly used and moved, including signs on a truck trailer. A "Vehicle Sign" does not constitute a "Transported Sign."

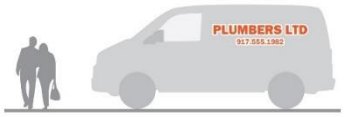


Figure 12: Vehicle Sign

30. Wall Sign**.** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than eighteen (18) inches from the wall and which does not project above the roof or parapet line. A "Wall Sign" shall also include a sign mounted upon a mansard fascia that does not project above the highest point of the roof or parapet. Any other sign upon, against, or above the roof or parapet of a building or any portion thereof is defined as a "Roof Sign."

31. Window Sign. A sign that is painted on or attached to a window or glass door that is intended to be viewed from the exterior, including signs located inside a building but visible primarily from the outside of the building.

Figure 13: Window Sign

32. Yard Sign. A small temporary sign typically used for non-commercial purposes. Yard signs are characterized by a wire frame, non-durable message surface such as cardboard, plastic, or paper, and are often inserted into a lawn with wire posts. Although variations exist to the materials of the frame and message board, a consistent physical characteristic is its temporary and disposable nature.

Figure 14: Yard Sign

b. Definitions, General.

1. Alteration**.** Any change in size, shape, height, or type which changes the appearance of a sign or its structure, or a change in position, location, construction, or supporting structure of a sign.

2. Building Frontage. The length of the front (entry) portion of a building occupied by a single tenant, often facing a street fronting to the premises on which the tenants are located.
3. Glare. Light emitting from a luminaire with intensity enough to reduce a viewer's ability to see, and in extreme cases, causing momentary blindness.
4. Grade. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.
5. Height, Maximum**.** Shall be measured from grade to the highest edge of the sign surface or its projecting structure.
6. Height, Minimum. Shall be measured from grade to the lowest edge of the sign surface or its projecting structure.
7. Lot, zoning. A single tract of land, located within a single block, which at the time of filing for a sign 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.
8. Luminaire. A luminaire is a complete lighting system, which includes a lamp or lamps and a fixture.
9. Nit. A measure of luminance equal to one candela per square meter.
10. Owner. A person, firm, partnership, association, company, or corporation, or any other legal entity, and/or its legal successors, heirs, and assigns.
11. Premises. The contiguous land in the same ownership or control which is not divided by a public street.
12. Sign. Any display or object which is primarily used to identify or display information or direct or attract attention by any means which is visible from any public street, sidewalk, alley, park, or public property and is otherwise located or set upon or in a building, structure, or piece of land. The definition does not include goods displayed in a window.
13. Sign Area. The entire area within a circle, triangle, rectangle, oval, or other geometric shape enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or element forming an integral part of the display or used to differentiate the sign form the background against which it is placed, including a backboard, but excluding the necessary supports or uprights on which such sign is placed.

Section 4.42 Sign Design Standards in All Zoning Districts

a. Construction Standards.
   1. General requirements. All signs shall be designed and constructed in a safe and stable manner in accordance with the City's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.
   2. Building code compliance. All permanent signs shall be designed to comply with minimum wind pressure and other requirements contained in the adopted Building Code.
   3. All signs shall be permanently and securely attached to a structure or to a below ground footing. Portable or moveable signs are prohibited except a construction sign or a sidewalk sign.

b. Framework. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached to be totally screened from view.

c. Illumination.
   1. General requirements. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this division.
   2. Illumination. Glare shall be reduced/minimized in such a manner as to maintain an appropriate level of contrast during the day. An automatic dimmer shall be required to control brightness at night, and to reduce drive distraction and light trespass into residential areas. A photometric plan which identifies the proposed illumination levels (in foot candles) shall be provided. Illumination levels shall not exceed 15-foot candles at the property line, measured four (4) feet from the ground. Illumination for EMCs is regulated in subsection d. below.
   3. Non-glare shielded lighting**.** Use of glaring undiffused lights or bulbs is expressly prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts.
   4. Bare bulb illumination. Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and theatre marquees.

5. Traffic hazards. Sign illumination color and/or brightness that create a traffic hazard are prohibited.

d. Electronic Message Center (EMC) Signs. EMC signs may be permitted on monument signs in non-residential and appropriately zoned districts subject to the standards of this section and the following regulations:

1. Frequency of Change**.** Signs with the ability to change displays shall not change more frequently than one (1) time per ten (10) seconds. Animated signs are expressly prohibited.
2. Manner of Change**.** Signs with the ability to change displays must be designed to change the display instantaneously. Flashing, scrolling, fading, dissolving, osculating, spinning, twirling, video display, or other type of motion are expressly prohibited.
3. Internal Illumination**.** EMC signs shall not emit more than 5,000 nits in full daylight and 100 nits during night hours, which commence no later than one hour after sunset and extend through no earlier than sunrise. The displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels. All EMC signs shall have functioning ambient light monitors and automatic dimming equipment which shall at all times be set to automatically reduce the brightness level of the sign proportionally to any reduction in the ambient light. To verify compliance with City ordinances or other applicable law, the interface that programs an EMC sign shall be made available to City staff for inspection upon request. If the interface is not or cannot be made available upon the City's request, the sign shall cease operation until the City has been provided proof of compliance with City Code.
4. Rendering: A color rendering of the display shall be provided for consideration of the planning commission during site plan review, and the planner and building official during an administrative review.
5. Area: An electronic changeable copy or electronic graphic display area shall not exceed more than one-third (1/3) of the sign area of any monument sign permitted under the zoning ordinance for the zoning district. However, as an alternative, an EMC sign no greater than one-third (1/3) of the permitted sign area may be substituted.
6. Integration into sign: The electronic changeable copy or electronic graphic display areas on monument and billboard signs shall be part of the same sign face as a monument or billboard sign without electronic display technology and shall be

integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the remainder of the sign.

7. Default. All electronic message signs shall default to an unlit black screen if fifty (50%) percent or more of the light source fails or if the light source otherwise is not displaying properly.

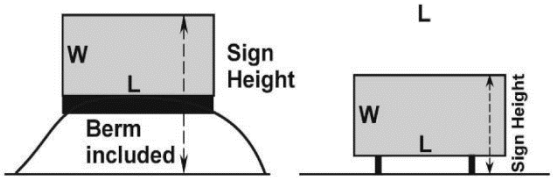
e. Sign Measurement**.** The total sign area is to be expressed in square feet and shall be computed as herein set forth.

1. All signs, unless otherwise provided for herein, shall be set back a minimum of ten (10) feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
2. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred (100) feet from any residential district.
3. Single face sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle, oval, or circle encompassing the extreme limits of an individual letter(s), word(s), logo(s), message(s), representations, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed. Uprights or supports for freestanding signs are excluded from this measurement.

4. Double-face signs having two (2) faces of equal size arranged and/or positioned back-to-back and parallel, or with the faces at an included angle of not more than thirty (30) degrees in the plain or vertical views the area of the sign, shall be computed as one half (½) of the total area of the two (2) faces. When the faces of

such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face. When signs have three (3) to four (4) faces of equal size arranged and/or positioned with the faces at an angle of more than thirty (30) degrees in the plain or vertical view, the area of the sign shall be computed as the total area of the largest two (2) faces. The area of three-dimensional signs shall be measured by computing the total area of the largest two (2) faces measured at a two-dimensional view.

5. When two (2) single-face wall signs are arranged and/or positioned within thirty-six (36) inches of each other, the area of the two (2) signs shall be computed as one (1) single face sign and total area shall include the open space between the two (2) separate faces.
6. The height of the sign shall be measured from the average grade to the upper-most point of the sign. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.



7. The area of a cylindrical sign shall be computed by multiplying the circumference of the cylinder by its height.

f. Sign Location.

1. Right-of-Way Prohibited. No sign, except those established and maintained by the City, county, state, or federal governments shall be located in, project into, or overhang a public right-of-way or dedicated public easement.
2. Clear Vision Triangle Area Prohibited. No sign shall be located in the clear vision triangle area, which shall mean the triangular area adjacent to the intersection of any street established by measuring a distance of fifteen (15) feet from the point of intersection of two streets along the right-of-way of each of the intersecting streets and connecting the ends of each measure distance to assure adequate visibility sight lines for vehicular traffic approaching the intersection.
3. Compliance with setback requirements. All permanent signs shall comply with the applicable setback requirements.

4. Projections. Unless otherwise stated, no sign shall project beyond or overhang the wall or any permanent architectural feature (e.g., awning, canopy, or marquee) by more than eighteen (18) inches and shall not project above or beyond the highest point in the roof or parapet.
5. Safety. No sign shall be permitted at any location that, in the discretion of the building official, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic. In making this determination, the building official shall cite any relevant building or electrical codes, provisions of this ordinance or other City ordinances, and/or findings or studies of the public safety department and/or a traffic engineer.
6. Liability Insurance. If any sign is suspended over a public street or property or if the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street property line or parapet wall and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a Commercial General Liability Insurance policy in the amount of $1,000,000.00. The Commercial General Liability Insurance policy shall include an endorsement, or policy language, naming the City as an additional insured.
7. Landscaping. The area surrounding signs shall be landscaped to match the design characteristics of the site. The landscaping shall be maintained such that the sign remains visible to passing motorists.
8. Setbacks and Distances. The following setback and distance measurements shall be met:
   a) The distance between two (2) signs shall be measured along a straight horizontal line that represents the shortest distance between the two (2) signs.
   b) The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
   c) The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the edge of the sign and the building or property line.

Section 4.43 Signs Exempt from Permits

The following signs shall be permitted in all zoning districts according to the regulations of this Ordinance and subject to the following provisions. No permit shall be required for signs enumerated below unless otherwise stated. Such exemptions, however, shall not be

construed to relieve the owner of the sign from responsibility for its proper location, erection, maintenance, and removal.

a. Address numbers with a numeral height no greater than six (6) inches for each dwelling unit and eighteen (18) inches for any other use, including multiple-family buildings. The posting of these address signs is necessary for the effective delivery of public safety services, which is a compelling governmental interest.

b. Any sign on the premises required by law.

c. Any sign that conforms to the FHWA's *Manual on Uniform Traffic Control Devices* and is installed for the purpose of directing or instructing traffic.

d. Nameplates, not to exceed two (2) square feet.

e. Historical markers and plaques up to 12 square feet.

f. Memorial signs or tables that do not exceed four (4) square feet, having the name of the building and/or date of erection and cut, cast or engraved into a masonry or metal surface and made an integral part of the building.

g. Temporary signage in accordance with this ordinance.

h. Official and legal notices signs that are issued by any court, public body, person or officer in the performance of a public duty, or in giving any legal notice, including signs that are required for any public hearing. Such signs shall be removed according to the requirements of the City, court order or state statute.

i. Signs erected on a City, county, state, or federal building or land owned by the authorized public agency.

j. Interior signs that are not visible to the outside.

k. Any lawful sign in a public or private right-of-way installed by an authorized public agency, including but not limited to, street signs and address signs.

l. Private traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.

m. Flags not to exceed thirty (30) feet in height. Flags shall not exceed three (3) per zoning lot or be larger than four by six feet.

n. Window signs, not to exceed twenty-five (25%) percent of the total window area of the façade facing a road. Window signs must be placed in a manner to ensure visibility into the building for public safety.

o. Vehicle signs, where the vehicle on which the sign is displayed does not regularly go unoperated for a period exceeding seven (7) consecutive days.

p. Warning signs that are publicly-authorized such as no trespassing, warning of electrical currents or animals, that do not exceed two (2) square feet.

q. Signs displaying noncommercial messages such as religious, political, economic, social, philosophical, or other types of speech protected by the First Amendment of the United States Constitution. However, said signs shall comply with the number and size regulations in the applicable zoning district.

Section 4.44 Prohibited Signs in All Zoning Districts

The following signs are prohibited in all zoning districts, notwithstanding anything to the contrary in this division.

a. Any sign not expressly permitted.

b. Obsolete signs.

c. Animated signs (including revolving signs and rotating signs) and signs that incorporate moving features, except for changeable-copy signs explicitly permitted in this ordinance.

d. Any sign that displays flashing, animation, scrolling, blinking, or intermittent lights, or lights with changing levels of light intensity.

e. Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals. There shall be no flashing, oscillating or

intermittent, ore red, yellow, or green illumination on any sign located in the same line of vision as a traffic control device, or that interferes with vision clearance along any highway, street, or road or at any intersection of two or more streets.

f. Festoons, except those approved in conjunction with a Temporary Land Use Permit.

g. Air-activated signs and balloon signs, except those approved in conjunction with a Temporary Land Use Permit.

h. Any sign that is deemed structurally or electrically unsafe by the Building Official.

i. Signs which hide from view all or any part of any traffic sign, street sign or traffic signal.

j. Support pole signs, including signs attached to light poles, utility poles, street signpost, and trees. Prohibited support pole signs shall not include support pole signs lawfully installed by an authorized public entity.

k. Transported signs unless the vehicle with the transported sign is operating lawfully in a public or private road.

l. Roof signs, except any sign erected or constructed as an integral, or essentially integral, part of the normal roof structure.

m. Bench signs, not including permanently mounted plaques intended to be read at close proximity.

n. Projector-image signs.

o. Pylon or pole signs not otherwise authorized by this division.

p. Rotating search lights or similar devices.

q. Temporary electronic message center signs (EMCs).

r. Signs on private towers.

s. Signs displayed on an unlicensed vehicle or trailer, wagon, or other conveyance. This prohibition shall not apply to temporary "for sale" signs displayed in vehicle windows.

t. Costume signs. The basis of prohibiting costume signs is that the movement and proliferation of costume signs would degrade traffic safety through the creation of visual distractions.

u. Banners, wire stake signs, flag signs and feather signs.

v. Any sign located in a public or private right-of-way, unless permitted by the road agency or explicitly permitted elsewhere in this Ordinance.

w. Neon, LED, or other light types permanently outlining windows or doors.

x. Billboards.

y. Box signs.

z. Signs intended to mimic traffic control or emergency services signage. These signs are considered hazards detrimental to pedestrian and vehicular travel and to the public safety and welfare.

Section 4.45 Non-Residential Sign Regulations Based Upon Sign Type

a. Projecting Name Plate Signs:
   1. One projecting nameplate sign shall be allowed for each ground-floor use that fronts a public right-of-way or alley.
   2. The projecting nameplate shall not extend beyond three feet, six inches (3' 6") from the building wall and shall be secured on top and bottom of the sign to the building to which it is attached.
   3. The projecting nameplate shall not be illuminated.
   4. In the Commercial Districts, height and area of projecting nameplates are restricted according to the following schedule:

Minimum Height of Sign	Maximum Height of Sign	Maximum Sign Face Area
7 feet	10 feet	3 square feet

b. Projecting Signs:
   1. One sign shall be allowed to project from the building face for each street-level business or street level parking lot entry, having street frontage, subject to the following conditions:
      a) The business shall have a public entrance directly onto the street.
      b) The sign shall be located below the finished floor of the second level of a building or have a maximum height of eleven (l l) feet of the final grade, whichever is lower.
      c) There shall be a minimum of eight (8) feet of clearance from the bottom of the sign structure to the ground directly below the sign.
      d) Signs shall not exceed three & three-quarter (3.75) square feet in area.
      e) Sign height shall not exceed three (3) linear feet.
      f) Sign length shall not exceed fifteen (15) inches.
      g) Signs, including mounting hardware shall not project more than thirty (30) inches from the face of the building.
      h) Signs shall not be more than four (4) inches thick.
   2. Exposed surfaces of the sign may be constructed of metal, glass, stone, solid wood or other materials that are architecturally compatible with the exterior of the structure and other structures located within one (1) block of the proposed sign location. If the Zoning Administrator determines that proposed materials are not architecturally compatible, the sign will be referred to the Planning Commission for review and consideration of approval.
   3. The signs may be illuminated externally. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.
   4. The message on the projecting sign shall be limited to the name of the business and its logo.
   5. Projecting signs shall not include electronic components.
   6. Projecting signs shall not be designed to include changeable copy.
   7. Projecting signs shall be mounted in such a manner as to meet applicable building codes and withstand such wind velocity as specified by the Building Code Administrator.

c. Ground Signs:
   1. No ground sign shall be located closer than fifteen (15) feet of any intersection of a right-of-way with another right-of-way or with the pavement of any driveway *or* alley.
   2. No ground sign shall be located closer to a side lot line than the distance specified for side yard setbacks in that district by the Zoning Ordinance.
   3. No portion of ground sign may exceed eight (8) feet in height or eight (8) feet in width for a total of 64 square feet.
   4. Only one (1) ground sign is permitted per use, including uses which occupy more than one parcel and business centers containing more than one business or use, with additional signs permitted according to the following table. No site shall have more than two (2) ground signs, regardless of the number of street frontages or the amount of frontage. Single uses on a single parcel do not qualify for this consideration:

Frontage along 2 or more rights-of-way	1 sign up to the maximum sign face area shall be allowed along 2 frontages
300 feet of frontage along 1 right-of-way	1 ground sign along that frontage
Greater than 300 feet of frontage along 1 right-of-way	2 ground signs

d. Directional Signs: No more than one directional sign shall be permitted for each approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of four (4) feet. Any directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable ground sign square footage.

e. Wall Signs:
   1. No wall sign shall cover, wholly or partially, any wall opening nor shall the sign project beyond the ends or top of the wall to which it is attached.
   2. Wall signs shall not project more than 15 inches from the wall to which it is attached.
   3. In nonresidential districts:

Number of Wall Signs	**Percent of Primary Entrance Façade Square Footage**	**Percent of Secondary Façade Square Footage**
1 per business	15 percent	10 percent

4. One (1) wall sign shall be allowed per business, in addition to any other allowed ground signs. Businesses located on a corner lot shall be allowed up to two (2) wall signs, one for each façade (primary entrance façade and secondary façade).
5. The maximum wall sign area shall not exceed ten percent (10%) of the front facade of the building (any facade which faces a public street that has the primary entrance to the building), per use or business establishment. However, for a commercial or industrial structure containing one (1) use or business establishment the size of the wall sign may be increased up to the maximum square footage as follows if approved by the planning commission:

201 - 400 linear feet of building frontage with primary entrance	18 percent
Greater than 400 linear feet of building frontage with primary entrance	20 percent

f. Canopy Signs:

1. Canopy signs shall not be placed less than ten (10) feet above the sidewalk and shall not be located closer than two (2) feet, measured horizontally from an established curb.
2. Signs attached to the face of a canopy parallel to the flow of the traffic shall meet the requirements of wall signs, except that:
   a) The sign may not project more than six (6) inches from the face of the canopy, and
   b) The sign may not exceed three (3) feet in height.
3. Signs attached to the sides of a canopy which are parallel to the flow of traffic shall meet the requirement of projecting signs.
4. Where signs are suspended under canopies, the following limitations shall apply:
   a) The sign area shall not be greater than six- (6) square foot and shall not be lower than one (1) foot from the underside of the canopy.
   b) There shall not be more than one such sign per business or office.

c) Signs may swing provided that the distance between the top of the sign and the underside of the canopy is not greater than four (4) inches.

d) Signs shall be perpendicular to the flow of pedestrian traffic.

g. Sidewalk Signs/Sandwich Signs:

1. Sidewalk/Sandwich Signs shall be permitted during the hours a business is open to the public or until dusk, but in no instance may a sign be left on the street after dark fall so not to endanger the safety of customers or pedestrians.

2. Sidewalk/Sandwich sign shall be of A-frame construction with a minimum base spread of two (2) feet. The maximum height shall be five (5) feet. The sign shall be sturdy and stable.

3. The surfaces of Sidewalk/Sandwich signs shall be durable. Copy may be painted or printed on the surface. Loose paper faces shall not be permitted. Sidewalk/Sandwich signs shall not be illuminated by any means except natural light and existing streetlights.

4. A minimum of four (4) feet of unobstructed sidewalk must remain between the sign placed at the curb and adjacent buildings.

5. Signs shall not be permitted on State Highway rights-of-ways in violation of the Federal Highway Beautification Act of 1964.

h. Murals: A plan/drawing, picture must be submitted and be pre-approved by the City of Imlay City Planning Commission.

i. Projecting Signs:

1. One sign shall be allowed to project from the building face for each street-level business or street level parking lot entry, having street frontage, subject to the following conditions:

a) The business shall have a public entrance directly onto the street.

b) The sign shall be located below the finished floor of the second level of a building or have a maximum height of eleven (l l) feet of the final grade, whichever is lower.

c) There shall be a minimum of eight (8) feet of clearance from the bottom of the sign structure to the ground directly below the sign.

d) Signs shall not exceed three and three-quarter (3.75) square feet in area.

e) Sign height shall not exceed three (3) linear feet.

f) Sign length shall not exceed fifteen (15) inches.
g) Signs, including mounting hardware shall not project more than thirty (30) inches from the face of the building.
h) Signs shall not be more than four (4) inches thick.

2. Exposed surfaces of the sign may be constructed of metal, glass, stone, solid wood or other materials that are architecturally compatible with the exterior of the structure and other structures located within one (1) block of the proposed sign location. If the Zoning Administrator determines that proposed materials are not architecturally compatible, the sign will be referred to the Planning Commission for review and consideration of approval.
3. The signs may be illuminated externally. Externally lit signs shall be illuminated only with stationary, shielded light sources directed solely onto the sign without causing glare.
4. The message on the projecting sign shall be limited to the name of the business and its logo.
5. Projecting signs shall not include electronic components.

6. Projecting signs shall not be designed to include changeable copy.

7. Projecting signs shall be mounted in such a manner as to meet applicable building codes and withstand such wind velocity as specified by the Building Code Administrator.

j. Temporary Signs:
1. All temporary signs must comply with the sign size and height standards as specified in the Sign Regulations Based on Sign Types.
2. Location of Temporary Signs shall comply with the following:
a) Temporary signs shall not be attached to any utility pole, tree, fence, or be located within any public right-of-way.
b) Temporary signs shall not be located closer than two (2) feet to the edge of the traveled portion of the roadway, and in no case shall they be located within the public right-of-way. The Zoning Administrator, or his/her designee, may administratively approve signs in the public right-of-way or public easement if the Zoning Administrator determines that subparagraphs d. through g. below have been met. The Zoning Administrator, in his/her sole

discretion, may refer any request for signs in the public right-of-way or public easement to the City Commission for approval.

3. The Zoning Administrator, or his/her designee, may administratively approve signs for community events or special events, if the Zoning Administrator determines that subparagraphs 4 through 7. below have been met. The Zoning Administrator, in his/her sole discretion, may refer any request for community events or special events, to the City Commission for approval.
4. Temporary signs shall not be erected in such a manner than they shall or may reasonably be expected to interfere with, obstruct, confuse, or mislead traffic.
5. Temporary signs cannot be placed or constructed to create a hazard of any kind.
6. Temporary signs may not be posted on private property without first obtaining the permission of the property owner.
7. Signs shall not be located within any clear vision triangle.
8. Each temporary sign shall be removed within sixty (60) days of placement. Furthermore, no sign may be erected on a single parcel for more than sixty (60) calendar days out of every one hundred twenty (120) calendar days. Signs expressing First Amendment speech shall be exempt from this time limitation.

Section 4.46 Sign Regulations in Residential Districts Based Upon Sign Type

Signs Permitted in R-1, R-2, RT, RM-1, and MHC

Type	# Allowed	Max Height	Max Size
Wall	1 per business		Not exceed 10% facade
Awning	1 per business		Not exceed 10% facade
Ground	1 per parcel	6 feet	24 square feet per side (includes base of sign)
EMS	Institutional use only *		50% of allowed ground sign
Subdivision/Development Entrance	Entrance to development	6 feet	24 square feet per side

Type	# Allowed	Max Height	Max Size
Business Placard (B & B)	1 per residence		2 feet x 3 feet
Yard	Maximum total of 18 square feet		6 square feet per sign (face)

a. Yard Signs. Signs, not to exceed six (6) square feet per sign, are permitted on residential property. Total sign square footage per residential lot may not exceed 18 square feet. Signs shall be removed within seven (7) days after event. Signs expressing First Amendment speech shall be exempt from this time limitation.

b. Wall Sign.
   1. One wall sign per business not to exceed 10% of front façade for all uses other than single family homes, duplexes, and attached condominiums.
   2. No wall sign shall extend above the roof or parapet of the structure to which it is attached. No wall sign shall have a thickness greater than 12 inches measured from the wall to which it is attached.
   3. No wall sign shall be attached to a wall at a height less than eight feet above any sidewalk.

c. Awning Signs. Awning signs may be used as an alternative or in addition to wall signs for all uses other than single-family homes, duplexes, and attached condominiums, provided that they meet the following standards:
   1. Awning signs and wall signs must not exceed 10% of front façade
   2. Any sign area on an awning shall be included in calculations of maximum wall sign square footage.
   3. Awning signs shall be set back at least two feet from any street curb-line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground and shall not project over an alley or private access lane.
   4. No awning sign shall extend above the roof or parapet of the structure to which it is attached.
   5. Awning signs shall not be internally illuminated.

d. Home Occupations as allowed and defined in Section313 shall be permitted a sign not to exceed a size of 2′ x 3′ mounted flush to the building. The sign may be illuminated,

provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of oncoming vehicles, or on any adjacent premises. In no event, shall any home occupation sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

e. Bed and breakfast signs as detailed in Article 5, Division 4, Special Land Uses.

f. Ground Sign shall be permitted as follows for all uses other than single family homes, duplexes and attached condominiums:
   1. Not more than one ground sign is permitted per parcel.
   2. The top of the ground sign shall be no more than six feet above ground level.
   3. A ground sign shall not extend closer than 5 feet to any part of the public right of way and shall meet the adequate sight distance requirements of this chapter.
   4. No ground sign shall have an area exceeding 24 square feet per side.
   5. A ground sign shall be located on the same parcel as the use.
   6. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, the location of the sign shall be such that a minimum clear vision area shall be maintained between a height of 24 inches and six feet within a triangular area measured 25 feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

g. One electronic message sign, meeting the above requirements, may be permitted for institutional uses located in a residential district when meeting the following requirements:
   1. The institutional use is located on a major or minor arterial or collector road.
   2. The size of the electronic message sign shall be no greater than 50% of the allowable ground sign square footage.

h. Residential Entranceway Signs.
   1. One permanent sign per vehicular entrance identifying uses such as subdivisions, apartment complexes, condominium communities, senior housing complexes, shall be located on the same parcel or at the vehicular entrance to the subdivision, apartment complex, condominium community, senior housing complex, manufactured housing community, or similar residential uses.

2. Entranceway design shall be reviewed by the Planning Commission and approved with the residential development.
3. The top of the ground sign shall be no more than six feet above ground level.
4. A ground sign shall not extend closer than 5 feet to the adjacent public right of way and shall meet the adequate sight distance requirements of this chapter.
5. No ground sign shall have a single surface area exceeding 24 square feet per side.

i. Temporary Residential/Subdivision Construction Signs.
   1. Sign identifying construction sites for which a building permit has been issued, shall not exceed thirty-two (32) square feet for developments of twenty (20) or fewer lots or dwelling units, and 48 square feet for developments of more than twenty (20) lots or dwelling units.
   2. One sign per right-of-way frontage shall be permitted.
   3. When eighty percent (80%) of lots or dwelling units are sold, the signs shall be removed

Article 4: Development Standards
Division 5: Lighting

Section 4.50 Intent

The purpose of this Article is to protect the health, safety, and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, this Article provides standards for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; reduce light pollution and light trespass from light sources onto adjacent properties; conservation of electrical energy; minimize the impact on nocturnal and migratory birds; and curtail the degradation of the nighttime visual environment.

Section 4.51 Applicability

The standards in this Article shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. These standards are not intended to limit or prohibit any visible lighting source or fixture inside a residential unit. The zoning administrator (or his designee) may review any building or site to determine compliance with the requirements under this Article. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the City, the applicant shall submit sufficient information to enable the zoning administrator to determine whether the proposed lighting will comply with this Article.

Section 4.52 Lighting Definitions

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

Canopy Structure: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

Flood or Spotlight: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

Glare: Direct light emitted by a lamp, luminous tube lighting or other light source.

Lamp: The component of the luminaire that produces the actual light including luminous tube lighting.

Light Fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light Pollution: Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Luminaire: The complete lighting system including the lamp and light fixture.

Luminous Tube Lighting: Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Outdoor Light Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps, and other similar devices, permanently installed or portable, used for flood lighting, general illumination, or advertisement.

Shielded Fixture: Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g., "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Article.

Wall Pack: An unshielded fixture that is typically wall-mounted and used to illuminate a large area.

Section 4.53 Submittal Requirements

The following information must be included for all site plan submissions and where full site plan approval is not required, some or all of the items may be required by the zoning administrator:

a. Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.

b. Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).

c. Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.

d. Use of the fixture proposed.

e. Any other information deemed necessary by the zoning administrator to determine compliance with provisions of this Article.

Section 4.54 Lighting Standards

Unless exempted under Section 455, all lighting must comply with the following standards:

a. Freestanding Pole Lighting
   1. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide or LED, shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow. LED lighting shall not cast a halo and must be shielded if the light casts onto prevent light trespass onto neighboring developments.

2. All lighting except, (municipal street lighting) or as otherwise exempted elsewhere in this Article, shall meet the requirements for shielding, placement, and aiming to minimize light trespass and glare such that:
3. No more than .10 foot-candles are measured on a vertical plane located at the property line of the adjacent property.
4. The glare measurements from a zero-setback property line that is adjacent to a public street, private road, or an out lot not reserved for future development shall be no more than 1.0 foot-candles measured in a vertical plane located at the property line.
5. Light trespass from a non-residential use abutting, or across the alley from, a residential district shall not exceed 0.5 foot-candle at the residential property line measured on a horizontal plane.
6. LED light temperature shall be "warm-white" or filtered to minimize blue light emission. No LED lamps shall have a color corrected temperature (CCT) that exceeds 3,000 Kelvin.
7. The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. The only exception is for automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted in display areas within the site but the above standards shall apply to intensity at the property line. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line.
8. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
9. The maximum height of parking lot light fixtures shall be twenty (20) feet, except that the Planning Commission may permit a maximum height of thirty (30) feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than one hundred fifty (150) feet to a residential district or use.
10. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.

11. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within non-residential zoning districts shall be turned off between 11:00 p.m. and sunrise, except where such use continues after 11:00 p.m. but only for so long as such use continues.

b. Building-Mounted Lighting
    1. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
    2. LED light temperature shall be "warm-white" or filtered to minimize blue light emission. No LED lamps shall have a color corrected temperature (CCT) that exceeds 3,000 Kelvin.
    3. The intensity of light within a site shall not exceed ten (10) footcandles within any site or one (1) footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandles at the property line.
    4. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site or is necessary for security purposes.
    5. The intensity of lighting under roof eaves, awnings, porticos, or other structural projections shall not exceed ten (10) footcandles. The internal illumination of building-mounted awnings is prohibited.
    6. Luminous tube, LED, and exposed bulb lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. unless approved by the Planning Commission upon showing that the treatment will enhance the appearance of the building.

c. Window Lighting
    1. Any light fixtures visible through a window must be shielded to prevent glare at the property line.

2. Luminous tube, LED, and exposed bulb lighting (visible from the property line) is prohibited in the windows of a building unless it is part of a sign that meets the requirements of this Article.

d. Gas Station Canopy Lighting.
   1. The intensity of lighting under gas station canopies shall not exceed 32 footcandles or have an average intensity greater than 22 footcandles for LED fixtures. Any other fixtures shall not have an intensity greater than 20 footcandles.
   2. All fixtures must be recessed into the canopy and the lens shall not extend below the lowest part of the fixture.

e. Other Lighting
   1. The internal illumination of building-mounted canopies is prohibited.
   2. Indirect illumination of signs and buildings is permitted provided there is no off-site glare.
   3. The use of laser light source, search lights or any similar high intensity light for outdoor advertisement or entertainment is prohibited.
   4. Lighting shall not be of a flashing, moving, or intermittent type.
   5. Luminous tube, LED, and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of this Article

Section 4.55 Exemptions

The following are exempt from the lighting requirements of this Article, except that the zoning administrator may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety, and welfare of the public:

a. Sports field lighting, provided they are located at least 1000 feet away from any existing residential zone or use. Other sports field lighting may be approved by the Planning Commission after a determination that compliance with the standards in this Article have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses. New activities or games (requiring sports field lighting) may not begin after 10:00 p.m.

b. Swimming pools.

c. Holiday decorations when removed within 15 days of said holiday.

d. Window displays without glare.

e. Shielded pedestrian walkway lighting.

f. Residential lighting with no off-site glare.

g. Streetlights.

h. American Flag lighting

i. Search lights may be approved by the zoning administrator, under the following conditions:
   1. Such lighting must be associated with a public or private special event or annual sale.
   2. Search lights for private events may be approved for a maximum of two (2) such events per business, person, or organization, per calendar year. The zoning administrator may grant exceptions to this maximum for community-wide events or for those that serve a general public purpose or that benefit the public.
   3. Search lights may not be used for a duration exceeding seven (7) consecutive calendar days.
   4. Location of all search lights must be in a non-residential district and must be placed in such a way as to minimize any nuisance or glare onto any nearby residential property.
   5. Search lights may not be run by any power supply that creates noise or vibration that can be heard or felt by nearby residences at a level that is greater than 75 decibels, or roughly equivalent to the noise generated by City traffic.
   6. If it is determined necessary by the zoning administrator, a limit to the hours of search light usage may be imposed to prevent night glare.

Section 4.56 Lamp or Fixture Substitution

Should any light fixture regulated under this Article, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the zoning administrator for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

Article 5: Approval Procedures
Division 1: Site Plan Review

Section 5.10 Purpose

a. It is the intent of this Article to require site plan review approval by the Planning Commission prior to issuance of a building permit for certain buildings, structures, and uses that can be expected to have an impact on natural resources, traffic patterns, adjacent parcels, and the character of future development, and for all special land uses, to ensure that all such buildings, structures, and uses are in conformity with the provisions of this Article.

b. It is further the intent of this Article to require the eventual upgrade of existing sites that do not conform with current standards of this Article and ensure that the arrangement, location, design, and materials within a site are consistent with the character of the City and the goals and design guidelines in the City of Imlay City Master Plan.

Section 5.11 Uses Requiring Site Plan Review

Uses Requiring Site Plan Review				
	Use or Activity	**Requires Site Plan Review see Section 5.16**	**Sketch Plan Review (Administrative Approval) see Section 5.14**	**Zoning Review see Section 5.13**
a.	New construction of any non-residential or multiple-family development.	•		
b.	All uses subject to special conditions.	•		
c.	Site condominium developments.	•		
d.	Planned Unit Developments (PUDs) in accordance with Article 5, Division 2: PUD, Planned Unit Development Standards.	•		
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	•		

Uses Requiring Site Plan Review				
	Use or Activity	**Requires Site Plan Review see Section 5.16**	**Sketch Plan Review (Administrative Approval) see Section 5.14**	**Zoning Review see Section 5.13**
f.	Co-location of a communication antenna upon an existing tower with new ground equipment.		●	
g.	Adult and child residential care facilities including day-care centers, foster care homes, family day-care homes and group homes.	Section 302 and 331		
h.	Home occupations.		●	
i.	Temporary uses, buildings, structures, and seasonal events.		●	
j.	An increase in floor area of uses subject to site plan review up to 1,000 square feet or 5% of existing floor area, whichever is less.		●	
k.	Change in use to one permitted in zoning district and requires no significant changes to building footprint, parking, landscaping, lighting, signs, bike paths, or sidewalks.		●	
l.	Improvements to outdoor recreational uses and parks.		●	
m.	Expansion, replacing or alteration of landscaping areas consistent with this Article.		●	
n.	Improvements or installation of walls, fences, or lighting.		●	
o.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five percent (5%) or to meet various Federal, State, or Americans		●	

Uses Requiring Site Plan Review				
	Use or Activity	**Requires Site Plan Review see Section 5.16**	**Sketch Plan Review (Administrative Approval) see Section 5.14**	**Zoning Review see Section 5.13**
	with Disabilities Act requirements and the construction plans, and lot construction are approved by the appropriate City staff.			
p.	Construction or relocation of a waste receptacle or enclosure.		●	
q.	Changes to facade, architectural features, or wall signs (elevation plan showing changes and construction materials is required) pursuant to Article 2, Division 3, Commercial Districts.	●		
r.	Approved changes to utility systems.		●	
s.	Grading, excavation, filling, soil removal, creation of inground swimming pool, creation of ponds, or tree clearing over 100 square feet.		●	
t.	Grading, excavation, filling, soil removal, creation of ponds, installation of a swimming pool, or clearing of trees within an area of less than 100 square feet.			●
u.	Modifications to nonconforming uses, buildings, or sites, including a change to a more conforming situation; modifications to nonconforming single-family dwelling units shall be in accordance with Article 6, Division 1: Nonconforming Uses, Structures, and Lots.		●	
v.	Modifications to upgrade a building to improve barrier free design, comply with Americans with Disabilities Act or		●	

Uses Requiring Site Plan Review				
	Use or Activity	**Requires Site Plan Review see Section 5.16**	**Sketch Plan Review (Administrative Approval) see Section 5.14**	**Zoning Review see Section 5.13**
	other Federal, State or County regulations.			
w.	Construction or erection of permitted accessory buildings and structures accessory to a single- or two-family dwelling unit.		•	
x.	Construction, reconstruction, erection and/or expansion of single-family or two-family dwelling on parcel zoned solely for residential purposes.		•	
y.	Development regulated by the Land Division Act of 1997 (P.A. 112) Ordinance No. 2006-02, Subdivisions of the Code of Ordinances, City of Imlay City.			•
z.	Erection of essential public service local distribution lines.			•
aa.	Construction, erection, or relocation of permitted accessory buildings and structures less than 100 square feet in area accessory to a multiple-family, commercial, office, essential service, municipal, or industrial use.			
bb.	Keeping of animals as an accessory use without additional structures, except kennels under the Special Land Use requirements.			•
cc.	Construction of accessory building or structure for the keeping of animals.		•	
dd.	Accessory outdoor display of general retail items as determined by the Zoning Administrator.		•	

Uses Requiring Site Plan Review				
	Use or Activity	**Requires Site Plan Review see Section 5.16**	**Sketch Plan Review (Administrative Approval) see Section 5.14**	**Zoning Review see Section 5.13**
ee.	Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a 12-month period does not exceed 50% of the building SEV or affect parking requirements on a site.			•
ff.	Construction or erection of signs, antennas, cooling/heating or other mechanical equipment, telephone booth, newspaper boxes, or similar structures which conform to other City standards and where site plan review is not specifically required under other sections of this Article.			•
gg.	Any proposed building or use which does not qualify for sketch plan or exempt from any site plan review.	•		

Section 5.12 Planned Unit Developments (PUD), Site Condominiums, and Condominium Subdivisions

Site plans for Planned Unit Developments shall be subject to the provisions of Article 5, Division 2: Planned Unit Development Overlay, and site condominiums and condominium subdivisions shall be subject to the provisions of Article 5, Division 5: Condominium Development Standards, and the Condominium Act (MCLA 559.101 et seq.).

Section 5.13 Zoning Review

Projects identified as exempt from formal and thorough site plan review must still meet all applicable zoning ordinances, code requirements, and obtain a Certificate of Zoning Compliance prior to application for a building permit or construction. This

requires a property sketch showing lot lines, existing structures, proposed structures, and all dimensions.

Section 5.14 Projects Eligible for Sketch Plan Review and Administrative Approval

a. Intent. The intent of this section is to permit submittal of sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Ordinance. The intent is to also provide for an administrative review by City staff or Planning Commission approved site plans for compliance with conditions as imposed by the Planning Commission.

b. Eligibility. A sketch plan, rather than a complete site plan package, may be submitted for uses or activities identified in this Section 5.11: Uses Requiring Site Plan Review.

c. Procedure
   1. Sketch Plan. The process for administrative approval of a sketch plan shall involve submittal of the sketch plan and required application form, and fee to the Zoning Administrator. The Zoning Administrator shall review the sketch plan in accordance with the same standards used by the Planning Commission for a full site plan. The Zoning Administrator shall make a report of administrative reviews to the Planning Commission.
   2. The minimum contents of a sketch plan submitted for administrative review include:
      a) Cover sheet including:
         1) Completed application form and fee.
         2) Title block with sheet number/title; name, address, and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
         3) Scale and north-point.
         4) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning, and streets within a quarter mile.

5) Legal and common description of property including net acreage.
6) Identification and seal of registered or licensed architect, engineer, land surveyor, or landscape architect who prepared drawings.
7) Zoning classification of petitioner's parcel and all abutting parcels.
8) A note on each plan sheet stating ``Not to Be Used as Construction Drawings.''

b) Buildings and Structures
1) Existing and proposed buildings and parking lots with dimensions, setbacks, and percent coverage.
2) Floor plan indicating existing and proposed uses.
3) Building elevations including materials and colors for all sides with proposed changes. Building material samples shall be submitted to the Zoning Administrator for approval.

c) Parking and Access
1) Existing and proposed parking calculations.
2) Existing and proposed driveways.

d) Site Data
1) Existing and proposed landscaping illustrated on the plan and described in a plant list.
2) Proposed changes to grading and other natural features.
3) Existing and proposed lighting and screening.
4) Proposed changes to utilities.
5) Any other items requested by the Zoning Administrator to assist in the administrative review.

3. Planning Commission Approved Site Plan. If the administrative review consists of a review of an approved site plan with conditions by the Planning Commission, the complete site plan must be submitted with all revisions highlighted in such a manner that all modifications are easily identified.

4. Additional Information. The Zoning Administrator retains the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting

residential districts, or sites experiencing problems with drainage, traffic, noise, aesthetics, or other general health and safety issues. If a full site plan is required, the Zoning Administrator shall inform the applicant to submit a set of plans in accordance with this Article within fourteen (14) days of receipt of the application.

Section 5.15 (Optional) Conceptual Site Plan Review

The site plan approval process includes a review, at the option of the applicant, of a conceptual site plan by the Planning Commission. This option is recommended for site plans affecting locations designated in the City of Imlay City Master Plan as having significant natural features, sites containing floodplain or within the flood hazard zone, sites containing or potentially containing EGLE designated/regulated wetlands, special land uses, and complex developments. The review of a conceptual site plan allows the Planning Commission and City staff to review and comment on the project's compliance with the requirements of this Article prior to the preparation of all the required site plan review materials. The process is illustrated in Development Review Process below.

Section 5.16 Site Plan Submittal Requirements

The site plan shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:

a. Application, Form, and Fees. A completed application form, supplied by the City, and an application fee; a separate escrow deposit may be required for administrative charges to review the site plan submittal. An application will not be placed on the Planning Commission agenda until the Zoning Administrator determines that the application is complete as reviewed by City staff and consultants.

b. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.

c. Project Schedule. A narrative indicating the period within which the project will be completed.

d. Copies. Fifteen (15) copies of the site plan:
   1. Sheet Size. Sheet size of submitted drawings shall be twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100) feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.

e. Cover Sheet. Cover sheet providing:
   1. Applicant's name.
   2. Name of the development.
   3. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
   4. Date of preparation and revision dates.
   5. North arrow.
   6. Property lines and dimensions.
   7. Complete and current legal description and size of property in acres.
   8. Small location sketch of sufficient size and scale to determine the site's location within the City.
   9. Note on each plan sheet stating, "Not to Be Used as Construction Drawings."

f. Site Plan sheet(s) indicating:
   1. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.
   2. Lot lines and all structures on the property and within one hundred (100) feet of the site's property lines.

3. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the site along streets where vehicle access to the site is proposed.
4. Existing buildings and any public or private easements, noting those which will remain, and which are to be removed.
5. Layout and typical dimensions of proposed lots, footprints and dimensions of proposed buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.
6. Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided, and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.
7. Building footprints, setbacks, typical floor plans, and a sketch of any ground mounted equipment to scale along with required screening.
8. Proposed lot coverage percentage and impervious surface percentage.
9. Existing and proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements; notes shall be provided clearly indicating which existing services will remain and which will be removed.
10. Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees (in accordance with Article 4, Division 3, Incentives to Preserve Existing Trees), non-EGLE regulated wetlands, lakes, rivers, drainageways, topography, etc.
11. Location(s) of any EGLE- regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an EGLE wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two (2) contiguous acres.
12. Location(s) of all properties within the Floodplain.
13. Location and method of screening for all waste receptacles including dumpsters and compactors, meeting the requirements of Article 3, Division 2**,** Waste Receptacles and Enclosures.

14. Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements of Article 4, Division 1, Off-Street Parking and Loading-Unloading Standards.
15. Details of exterior lighting meeting the requirements of Article 4, Division 5, Lighting Standards including locations, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
16. Size, type, and location of proposed identification signs including:
    a) Location, type, height, and method of lighting for identification signs.
    b) Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.
    c) Details of site circulation and access design, including:
        i. Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.
        ii. Indication of pavement widths and pavement type including internal service and access drives.
        iii. Street horizontal and vertical dimensions, including curve radii.
        iv. Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.
        v. Location of existing sidewalks and location and dimensions for proposed sidewalks and bicycle paths.
        vi. Written verification of access easements or agreements, if applicable.

g. Landscape Plan. A landscape plan in accordance with Article 4, Division 3, Landscape Standards and Tree Replacement, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.

h. Grading Plan. A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels

and with topography extending a minimum of fifty (50) feet beyond the site in all directions and a general description of grades within one hundred (100) feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.

i. Stormwater Management Plan. A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds. Stormwater outfall structures or basins constructed in an EGLE-regulated wetland may require an EGLE wetland permit; and, if constructed below the ordinary high-water mark of an inland lake or stream, will require a permit under the Inland Lakes & Streams Act, PA 346 of 1972, as amended. Status of all such EGLE permit applications or copies of permits with attached conditions shall be provided as applicable.

j. Additional Items. Any additional graphics or written materials requested by the Planning Commission or City Commission to assist the City in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage.

Section 5.17 Standards for Site Plan Approval

Based upon the following standards, the Planning Commission may recommend approval, approval with conditions, or denial of the site plan:

a. General. All elements of the site plan shall be designed to take into account the site's topography, existing historical and architectural features, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Article.

b. Building Design. The building design shall relate to the surrounding environment regarding texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of Article 3, Division 2, Site Development Standards.

c. Preservation of Significant Natural Features. Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural features, in particular woodlands, EGLE-designated/regulated wetlands, and, to a lesser extent, wetlands which are not regulated by the EGLE.

d. Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Article. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the provisions of Article 4, Division 3, Landscape Standards and Tree Replacement.

e. Streets. All streets shall be developed in accordance with the Chapter 152 Land Division, Section 152.40. Street, of Imlay City Code of Ordinances, and construction standards.

    1. Access, Driveways, and Circulation. Safe, convenient, un-congested, and well defined vehicular and pedestrian circulation within and to the site shall be provided and shall meet the following criteria:
    2. Drives, streets, parking, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.
    3. All driveways shall meet the design and construction standards of the City.
    4. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site.

5. For uses having frontage and/or access on a major traffic route, as defined in the City of Imlay City Master Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Article 4, Division 2, Access Management and Driveway Standards.

f. Emergency Vehicle Access. All buildings or groups of buildings shall be arranged to permit necessary emergency vehicle access as required by the City fire and police departments.

g. Sidewalks, Pedestrian and Bicycle Circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/pedestrian or bicycle pathways in the area in accordance with Article 3, Division 2, Sidewalks, Bike paths, and Other Walkways.
   1. A pedestrian circulation system shall be separated from vehicular circulation system.
   2. To ensure public safety, special pedestrian measures, such as crosswalks, crossing signals, and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/service restaurants, and other high traffic areas of pedestrians or bicycles.

h. Barrier-free Access. The site has been designed to provide barrier-free parking and pedestrian circulation.

i. Parking. The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by Article 4, Division 1, Off-Street Parking and Loading Standards. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or City Commission may reduce the required number of parking spaces as permitted in Shared Parking and Parking Lot Deferment.

j. Loading and Storage. All loading and unloading areas and outside storage areas shall be screened as determined by the Planning Commission in accordance with Article 4, Division 3, Landscape Standards and Tree Replacement.

k. Soil Erosion Control. The site shall have adequate lateral support to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the City Engineer.

l. Utilities. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.

m. Stormwater Management. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion, and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

n. Lighting. Exterior lighting, in accordance with Article 4, Division 5, Lighting Standards, shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

o. Noise. The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

p. Mechanical Equipment and Utilities. Mechanical equipment and utilities, roof, building and ground mounted, shall be screened in accordance with the requirements of Article 3, Division 2, Mechanical Equipment and Utilities.

q. Waste Receptacles. Waste receptacles shall be provided as required in Article 3, Division 2, Waste Receptacles and Enclosures.

r. Signs. The standards of Article 4, Division 4, Signs must be met.

s. Hazardous Materials or Waste. For businesses utilizing, storing, or handling hazardous material such as automobile service and automobile repair stations, automobile body repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

t. Other Agency and Department Reviews. The applicant has provided documentation of compliance with other appropriate agency and department review standards, including, but not limited to, the EGLE, MDOT, Lapeer County Drain Commission, Lapeer County Health Department, Michigan Department of Floodplain Management, City of Imlay City Police, Fire, Building, etc., and other Federal and State agencies, as applicable.

Section 5.18 Site Plans with Multiple Phases

The Planning Commission shall review site plans with multiple phases as a site plan meeting the submission requirements of Section 5.16, Site Plan Submittal Requirements. Any future phases identified on a site plan must be reviewed by the Planning Commission in the form of a site plan submission. The Planning Commission may require that the conceptual layout for future phases and out lots be shown on site plans to ensure proper development of the overall site. When a future phase of development is identified on a site plan, however, the Planning Commission is not bound by any aspect of that portion of the plan until a site plan meeting the requirements of this Article have been provided. In addition, any phase of a site plan where construction has not commenced within eighteen (18) months from the date of approval must return to the Planning Commission for a new site plan approval.

Section 5.19 Conditions of Site Plan Approval

a. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards of Section 5.17, Standards for Site Plan Approval, and necessary to meet the intent and purpose of this Article.

b. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property or holder of the site plan.

c. A record of conditions imposed shall be recorded on the site plan and maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Section 5.21**,** Deviations from Approved Site Plan.

d. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

e. The Zoning Administrator may require that the applicant revise and resubmit a site plan in compliance with the conditions imposed by the Planning Commission. Should resubmittal be required, all modifications shall be highlighted on the plan in such a manner that the modifications are easily identified. The Zoning Administrator shall have authority to approve the site plan.

f. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements

and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate such approval following a public hearing.

Section 5.20 Validity of Approved Site Plan

a. Approval of the site plan, including any phase of a multi-phased site plan, is valid for a period of eighteen (18) months. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the site plan shall be null and void.

b. Upon written application filed prior to the termination of the eighteen (18) month period, the Planning Commission may authorize an extension of the time limit for approval of a site plan for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period.

Section 5.21 Deviations from Approved Site Plan

a. Amendments to the approved site plan may occur only under the following circumstances:
    1. An applicant or property owner who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
    2. The Zoning Administrator may approve minor changes. The Zoning Administrator must provide, in writing to the Planning Commission, documentation that the proposed revision does not alter the basic design, compliance with the standards of this Article, nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
        a) Change in size of structures, for residential buildings by up to five percent (5%), provided that the overall density of units does not increase.
        b) Change in square footage of non-residential buildings by up to five percent (5%) or one thousand (1,000) square feet, whichever is smaller.

c) Alterations to horizontal and/or vertical elevations by up to five percent (5%).
d) Movement of a building or buildings by no more than ten (10) feet.
e) Increase in designated "areas not to be disturbed."
f) Replacement of plantings approved in the site plan landscape plan by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one (1:1) or greater basis, with approval of the Zoning Administrator.
g) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
h) Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
i) Changes in floor plans which do not alter the character of the use.
j) Slight modification of sign placement or reduction of size.
k) Relocation of sidewalks and/or refuse storage stations.
l) Internal rearrangement of parking lot which does not change the number of parking spaces by more than five percent (5%) or alter access locations or design.
m) Changes required or requested by the City for safety reasons.

b. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, the Planning Commission shall be notified in writing that the site plan has been suspended, and, if construction has initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the site plan and submit to the Zoning Administrator for resubmission to the Planning Commission. All modifications must be highlighted in such a manner that the modifications to the approved plan are easily identified.

c. Any deviation from the approved site plan, except as authorized in this Division, this section, shall be considered a violation of this Article.

Section 5.22 Property Maintenance after Approval

a. It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities, and all other elements of a site.

b. Any property owner who fails to so maintain an approved site plan shall be deemed in violation of the provisions of this Article and shall be subject to the same penalties appropriate for a violation.

c. With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association.

Section 5.23 As-Built Drawings

a. All projects within the City which go through site plan and/or construction plan review shall be required to submit record drawings. The drawings will need to be reviewed and approved by the City Engineer prior to final acceptance of the project by the City of Imlay City.

b. The initial submittals shall be of two (2) sets of black line prints providing the applicable information shown on the checklist below. The minimum scale shall be 1" =50' and shall bear the seal of a registered professional engineer or surveyor licensed to practice within the State of Michigan. All record lengths and elevations must be labeled as record.

c. After the record drawings have been approved by the City Engineer, the applicant shall submit a .pdf version of each sheet of the plan set with the following attributes:
    1. Locations shall be shown on the plans in State Plane coordinates using the NAD83 Michigan South zone.
    2. Individual pipe sizes and structure types should be on separate layers.
    3. The scale shall be 1:1.
    4. Annotation should be snapped to the mid-point of lines. Lines should be snapped to the center of structures.

Article 5: Approval Procedures
Division 2: Planned Unit Development (PUD)

Section 5.25 Intent

a. The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one (1) of the other zoning districts established in this Ordinance, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning districts in Article 2 Division 2, Article 2, Residential, Article 2 Division 3, Commercial, and Article 2 Division 4, Industrial.

b. The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design, layout, and type of structures constructed; to achieve economy and efficiency in the use of land; to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the City; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

c. The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the City of Imlay City Master Plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.

d. To encourage PUD developments on specific properties, these standards relax or waive one (1) or more of the dimensional requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types

on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

Section 5.26 Principal Permitted Uses

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

a. Residential. All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, using attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.

b. Commercial Uses. All business, service, professional office, retail, and other commercial uses, or any combination of these uses, listed as principal uses permitted in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the Planning Commission to be similar to other uses in the surrounding area.

c. Industrial Uses. All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, and light manufacturing uses may be permitted, if determined by the Planning Commission to be compatible with other proposed PUD uses and surrounding uses.

Section 5.27 Conditional Uses and Special Land Uses

All uses listed as Conditional Uses Special Land Uses in the underlying district are considered as special land uses or conditional land uses within the planned unit development designation.

Section 5.28 Qualifying Conditions

To qualify for PUD approval, the applicant must demonstrate in writing that each of the following criteria will be met by the proposed PUD:

a. Demonstrated Benefit. The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:
   1. Preservation of significant natural or historic features.
   2. A complementary mixture of uses or a variety of housing types.
   3. Common open space for passive or active recreational use.
   4. Mitigation to offset community impacts.
   5. Redevelopment of a nonconforming site where creative design can address unique site constraints.
   6. Implementation of a significant component of the City of Imlay City Master Plan.

b. Availability and Capacity of Public Services. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.

c. Compatibility with the Master Plan. The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the City of Imlay City Master Plan.

d. Compatibility with the PUD Purpose. The proposed PUD shall be consistent with the purpose of this division and spirit of this Ordinance.

e. Development Impact. The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

f. Unified Control of Property. The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the City.

Section 5.29 Application and Review Procedure for Preliminary PUD Site Plan and Final PUD Site Plan

a. The application process for a PUD involves a three (3) step process including: an optional pre-application workshop; review of a preliminary (conceptual) site plan by both the Planning Commission and City Commission; and review of a final PUD site plan by the Planning Commission.

b. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.

c. The applicant shall prepare and submit copies to the Zoning Administrator of a preliminary PUD site plan for a PUD, meeting the requirements of Section 5.30, Preliminary PUD Site Plan Submittal Requirements, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; twenty-one (21) days for an applicant who has had a pre-application workshop on the proposal within sixty (60) days of the preliminary PUD site plan submittal. The Zoning Administrator shall promptly transmit this plan to the members of the Planning Commission.

d. The Planning Commission shall review the preliminary PUD site plan and shall conduct a public hearing in accordance with the Michigan Zoning Enabling Act, Section 125.3503(5). During this review, the Planning Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of Section 5.31, Standards for Approval of Preliminary PUD Site Plan. The Planning Commission shall then, within sixty (60) days of the submittal, make a recommendation on the preliminary PUD site plan to the City Commission. The applicant shall incorporate these modifications or conditions recommended by Planning Commission prior to the review by the City Commission.

e. Following receipt of the Planning Commission recommendations, the City Commission shall take final action on the Preliminary PUD Site Plan and petition within ninety (90) days of the date it receives a report from the Planning Commission, or such reasonable extension of time as may be necessary for adequate review.

f. A PUD rezoning is discretionary on the part of the city and the City Commission is not obligated to approve a PUD rezoning request unless, in its opinion, the proposal meets the purpose and requirements of this ordinance. To rezone the property to PUD, the applicant shall prepare and submit an application meeting the requirements of Article 6, Division 4, Rezoning. The rezoning and Preliminary PUD site plan review may happen simultaneously.

g. If any conditions are imposed upon the approval of the preliminary PUD site plan by the City Commission, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.

h. Approval of the preliminary PUD site plan by the City Commission shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the City Commission for one (1) additional three (3) year period.

i. The applicant shall submit copies of detailed final site plans to the City Clerk, as described in Section 5.32, Final PUD Site Plan Submittal Requirements, for all, or any phase of, the approved preliminary PUD site plan at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.

j. Upon submission of all required materials and fees, the Planning Commission shall review such and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance, the final PUD site plan.

k. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Zoning Administrator in accordance with Article 5, Division 1, Projects Eligible for Sketch Plan Review and Administrative Approval for approval prior to the issuance of any building permits.

l. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this Article.

m. In the Commercial District, the City Commission may, upon recommendation of the Planning Commission, approve an overall PUD plan for multiple sites and then require each subsequent developer to follow the process for final PUD site plan outlined in this Article. Depending upon the size and complexity of the project, the City Commission may then require each developer to enter into a separate PUD Agreement for each individual site or series of projects.

Section 5.30 Preliminary PUD Site Plan Submittal Requirements

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided on a site plan:

a. Proof of Ownership. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.

b. Written Documentation. Written documentation that the proposal meets the standards of Section 5.28, Qualifying Conditions.

c. Application Form and Fees. A completed application form, supplied by the Building Official/Zoning Administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.

d. Sheet Size. Sheet size of submitted drawings shall be at least twenty-four (24) inches by thirty-six (36) inches, with graphics at an engineer's scale of one (1) inch equals twenty (20) feet for sites of twenty (20) acres or less; and one (1) inch equals one hundred (100)

feet or less (i.e. one (1) inch equals twenty (20) to one hundred (100) feet) for sites over twenty (20) acres.

e. Cover Sheet. Cover sheet providing:
   1. Applicant's name.
   2. Name of the development.
   3. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
   4. Date of preparation and any revisions.
   5. North arrow.
   6. Property lines and dimensions.
   7. Complete and current legal description and size of property in acres.
   8. Small location sketch of the subject site and area within one-half (1/2) mile, and scale.
   9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
   10. Lot lines and all structures on the property and within one hundred (100) feet of the PUD property lines.
   11. Location of any vehicle access points on both sides of the street within one hundred (100) feet of the PUD site along streets where vehicle access to the PUD is proposed.

f. PUD Site Plan. A site plan sheet indicating:
   1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, EGLE (Environment Great Lakes and Energy) designated or regulated wetlands with supporting documentation, wetland areas two (2) or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four (4) feet above grade) of "landmark" trees.
   2. Existing and proposed topography at five (5) foot contour intervals, and a general description of grades within one hundred (100) feet of the site.
   3. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
   4. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain, and which are to be removed.

5. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.
6. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.
7. Size, type, and location of proposed identification signs.
8. Site Analysis. A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, which will be designated as "areas not to be disturbed" and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.
9. PUD Development Agreement. A draft written PUD Development Agreement specifying all the terms and understandings of the PUD development as prescribed in Section 5.32, Final PUD Site Plan Submittal Requirements may be required at Preliminary PUD Site Plan review, when deemed necessary by the Planning Commission.
10. Multi-Phased PUD. If a multi-phase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.
11. Additional Information. Any additional graphics or written materials requested by the Planning Commission or City Commission to assist the City in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

Section 5.31 Standards for Approval of Preliminary PUD Site Plan

a. Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed PUD.

b. The uses proposed shall be consistent with the City's adopted Master Plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.

c. Any amendments to the dimensional standards of this Ordinance, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the Planning Commission.

d. Any increase in the density requirements of the underlying zoning district must be approved by the City Commission upon recommendation of the Planning Commission and be included under preliminary review of the site plan.

e. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Article 4, Division 1: Off-Street Parking and Loading Standards. However, where warranted by overlapping or shared parking arrangements, the Planning Commission or City Commission may reduce the required number of parking spaces in accordance with, General Requirements.

f. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of City ordinances, unless modified by City Commission.

g. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be

designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

h. Sidewalks shall be provided in accordance with Article 3, Division 2, Sidewalks, Bike paths, and Other Pedestrian Pathways.

i. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of Article 4, Division 3, Landscape Standards and Tree Replacement.

j. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including EGLE regulated and nonregulated wetlands.

k. Surface water shall be retained on the site wherever possible.

l. The site shall have adequate lateral support to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Zoning Administrator.

m. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.

n. Building design shall be of a high quality, exceeding the standards of Article 2, Division 3, Site Development Standards, for mixed use, commercial, and industrial buildings.

Section 5.32 Final PUD Site Plan Submittal Requirements

The final PUD site plan shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary for the consideration of the PUD:

a. All information required for site plan submittal in accordance with Article 5, Division 1, Site Plan Submittal Requirements.

b. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.

c. A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:

d. A survey of the acreage comprising the proposed PUD

e. All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from City regulations which have been requested and approved.

f. The manner of ownership of the developed land.

g. The manner of ownership and of dedication or mechanism to protect any areas designated as common areas or open space.

h. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the City may require conveyances or other documents to be placed in escrow to accomplish this.

i. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Commission.

j. The cost of installing and maintaining all streets and the necessary utilities has been assured by means of satisfactory documentation to the City Commission.

k. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.

l. Any other concerns raised by the Planning Commission or City Commission regarding the construction and maintenance of the PUD.

m. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.

n. A written draft of PUD Design Guidelines specific to the PUD. Such documents shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The Design Guidelines shall also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

Section 5.33 Standards for Approval of Final Site Plan

The Planning Commission shall use the standards for approval of Article 5, Division 1, Standards for Site Plan Approval, and any design requirements developed specifically for the PUD by the City Commission, in reviewing the final PUD site plan.

Section 5.34 Conditions of Approval

The Planning Commission may attach conditions to the final PUD site plan approval to meet the intent of this Article and Article 5, Division 1, Section 509, Conditions of Site Plan Approval.

Section 5.35 Validity of Approved Final PUD Site Plan

a. Project Commencement. Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within twelve (12) months of approval. If the PUD has not commenced and proceeded beyond

site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that twelve (12) month period, then the site plan shall be invalid and void.

b. Project Completion. The approved site plan shall remain valid for a three (3) year period following the date of final site plan approval, provided that the requirements of paragraph a. above are met.

c. Extensions. The three (3) year period for project completion may be extended for one (1) year, if applied for by the petitioner and granted by the Planning Commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

Section 5.36 Deviations from Approved Final PUD Site Plan

a. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with Article 5, Division 1, Section 5.36, Deviations from Approved Site Plan.

b. Should the Planning Commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the City Commission as a new preliminary PUD plan.

c. Any amendment to the PUD Design Guideline requirements established specifically for the PUD by the City Commission shall be adopted by resolution of the City Commission, upon recommendation of the Planning Commission, and will not require amendment of this Article of the Zoning Ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph a. above.

d. Any deviation from the approved PUD site plan, except as authorized in Section 531, Deviations from Approved Final PUD Site Plan shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

Section 5.37 Appeals and Variances

Amendments, appeals, and variances related to a PUD cannot be taken to the Zoning Board of Appeals in a PUD. The Planning Commission can only grant amendments when it is determined that the requested amendments are in keeping with the overall purpose of PUD, as identified in Section 5.25, Intent and improve the quality of the development.

Section 5.38 PUDs Approved Prior to this Ordinance

All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this Ordinance shall be treated as follows:

a. Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this Ordinance.

b. Approved preliminary PUD site plans for mixed use PUDs shall be considered zoned as a mixed-use PUDs. The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD site plan.

c. Any changes to the uses and/or their locations as approved on a mixed-use preliminary PUD plan shall meet Section 5.31, Standards for Approval of Preliminary PUD Site Plan. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the Planning Commission or City staff considered necessary to review the impacts of the proposed change.

d. All final site plans or revisions to final site plans for PUDs approved prior to the adoption of this Ordinance shall be regulated and reviewed in accordance with this Article.

Article 5: Approval Procedures
Division 3: Conditional Land Use

Section 5.40 Intent

The intent of this Article is to provide standards for conditional land uses, which are uses with specific conditions that if met, make the use permitted by right. These conditions are intended to minimize potential negative impacts to other surrounding land uses that could arise due to operations of the particular use. This Article provides standards for the Zoning Administrator or Planning Commission, depending upon the site plan review requirements, to review and determine if the conditions have been met.

Section 5.41 Standards for Approval

a. Prior to approving a conditional land use, the Zoning Administrator shall require that the proposed use meets all requirements and standards. If all requirements and standards are met, a conditional use permit is granted. If all requirements are not met, the use shall be reviewed as a Special Land Use in accordance with Article 5, Division 4.

b. Properties for which application for conditional land use approval is made shall also be concurrent with, and subject to, site plan review in accordance with the requirements of Article 5 Division 1, Site Plan Review. Failure to obtain site plan approval will constitute denial of the approved conditional land use.

Section 5.42 Requirements and Standards of Approval

a. The requirements to permit the conditional use shall remain unchanged.

b. The Zoning Administrator shall make periodic investigations of the conditional land use to ensure continued compliance with all requirements and standards imposed by this Article. Noncompliance with the requirements for the conditional land use shall constitute grounds for the Zoning Administrator to terminate the approval.

Section 5.43 Validity of Conditional Land Use Approval

a. In cases where actual physical construction of a substantial nature of the structures authorized by a conditional land use and site plan approval has not commenced within eighteen (18) months, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null, and void and all rights thereunder shall terminate.

b. Upon written application filed prior to the termination of the eighteen (18) month

period, the Zoning Administrator may authorize a single extension of the time limit for a further period of not more than eighteen (18) months. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the eighteen (18) month extension.

c. The granting of a conditional land use shall allow that particular use to be conforming in the zoning district, as long as the standards of this Article are maintained.

Section 5.44 Conditional Land Use Specific Requirements

a. Conditional land uses, because of their unique character and potential impacts on adjacent properties and the City, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met.

b. The following are conditional land uses with specific site and/or use standards which are described:

1. **Automobile Washes, Automatic or Self-service**
   a) Only one (1) ingress/egress driveway shall be permitted on any single street.
   b) Where adjoining residentially zoned or used property, a decorative masonry wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The Zoning Administrator or Planning Commission may approve a fence, landscaped berm, or landscaping as an alternative.
   c) All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
   d) Vacuuming and drying may be located outside the building but shall not be in the required front yard and shall be set back at least fifty (50) feet from any Residential District. Such areas shall be screened with obscuring landscaping as determined by the Zoning Administrator or Planning Commission.
   e) Adequate stacking space shall be provided in accordance with the requirements of Article 4, Division 1, Off-Street Parking and Loading Standards. Stacking spaces shall not be permitted in the public right-of-way.
   f) Self-service facilities must have contact information clearly displayed on the building.

2. **Automobile or Boat Dealerships, new or used**
   a) Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.

b) All parking, display and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking, display and storage areas shall be provided.
c) Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.
d) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed twenty (20) footcandles within the site for or one (1) footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of ten (10) footcandles and 0.5 footcandles is permitted for vehicle storage areas.
e) Flags, banners, streamers, and inflatables shall not be permitted unless approved by the Zoning Administrator or Planning Commission.

3. **Bars, Taverns, Lounges, Microbreweries (Accessory), and Brewpubs**
   a) The principal building shall be setback at least one hundred (100) feet from a Residential District (does not apply in the B-2, Central Business District).
   b) Noise shall not be a nuisance outside of the building, in accordance with Article 3, Division 2, Performance Standards, and other City ordinances.
   c) Outdoor seating must meet the requirements of Article 3, Division 2, Outdoor Seating for Restaurants and Cafes.

4. **Health/Fitness/Exercise Center**
   a) Within the Light Industrial (I-1) District, the minimum square footage of the facility shall be 4,000 square feet.

5. **Funeral Homes and Mortuary Establishments**
   a) Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
   b) An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.

6. **Medical Marihuana Facilities as authorized by the City's Medical Marihuana Facilities licensing – Administrative Ordinance #XX:**
   a) Any land use that requires a license from the Department of Licensing and Regulatory Affairs (LARA) in the administration of the Michigan Regulation and Taxation of Marihuana Act (MRTMA) providing for the sale, transport, testing, growing, distribution, and processing of Marihuana or any other activity involving

a Marihuana-related use shall require review and approval pursuant to this Article and will require a license from the City. Any facility not specifically authorized in this Ordinance is prohibited.

b) Approval Procedures for Medical Marihuana Facilities.
   1) Zoning approval. Zoning approval shall be required prior to issuance of any license. Zoning approval does not guarantee a license for any proposed facility.
   2) License Required. Licensing for Marihuana facilities is required per Ordinance X. Medical Marihuana establishments must obtain a license for operation from the City Department of Medical Marihuana prior to commencement of operation.

c) Zoning Review Application Requirements. Zoning applications for Medical Marihuana Facilities shall be submitted as required in Section 5.16, Site Plan Submittal Requirements. In addition, the following information is also required:
   1) As provided in *Section 5.11, Uses Requiring Site Plan Review*, any new construction or change that requires a site plan by the City shall submit a site plan showing the proposed building(s) to be used, constructed, remodeled, or reconstructed, along with the parking, landscaping, and lighting plans.
   2) For sites that use existing buildings and parking / circulation facilities and do not require a site plan by the City (Section 5.11), a survey or as-built drawing shall be submitted.
   3) Existing and proposed building elevations shall be provided, including building material and other pertinent information that describes building construction or structural alterations.
   4) Floor plans shall be submitted detailing use areas.
   5) A plan for general waste disposal, chemical disposal, or facility waste disposal.
   6) A notarized statement by the property owner that acknowledges use of the property for a Medical Marihuana facility.
   7) A copy of official paperwork issued by LARA showing proof that the applicant has received a license and paid all necessary application fees.

d) Security Plan. Following site plan approval, a security plan shall be submitted to the City for approval. The security plan shall address security measures related to the transportation and disposal of product and employee and customer safety. Video surveillance is required, and the camera system shall be equipped with software allowing local authorities to login securely to cameras remotely. The City shall review the security plan prior to acceptance of the application for any building permit or certificate of occupancy. At a minimum, the security plan shall

address the following:

1) All Medical Marihuana waste shall be disposed of in a manner consistent with federal, state, and local laws so that the Marihuana waste is destroyed properly and rendered unusable. All waste containers must be maintained within the secure facility and must be equipped with locks and tamper resistant seals until an authorized waste disposal company removes them.
2) To the extent applicable, the security plan should include additional strategies for onsite protection from power outages, fire, chemical spills, and address other applicable issues such as storage, access control, credentialing, security officers, cameras, alarms, and internal theft.
3) The plan shall address surveillance methods, access control strategies, territorial reinforcement, maintenance, and target hardening.
4) An explanation of how the video surveillance system will be operated, including who is responsible for monitoring the video footage and storing any video recordings.
5) A diagram showing where all cameras are located and assigning a number to each camera for identification purposes. The diagram shall be to scale and shall be correlated with a camera index for all assigned cameras. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises and allows for the clear and certain identification of any person and activities in all areas required to be recorded. Cameras must be placed in all rooms with exterior windows, exterior walls, and roof hatches. Entrances and exits to the premises or site shall be recorded from both indoor and outdoor vantage points. Recording distance/range of each camera should be identified on the site plan.
6) Areas where Medical Marihuana products are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the licensed premises shall be recorded, as well as limited-access areas, security room(s) and area storing the surveillance system storage device.
7) Licensed retailers shall record point-of-sale areas and areas where Marihuana products are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling Medical Marihuana products, or any person in the retail area, with enough clarity to determine identity.

e) Operations and Management Plan. An operations and management plan shall be submitted to the City. The plan should describe security measures in the facility;

this may include the movement of the product, methods of storage, cash handling, etc.

f) Use Restrictions.
   1) Consumption of Marihuana shall be prohibited in all facilities, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
   2) Residential uses within the same structure/building are prohibited.
   3) Outdoor storage or discharge of toxic, flammable, or hazardous materials into sewer or storm drains is prohibited.
   4) No Medical Marihuana facilities shall be operated in a manner that creates noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the facility is operated.

g) Lighting.
   1) Site and building lighting shall be sufficient for safety and security, but not cause excessive glare or be designed to be construed as advertising with the intent to attract attention.
   2) Outdoor lighting will comply with Article 4, Division 5, Lighting.
   3) Interior security measures other than security cameras shall not be visible from the public right-of-way (e.g., security shutters, bars, or other methods) during operating business hours.
   4) Interior lighting shall not be so bright to create a nuisance to neighboring property owners or passersby.

h) Odor. As used in this subsection, building means the building, or portion thereof, used for Medical Marihuana activities. Air contaminants must be controlled and eliminated by the following methods:
   1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
   2) The filtration system shall consist of one (1) or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three (3). The filter(s) shall be rated for the applicable CFM.
   3) Air scrubbing and filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every three hundred sixty-five (365) days or changed per manufacturers' recommendation (whichever is less) to ensure optimal performance.

4) Negative air pressure shall be maintained inside the building.
5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
6) The Building Official may approve an alternative odor control system is permitted if the applicant submits and the City accepts a report by a mechanical engineer licensed in the state demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The City may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
7) Ventilation, operation, and waste disposal for the facility shall not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.

i) Facility Exterior.
   1) In no instance shall Medical Marihuana or Medical Marihuana products, Medical Marihuana Processing, or Medical Marihuana Grow operations be visible to the public from the exterior of the building or from any property line or public property.
   2) The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, surrounding businesses, and any descriptions of desired future character, as described in the Master Plan. The exterior appearance shall be maintained to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.

j) Permitted Locations: The following uses are permitted in the specified districts as a Conditional Land Use. Additional Use Specific Regulations are identified in the following sections.

Type of Facility, as defined in City Ordinance XX and Zoning Ordinance Definitions	**Central Business District, B2**	**Industrial Districts, I1 and I2**	**Additional Use Specific Regulations**
Medical Marihuana Provisioning Center	CLU		Section 5.44(6)(j)(1)

Type of Facility, as defined in City Ordinance XX and Zoning Ordinance Definitions	Central Business District, B2	Industrial Districts, I1 and I2	Additional Use Specific Regulations
Medical Marihuana Processor Facility	CLU		Section 5.44(6)(j)(2)
Medical Marihuana Safety Compliance Facility	CLU		Section 5.44(6) (j)(2)
Medical Marihuana Secure Transporter Facility	CLU		Section 5.44(6) (j)(2)
Medical Marihuana Growing Facility		CLU	Section 5.44(6) (j)(3)

1) Medical Marihuana Provisioning Centers Use Specific Regulations. Provisioning centers shall be subject to the following standards:
   i. *Minimum setbacks.* Minimum setbacks from lot lines shall adhere to measurement requirements as listed in Section 2.24—Schedule of Regulations.
   ii. *Hours.* A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 9:00 a.m. and 9:00 p.m.
   iii. *Indoor activities.* All activities of a provisioning center, including all transfers of Marihuana, shall be conducted within the structure. A provisioning center shall not have a walk-up window or drive-thru window service.
   iv. *Other activities.* Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed inside or outside of the building space occupied by the provisioning center.
   v. *Nonconforming uses.* A provisioning center may not locate in a building in which a nonconforming retail use has been established.
   vi. *Buffer zones.* A provisioning center may not be located within the distance specified from the uses below as determined by the City~~.~~
      I. A provisioning center may not be located within two hundred (200) feet of the real property comprising or used by a public or private elementary, vocational, or secondary school; a place of worship; a park, as defined in this Ordinance; or a commercial childcare organization building (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services; or its successor agency. The distance between the school,

place of worship, or childcare building and the Provisioning Center shall be computed by measuring a straight line from the nearest property line of the parcel used for a Provisioning Center to the nearest property line of the parcel used as a school, place of worship, or childcare facility.

II. A provisioning center may not be located within one hundred (100) feet of a *residentially zoned* structure. The distance between the residential zoned structure and the Provisioning Center shall be computed by measuring a straight line from the nearest property line of the parcel used as Provisioning Center to the nearest property line of the parcel with the residentially zoned structure. In no circumstance shall a Medical Marihuana Provisioning Center abut residentially zoned property.

III. A provisioning center may not be located within one hundred (100) feet of a *vacant* residentially zoned parcel. The distance between the vacant residentially zoned parcel and the Provisioning Center shall be computed by measuring a straight line from the nearest part of a property line of the parcel used as a Provisioning Center to the nearest property line of the *vacant* residentially zoned parcel.

2) Medical Marihuana Processors, Safety Compliance Facilities, or Secure Transporters Use Specific Regulations

i. *Minimum yard depth/distance from lot lines.* Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Section 2.24—Schedule of Regulations.

ii. *Indoor processing.* Marihuana Processing shall be located entirely within a completely enclosed building.

iii. *Maximum building floor space.* If only a portion of a building is authorized for use in Marihuana Processing, a partition wall at least seven (7) feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the Marihuana processing space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the Marihuana processing space and the remainder of the building.

iv. *Nonconforming uses.* A Processor, Safety Compliance Facility, or Secure Transporter Facility may not locate in a building in which a nonconforming retail use has been established.

v. *Buffer zones*. A Medical Marihuana processor, safety compliance facility, or

secure transporter may not be located within the distance specified from the uses below as determined by the city. Distance shall be measured as follows:

I. A Medical Marihuana Processor, Safety Compliance Facility, or Secure Transporter Facility may not be located within two hundred (200) feet of the real property comprising or used by a public or private elementary, vocational, or secondary school; a place of worship; a park, as defined in this Ordinance; or a commercial childcare organization building (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services; or its successor agency. The distance between the school or childcare building and the Medical Marihuana Processor, Safety Compliance Facility, or Secure Transporter Facility shall be computed by measuring a straight line from the nearest property line of the parcel used as a Medical Marihuana Processor, Safety Compliance Facility, or Secure Transporter Facility to the nearest property line of the parcel used by a public or private elementary, vocational or secondary school; place of worship; park, or a commercial childcare organization building.

II. A Medical Marihuana Processor Facility, Safety Compliance Facility, or Secure Transporter Facility may not be located within one hundred (100) feet of a *residentially zoned* structure. The distance between the residential zoned structure and the Medical Marihuana Processor Facility, Safety Compliance Facility, or Secure Transporter Facility shall be computed by measuring a straight line from the nearest property line of the parcel used as a Medical Marihuana Processor Facility, Safety Compliance Facility, or Secure Transporter Facility to the nearest property line of the parcel of the residentially zoned structure. In no circumstance shall a Medical Marihuana Processor Facility, Safety Compliance Facility, or Secure Transporter Facility abut residentially zoned property.

III. A Medical Marihuana, Processor Facility, Safety Compliance Facility, or Secure Transporter Facility shall not be located within one hundred (100) feet of a *vacant residentially zoned* parcel. The distance between the Medical Marihuana Processor Facility, Safety Compliance Facility, or Secure Transporter Facility and the *vacant residentially zoned* parcel shall be computed by measuring a straight line from the nearest property line of the Medical Marihuana Processor Facility, Safety Compliance Facility, or Secure Transporter Facility to the nearest property line of the vacant residentially zoned parcel.

vi. *Lighting*. Lighting shall be regulated as follows:

I. Light cast by light fixtures inside any building used for Marihuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.

II. *Security cameras*. Security cameras must be used and shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state. Recordings shall be kept for ninety (90) days.

3) Medical Marihuana Growers Use Specific Regulations

i. *Minimum yard depth/distance from lot lines*. Minimum yard depth/distance from lot lines shall adhere to measurement requirements as listed in Section 2.31—Schedule of Regulations.

ii. *Indoor growing and processing*. Medical Marihuana Growing shall be located entirely within a fully enclosed, secure, indoor facility with rigid walls, a roof, and doors.

iii. *Maximum building floor space*. If only a portion of a building is authorized for use in Marihuana growing, a partition wall at least seven (7) feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the Marihuana growing from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the Marihuana growing or processing space and the remainder of the building.

iv. *Buffer zones*. A Medical Marihuana grower may not be located within the distance specified from the uses below as determined by the City. Distance shall be measured as follows:

I. A Medical Marihuana Growing Facility shall not be may not be located within two hundred (200) feet of the real property comprising or used by a public or private elementary, vocational, or secondary school; a place of worship; a park, as defined in this Ordinance; or a commercial childcare organization building (non-home occupation) that is required to be licensed or registered with the Michigan Department of Health and Human Services; or its successor agency. The distance between the Medical Marihuana Growing Facility and school, place of worship, or childcare building shall be computed by measuring a straight line from the nearest property line of the parcel used for Medical Marihuana Growing to the nearest property line of the parcel of a public or private elementary, vocational, or secondary school, place of worship, park, or a commercial

childcare organization building.

II. A Medical Marihuana Growing Facility may not be located within one hundred (100) feet of a *residentially zoned* structure. The distance between the Medical Marihuana Growing Facility and the *residential zone*d structure shall be computed by measuring a straight line from the nearest property line of the parcel used as a Medical Marihuana Growing Facility to the nearest property line of the parcel of the *residentially zoned* structure. In no circumstance shall a Medical Marihuana Facility abut residentially zoned property.

III. A Marihuana growing facility may not be located within one hundred (100) feet of a *vacant residentially zoned* parcel. The distance between the Medical Marihuana Growing Facility and the vacant residentially zoned parcel shall be computed by measuring a straight line from the nearest property line of the parcel used as a Medical Marihuana Growing Facility to the nearest property line of the *vacant residentially zoned* parcel.

IV. Industrial standards. All standards of the I-1 and I-2, Light and General Industrial Districts shall apply.

k) Remedies and Penalties. If a person operates a Medical Marihuana establishment without a license or otherwise in violation of this Ordinance, the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than $500 per day of the violation, or both. A Medical Marihuana establishment operated without a license or not in compliance with the requirements set forth in this Ordinance is a nuisance and may be abated as provided by law.

l) Repeal of Conflicting Provisions. All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

m) Severability. If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

7. **Pet Boarding Facilities**

a) Except for the outdoor play area, the facilities must be located in a building with the pet boarding and any ancillary services being the only uses.

b) Up to 5% of the floor area may be used for accessory retail sales.

c) Adequate traffic circulation must be provided on-site to accommodate the frequent pickup and drop-off of animals for the facility.

d) An outdoor play area is allowed with the following restrictions:
   1) Any outdoor play area shall not be any closer than one-hundred fifty (150) feet from a residential zoning district.
   2) Any outdoor play area shall be located in the interior side yard or rear yard.
   3) A maximum eight (8) foot high fence enclosure is required around the play area and surface must be easy to maintain.
   4) All animal waste shall be removed from the outdoor play area daily and disposed of in a sanitary manner.
e) Pets shall not be permitted to remain outdoors overnight.

8. **Storage Facilities/units**
   a) Minimum lot size shall be three (3) acres.
   b) Minimum building and parking setbacks shall be fifty (50) feet from any public street right-of-way line, fifty (50) feet from any residential district and twenty-five (25) feet from any nonresidential zoning district.
   c) The front yard visible from a public right-of-way and any side or rear yards adjacent to residential districts shall include wrought iron or similar decorative fencing and landscaping as determined by Zoning Administrator or Planning Commission.
   d) The storage units shall be screened from all abutting properties using landscaping and/or walls.
   e) Building design and materials shall be compatible with the existing and intended character of the area. Building facades facing a right-of-way must consist of decorative split face block or brick, as approved by the Zoning Administrator or Planning Commission. All roofs must be pitched.
   f) No storage unit doors shall face a public right-of way. Walls, fences, and landscaping as determined by the Zoning Administrator or Planning Commission may be utilized to obscure views of doors from the public right-of-way.
   g) All storage shall be completely within enclosed buildings or structures, unless a separate special land use approval is granted for commercial outdoor storage on the premises, in accordance with Article 5, Division 4, Outdoor Retail Display and Sales.
   h) Buildings shall be limited to storage only.

9. **Upper floor residential dwellings**
   a) Parking for residential units shall be off street and within five hundred (500) feet.
   b) Separate access shall be provided to each unit from the street.

10. **Veterinary Hospitals**

a) Such facilities shall be used only for domesticated animals. Treatment or boarding of non-domesticated, wild, exotic, or vicious animals shall not be permitted.
b) The principal buildings or structures shall be set back at least seventy-five (75) feet from the front property line; and at least two hundred (200) feet from any property line abutting a Residential District or use on the same side of the street, and at least seventy-five (75) feet from all other property lines.
c) The Zoning Administrator or Planning Commission may permit veterinary and animal grooming uses as accessory uses to retail pet supply establishments.
d) Parking lots shall be set back at least fifty (50) feet from a Residential District or use and shall be screened by a wall at least four (4) feet high with landscaping on the exterior side of the wall. The Zoning Administrator or Planning Commission may permit a landscaped berm or dense landscape buffer as an alternative to the wall.
e) All principal use activities shall be conducted within a totally enclosed principal building; no outdoor animal enclosures or runs are permitted unless a separate special land use has been approved for a kennel under Article 5, Division 4, Kennels
f) Any indoor boarding shall be limited to that incidental to treatment or surgery unless the use has also been approved as a kennel or pet boarding facility.
g) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any nuisance (i.e., fencing, soundproofing, sanitary requirements).
h) All waste disposals shall meet the requirements of the Health Department of the State of Michigan.

Article 5: Approval Procedures
Division 4: Special Land Use

Section 5.50 Intent

The intent of this Article is to provide standards for special land uses, which are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district, but may be permitted because of circumstances unique to the location of the particular use. This Article provides standards for the Planning Commission to determine the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

Section 5.51 Standards for Approval

Prior to approving a special land use application, the Planning Commission shall require that the following general standards, in addition to the specific standards noted for individual uses in this Division, Section 5.57-: Special Land Use Specific Requirements, be satisfied. The proposed use or activity shall:

a. Be compatible and in accordance with the goals, objectives, and policies of the City of Imlay City Comprehensive Plan and promote the intent of the zoning district in which the use is proposed.

b. Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.

c. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools

d. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.

e. Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Article 5, Division 1: Site Plan Review. Failure to obtain site plan approval will constitute denial of the approved special land use.

Section 5.52 Application Procedure

a. Any person owning or having an interest in the subject property may file an application for special land use approval as provided for in this Article.

b. The following materials shall be submitted to the City at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:
   1. Payment of the required fee.
   2. Copies of completed application forms.
   3. Copies of a site plan meeting the requirements of Article 5, Division 1: Site Plan Review.
   4. Impact assessment if required by the Planning Commission; the analysis shall be carried out by qualified individuals and shall include, but need not be limited to the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.

Section 5.53 Designated Review Authority and Approval Procedure

a. The Planning Commission shall have final review authority for all special land uses.

b. Following the submission of the required application materials the Planning Commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with Article 6 Division 2, Section 613, Public Hearings.

c. The Planning Commission shall review the application in terms of the requirements of this Division Section 551: Standards for Approval, and shall

approve, approve with conditions, or deny the application.

Section 5.54 Conditions of Approval

a. As part of any special land use approval, the Planning Commission may impose any additional conditions or limitations as, in its judgement, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of this Division Section 5.51-: Standards for Approval, and the applicable specific regulations of Section 5.57-: Special Land Use Specific Requirements, are met.

b. The approval of a special land use, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.

c. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use approval is approved.

d. A record of the decision of the Planning Commission, the reasons for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

e. The Zoning Administrator shall make periodic investigations of developments authorized by special land use approval to ensure continued compliance with all requirements imposed by the Planning Commission and this Article. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds for the Planning Commission to terminate the approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing as described in Article 6, Division 2, Public Hearings, and as required by this Article.

Section 5.55 Validity of Special Land Use Approval

a. In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within

one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.

b. Upon written application filed prior to the termination of the one (1) year period, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one (1) year extension.

c. The granting of a special land use shall allow that particular use to be conforming on the subject property, as long as the standards of this Article are maintained.

d. Any use for which a special land use approval has been granted and which ceases to continuously operate for a six (6) month period shall be considered abandoned and the special land use approval shall become null and void.

e. No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

Section 5.56 Special Land Use Amendments and Expansions

a. Amendments. Any person or agency who has been granted a special land use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan of the special land use. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of Article 5, Division 1, Deviations from Approved Site Plan. A major amendment to a special land use approval shall comply with the application and review procedures contained in this Article.

b. Expansion or Change in Use. The expansion, change in activity, reuse, or redevelopment of any use requiring a special land use approval, with an increase of ten percent (10%) or greater, shall require re-submittal in the manner described in this Article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use on property which has not previously received special land use approval.

Section 5.57 Special Land Use Specific Requirements

The general standards and requirements of this Division, Section 5.51, Standards for Approval, are basic to all uses authorized by a special land use approval. However, certain special land uses, because of their unique character and potential impacts on the welfare of adjacent properties and the City, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met in addition to the general standards of this Division, Section 5.51, Standards for Approval, and other Sections of this Ordinance.

a. The following are special land uses with specific site and/or use standards which are described on the following pages:

1. Adult Entertainment Regulated Uses

a) Intent. In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult entertainment regulated uses to certain uses considered particularly susceptible to the negative Impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute a blighting effect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to ensure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible to negative

impacts.

b) Definitions. The following definitions shall apply to adult entertainment regulated uses:

1) Specified Anatomical Areas. Portions of the human body defined as follows:

i. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola.

ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

2) Specified Sexual Activities. The explicit display of one (1) or more of the following:

i. Human genitals in a state of sexual stimulation or arousal.

ii. Acts of human masturbation, sexual intercourse, or sodomy.

iii. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

c) Uses Regulated. The following uses are regulated by this subsection and defined for purposes of regulating adult entertainment regulated uses:

1) Adult Book or Supply Store. An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or Section devoted to the sale or display of such material.

2) Adult Model Studio. Any place where models who display specified anatomical areas as defined herein are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

3) Adult Motion Picture Arcade or Mini Motion Picture Theater. Any place where motion picture machines, projectors, or other image producing devices are maintained to show images and where the images displayed depict, describe, or relate to specified sexual activities or specified anatomical areas as defined herein.

4) Adult Motion Picture Theater or Adult Live Stage Performing Theater. An enclosed building wherein still or motion pictures, video tapes, or similar

material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.

5) Adult Outdoor Motion Picture Theater. A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
6) Adult Physical Cultural Establishment. Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.
7) The following uses shall not be included within the definition of an adult physical culture establishment:
   i. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, a therapeutic massage practitioner as defined in this Ordinance or any other similarly licensed medical professional.
   ii. Fitness center, as defined in this Ordinance.
   iii. Electrolysis treatment by a licensed operator of electrolysis equipment.
   iv. Continuing instruction in martial or performing arts, or in organized athletic activities.
   v. Hospitals, nursing homes, medical clinics, or medical offices.
   vi. Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck, or shoulders only.
   vii. Adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas as defined herein.
8) Cabaret. An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized

by an emphasis on or relationship to specified sexual activities or specified anatomical areas as defined herein for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

9) Adult, Nude, Partially Nude Dancing. A business having as its principal activity the live presentation of or display of nude or partially nude male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Article, nude or partially nude shall mean having any or all of the specified anatomical areas exposed as defined herein.

d) Required Spacing. The establishment of the types of adult entertainment regulated uses listed above shall meet all of the following space requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:

1) One thousand (1,000) feet from:
   i. Any other adult entertainment regulated use.
   ii. All churches, convents, temples and similar religious institutions.
   iii. All public, private or parochial nursery, primary or secondary schools, public parks, public libraries, and hospitals.
   iv. Any adult or child care facility.
2) Eight hundred (800) feet from:
   i. Any Single-Family or Multiple-Family Residential District or use.
   ii. Any pool or billiard hall, concreted amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, and similar uses generally frequented by children and teenagers.

e) Special Site Design Standards

1) The maximum size of the building shall be five thousand (5,000) square feet.
2) The building and site shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
3) Adult entertainment regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center are not

considered to be a freestanding building.

4) The color of the building materials shall be reviewed and approved by the Planning Commission.
5) The Planning Commission shall determine the type of buffer zone to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
6) The hours of operation shall be approved by the Planning Commission.
7) Access shall be from an arterial roadway.
8) Any adult entertainment regulated use which allows customers to remain on the premises while viewing live, filmed, or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one (1) security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.

f) Obscene Material Strictly Prohibited. The applicant for a special land use for any adult entertainment regulated use shall set forth in his or her application a statement in sufficient detail to describe the material contained in the adult entertainment regulated use. In the event that the Planning Commission finds the material proposed to be within the adult entertainment regulated use to be obscene, then the special land use shall not be granted. For purposes of this subsection, a form of expression shall be classified as obscene if the material meets all of the following criteria:
   1) The average individual, applying contemporary community standards for the City would find that the material, taken as a whole, appeals to the prurient interest.
   2) The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.
   3) The material depicts or describes, in a patently offensive way, sexual conduct.

g) Waivers. Upon denial of any application for an adult entertainment regulated use under this Section the applicant may appeal for a waiver of the location provisions above to the Zoning Board of Appeals (ZBA) consistent with the standards set forth below. The ZBA may waive the location provisions set forth in this Section, after all the following findings are made:
   1) Compliance with Regulations. The proposed use will not be contrary to any other provision of these zoning regulations or injurious to nearby properties.
   2) Not Enlarge District. The proposed use will not enlarge or encourage the development of a "skid row" or "strip".
   3) Consistent with Programs. The establishment of an additional adult

entertainment regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development.

4) Consistent with Law. All applicable City, State or Federal laws and regulations will be observed.
5) Procedure for Waiver. Prior to granting a waiver of the location restrictions set forth above, a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with Article 6, Division 2, Section, Public Hearings, shall be held.

h) Conditions of Approval. Prior to the granting of approval for the establishment of any adult entertainment regulated use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the adult entertainment regulated use which is necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

i) Specific Penalties. No person operating an adult entertainment regulated use shall permit any person under the age of eighteen (18) to be on the premises of the business as an employee, customer, or otherwise.

2. Automobile Gasoline Stations/EV Charging Stations

a) There shall be a minimum lot area of one (1) acre and minimum lot width of two hundred fifty (250) feet.

b) Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.

c) Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with Article 4, Division 4, Signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

d) Only one (1) driveway shall be permitted from each street unless the Planning Commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

e) The intensity of lighting within a site shall meet the requirements of Article 4, Division 5, Lighting Standards.

f) There shall be no outdoor storage or display of vehicle components and parts,

supplies, or equipment except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.

g) The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the City of Imlay City Fire Department.

h) Any use involving maintenance, service, or repair shall also meet the standards for automobile service establishments.

i) In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

3. Automobile Repair Establishments (Major Repair)

a) All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a Single-Family Residential District.

b) Prohibited in residential districts.

c) There shall be a minimum lot frontage on a paved road of two hundred (200) feet.

d) All maintenance and repair work shall be conducted completely within an enclosed building.

e) There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.

f) Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the Planning Commission.

g) The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the City of Imlay City Fire Department.

h) Any use with gasoline sales shall also meet the standards for automobile gasoline stations.

4. Bed and Breakfast/Inns

a) The minimum size of a structure to be used for a bed and breakfast establishment

shall be 2,000 square feet of floor area, exclusive of garages and storage sheds.

b) Parking areas shall be located off-street and shall not be located in any required front yard.
c) No bed and breakfast inn shall be located closer than three hundred (300) feet to another bed and breakfast inn.
d) Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the inn.
e) The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and such operator shall live on the premises while the establishment is active. In the case of multiple ownership, at least one owner shall occupy the premises or an adjacent structure while the establishment is active.
f) No guest of the bed and breakfast inn shall be permitted to reside on the premises for more than thirty (30) consecutive days.
g) Any dwelling or structure proposed as a bed and breakfast inn must possess some historical or architectural significance that makes it a unique location for such an establishment. The exterior appearance of the bed and breakfast shall not be changed from its single-family or historic character.
h) No more than five (5) rooms shall be available for rent at any time.
i) No premises shall be utilized as a bed and breakfast establishment unless there are at least two exits to the outdoors. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants, with an additional 30 square feet for each additional occupant to a maximum of four occupants per room.
j) 4. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast establishment.
k) The impact of a bed and breakfast establishment shall be no greater than that of a private home with guests.

5. Drive-through Window Facilities for Banks, ATMs, Restaurants or Other Permitted Uses

a) Sufficient stacking capacity in accordance with Article 4, Division 1: Off-Street Parking and Loading Standards, for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
b) A bypass lane shall be provided around the stacking spaces.
c) In addition to parking space requirements, at least three (3) parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.

d) Only one (1) ingress/egress driveway shall be permitted on any single street. If the use is located on a corner lot access to the drive-through facility shall be only from the street which carries the least amount of daily traffic at the time the application is approved, except that such access from any other street may be shared with an adjoining property.
e) The Planning Commission may require direct vehicular access connections with adjacent commercial developments where feasible.
f) Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
g) Overhead canopies shall be setback at least twenty (20) feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
h) Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

6. Essential Public Service Buildings and Structures

a) Such facilities shall not be located closer than one hundred fifty (150) feet from any lot occupied by a residential use or located in a residential district.
b) Electric or gas regulator equipment and apparatus shall be set back a minimum of fifty (50) feet from any public right-of-way and thirty (30) feet from all other lot lines.
c) An open-air fence six (6) feet in height shall be constructed for security purposes as determined by the Planning Commission.

7. Extractive Uses *(commercial mining of sand, gravel, stone, and similar materials).*

a) Extractive operations reasonably related to site development for building foundations, parking lot grading and preparation, grading for approved detention or retention ponds and/or intended to accommodate swimming pools, as determined by the zoning administrator, shall not require a special land use permit.
b) All extractive uses shall be established and maintained in accordance with all applicable state statutes.
c) The applicant shall submit a written statement describing:
    1) The equipment to be used and the process involved;
    2) A time period by which the excavation shall be completed, including a specified extension period should undue weather conditions arise;
    3) Indication of the proposed use of the property following the extraction;

4) An approved reclamation plan;
5) An agreement to conform to the standards of the zoning ordinance;
6) Documentation that demonstrates to the satisfaction of the Planning Commission that the extractive activities will not produce any serious consequences which will adversely affect the natural topography, drainage patterns, water bodies, floodplains, street conditions, nearby property values or use of adjacent land. The Planning Commission may require separate environmental, engineering, traffic impact or marketing studies supporting the need for and minimal consequences of such extraction.

d) The Planning Commission may require a performance bond or other guarantee to ensure compliance with the standards of this article. In addition, the Planning Commission may require an occupancy permit to allow extractive activities for a time not exceeding one year. The permit may be renewed upon the finding by the zoning administrator that the applicant has compiled with the requirements by the city and other appropriate agencies.
e) In order to ensure sublateral support, no machinery shall be erected or maintained within 50 feet of any property line or street right-of-way; or within 200 feet of any residential district.
f) Stormwater runoff shall be accommodated in a manner approved by the city engineer.
g) Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrologic studies that the water can be maintained in a nonpolluted condition; and that the applicant meets any requirements by the Michigan Department of Natural Resources.
h) Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis. The Planning Commission may restrict access routes to protect the character or surrounding areas and/or street pavement and base conditions.
i) A reclamation plan shall be provided indicating final grades which are harmonious with surrounding grades and not in excess of five percent unless demonstrably necessary for the proposed reclamation land use. No topsoil shall be removed from the site; topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
j) The Planning Commission may require that the site be enclosed with a six-foot high security fence with a locking access gate. Such fences shall be placed no closer than 50 feet to the top or bottom of any slope.
k) No slope shall exceed an angle with the horizontal of 45 degrees.

l) No building or structure shall be erected on the site, except as may be permitted in that zoning district or if approved as a temporary structure for machinery or field office.

m) Proper measures shall be utilized to minimize the nuisance of noise and dust or airborne materials, as determined by the building administrator, and may include requirements on stockpiling size and/or covering of stockpiles.

8. Kennels

a) For kennels housing dogs, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one-third (1/3) acre for each one (1) additional dog.

b) Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located closer than one hundred fifty (150) feet to any lot line and two hundred (200) feet from any road right-of-way.

c) Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

d) All enclosures for breeding, rearing, shelter, or other uses in connection with harboring of animals, shall be hard surfaces and provided with proper drains.

e) A kennel may be permitted as an accessory use to a veterinary office, clinic, or hospital. Such accessory use shall be subject only to the special land use standards of the veterinary use.

9. Multiple Family Residential

a) Multiple Family residential structures are permitted in a single family residential district subject to the following conditions:

1) May not exceed two stories.
2) Shall not be located closer than 150 feet to any one family residential unit; and
3) The multiple family structure shall be screened from the view of adjoining one family residential unit.

10. Outdoor Display, Sales, and Storage

a) A special land use approval may be granted for outdoor display, sales, or storage on the same property as an approved mini-storage use, marina, or other principal use deemed compatible by the Planning Commission.

b) Stored vehicles or goods on a site without a building, shall meet the setback requirements of the zoning district. If a building is located on the site, no outdoor

storage shall be permitted in any required yard of buildings for the district in which the commercial outdoor storage use is located.

c) If retail activity is associated with the use, an enclosed building of at least five hundred (500) square feet of gross floor area for office and sales use is required.

d) The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides, and other hazardous materials is prohibited.

e) All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles, implements, and recreational vehicles may exceed the height of the screen provided that they are set back from the screen a distance equal to their height.

f) All outdoor storage areas shall be paved with a permanent, durable, and dustless surface and shall be graded and drained to dispose of all surface water.

g) All loading and truck maneuvering shall be accommodated on-site or on a dedicated easement.

h) Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas in accordance with Article 4, Division 5: Lighting Standards.

11. Retail Businesses with Adult Novelty Items.

a) Intent. Same as Section 5.57(1).

b) Definitions.

1) Adult materials: one or a combination of more than one of the following types of materials: adult books and adult novelty items.

2) Adult books: books, magazines, newspapers, advertisements, displays, posters, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse, or sodomy.

3) Adult novelty items: devices of simulated human genitals or devices designed for sexual stimulation.

4) Retail Businesses with Adult Novelty Items: See Article 1, Division 2, Definitions (Retail Businesses with Adult Novelty Items).

a) Requirements and regulated uses. The following requirements and regulated uses are included this subsection and defined for purposes of regulating retail businesses with adult novelty items:

1) Except for transitory movement by customers to the cash register and exiting the store, and except for temporary movement for delivery of inventory into the store

and subsequent shelf placement, adult materials shall not be visible to the public, except for within a designated area meeting the following requirements:

i. A separate room (hereinafter referred to as adult material room) with a minimum of six (6) foot high walls that screen or substantially limit view by persons in the remaining areas of the store.

ii. Minors under the age of eighteen (18) years of age shall not be permitted in the adult material room.

iii. The ceiling in the adult material room shall not be utilized for the display, storage or reflection of any adult materials.

iv. A bathroom and/or mechanical room adjacent to the adult material room shall at no time be used for the display or storage of adult materials.

v. Adult materials are prohibited in any location visible to the public outside of a retail business, including any area visible to the public through front windows of a retail business.

vi. There shall not be any live modeling or similar activity of any sort on the property.

vii. There shall be only one public entrance to the retail business located at the front of the retail business only, excluding required emergency exits and loading doors.

viii. Retail businesses with adult novelty items shall be located at least five hundred (500) feet from:

i) All places of worship (I.e. churches, convents, temples and similar religious institutions).

ii)All public, private or parochial nursery, primary or secondary schools, public parks, public libraries, and hospitals.

ii) All child care centers 12)or day care centers.

ix. Pre-viewing of any adult materials on or from any televisions, audio players, video screens, monitors or other devices in the retail business is prohibited.

12. Schools, including Public, Private, and Parochial Elementary, Middle, and High

a) At least one (1) street access shall be onto a street classified as a "major street" or "collector street" on the City's Act 51 transportation map.

b) All play areas adjacent to a Residential District must be fenced.

c) Bus and automobile drop-off and pickup drives must be provided and shall be separate from, and not conflict with, through travel lanes of any street classified as a "major street " or "collector street" on the City's Act 51 map.

d) A minimum 30-foot open space shall be maintained around the perimeter of the school

property. Within the open space there shall be no placement/construction of buildings or playground equipment nor shall it be used for temporary or permanent vehicle parking. vehicles.

13. Solar Energy Collectors

a) The installation of any solar panel (on-site or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.
b) It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
c) All panels shall have tempered, non-reflective surfaces.
d) Solar energy equipment shall be repaired, replaced, or removed within three months of becoming nonfunctional.
e) Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
f) Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the building inspector prior to installation. Building inspector approval is required.
g) Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.
h) On-Site Roof-Mounted Solar Energy Collector
    1) Solar energy collectors shall be such a weight to be safely supported by the building. Building inspector approval is required.
    2) Solar energy collectors shall be considered part of the building and meet all the required building height and setback requirements.
    3) Solar energy collectors shall not project more than 2 feet above highest point of roof or exceed maximum building height limitations allowed in that zoning district.
    4) Solar energy collectors shall not be located within 3 feet of any peak, eave, or valley to maintain adequate accessibility.
i) On-Site Ground-Mounted Solar Energy Collector
    1) Ground-mounted solar energy systems are only permitted in the side and rear yards, unless permitted in front yard by issuance of a special land use permit
    2) Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at any designed tilt angle.
    3) Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the

ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.

4) There shall be a minimum of 25 feet from all-natural features including water courses, wood lots, wetlands, and 100-year floodplains.
5) The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed the maximum lot coverage.

j) Commercial Solar Energy Collector System

1) The commercial solar energy collector system must meet all requirements for solar energy collectors and roof-mounted solar energy collectors. All commercial solar energy collector systems that are ground-mounted shall follow the following requirements:
   i. Ground-mounted solar energy collectors shall not exceed 12 feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
   ii. The total area of ground-mounted solar energy collections shall be included in calculations to determine lot coverage and shall not exceed a maximum lot coverage of 25 percent regardless of the residing zoning district.
   iii. Required to be on lots larger than 2 acres.
   iv. Any commercial solar energy collector system adjoining any residential development shall be provided with a buffer of at least 60 feet along the adjacent property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes.
   v. A landscaped planting area of at least 60 feet shall also be provided along all street frontage. The Planning Commission may approve to substitute the above described greenbelt for an obscuring fence, wall, and other protective barriers.
   vi. The planting of native ground covers that shall be maintained on site during the operation, until the site is decommissioned.
   vii. Provide verification that adequate infrastructure exists to transport the electricity generated into the larger grid system.
   viii. Power and communication lines running between the banks of the solar panels may be placed above ground, provided the lines are placed no higher than top of the solar panels.
   ix. Power and communication lines to electric substations or interconnections with buildings shall be buried underground.
2) Exception for underground power communication lines:

i. Where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
ii. When required by the utility company.
iii. Unless otherwise determined by the Planning Commission.

3) The installation of the solar energy collectors shall not disturb the existing topography.
4) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 90 days. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a bond in favor of the City of Imlay City equal to 125 percent of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.

14. **Wind Energy Systems**. Medium and Large Wind Energy Systems shall be permitted as a special use and subject to the following:

a) Acreage. A minimum of ten (10) acres is needed for the placement of any Medium or Large Wind Energy Facility.
b) Height and Type.
c) Only monopole construction shall be permitted.
d) The total height of a wind energy system tower, including maximum extension of the top of the blade, shall not exceed the maximum height for structures permitted in the zoning district.
e) Setbacks. A wind energy system tower shall be set back a distance equal to its total height from:
   1) Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road;
   2) Any overhead utility lines, unless written permission is granted by the affected utility;
   3) All property lines, unless written permission is granted from the affected landowner or neighbor;
   4) Support cables, if provided, shall be anchored to the ground no closer than ten (10) feet to any property line.
a) Access.
   1) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access;

2) The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground;

b) Speed Controls. All systems shall be equipped with a manual and automatic over speed controls.

c) Electrical Wires. All electrical wires associated with a wind energy system, other than those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

d) Code Compliance. Wind energy systems including towers shall comply with all of the applicable construction codes, electrical codes, and the National Electric Code.

e) Signal Interference. No Wind Energy facility shall be located in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with sign al transmission or reception.

f) Noise. Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, school, hospital, church or public library existing on the date of approval of any

15. Wireless Communication Facilities and Attached Wireless Communication Facilities

a. The City of Imlay City has a clear and identifiable interest in accommodating the communication needs of residents and businesses and has an interest in regulating the location and of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.

b. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this Section to:

1. Facilitate adequate and efficient provisions for wireless communication facilities;
2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings;
3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs;
4. Promote the public health, safety and welfare; and,
5. Minimize the adverse impacts of abandonment by requiring the removal of such

facilities when they are no longer being used.

c. It is the policy of City of Imlay City to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the City and encourage the use of existing structures for attached wireless communication facilities encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.

d. The location of wireless communication facilities and attached wireless communication facilities shall be subject to the following conditions and regulations:

1. A Special Land Use Permit for a new wireless communication facility shall not be granted unless the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.
2. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located, or maintained at any time on or upon any required setback area for the district in which it is located.
3. The site shall have legal documented access to a public road.
4. All support structures must be set back from all lot lines a distance equal to its height. Support structures located near a bluffline must be located back from the bluff edge a distance of two times the height of the structure.
5. Where an attached wireless communication facility is proposed on the roof of a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
6. Equipment enclosure may be located within the principal building or may be in an accessory building. If the proposed building is an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
7. A wireless communication facility may be of design, such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.
8. All support structures must be certified by a professional engineer licensed in Michigan, that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, State of Michigan and must be certified by a registered, professional

engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.

9. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no display on the wireless communication facility advertising or identification of any kind to be visible from the ground or other structures, except as required for emergency purposes.
11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities.
12. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
13. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
14. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. Following complete demolition and removal of the structure, the premises shall be restored to an acceptable condition as reasonably determined by the Zoning Administrator. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.
15. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the Special Land Use Permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.

Article 6: Administration

Division 1: Nonconforming

Section 6.1 Nonconforming Uses, Structures, and Lots, in General

Within the districts established by this Article, or amendments that may later be adopted, there exist lots, structures, and uses of land which were lawful before this Article was enacted or amended, but which would be prohibited, regulated, restricted, or otherwise unlawful under the provisions of this Article or future amendments.

a. It is the intent of this Article to permit these non-conformities to continue until they are removed, but not to encourage their survival. Such nonconforming uses and structures are declared by this Article to be incompatible with permitted uses in the districts involved. It is further the intent of this Article that non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

b. Nonconforming uses are considered to present a greater public burden than nonconforming lots and structures, therefore the intent of this Article is to gradually eliminate nonconforming uses or decrease their nonconforming status, but to permit certain nonconforming uses to continue under certain conditions.

c. Nonconforming lots and structures are typically those established prior to the current zoning standards. The City intends to allow continued use of these lots and structures in certain cases. Accordingly, this Article establishes regulations that govern the completion, restoration, reconstruction, and expansion of nonconforming structures which do not increase the non- conforming situation.

d. To avoid undue hardship, nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Article, and upon which actual building construction has been diligently carried on.

Section 6.2 Nonconforming Lots

a. Use of Nonconforming Lots. Any lot of record existing at the effective date of the ordinance codified in this Article that now fails to meet the requirements for area or

width, or both, that are generally applicable in the district shall be considered a nonconforming lot. A principal building and customary accessory buildings for a permitted use may be erected on any nonconforming lot of record, provided all other standards of this Ordinance are met.

b. Variance to Area and Dimensional Requirements. If the use of a nonconforming lot requires a variation in minimum floor area or dimensional (minimum setback and maximum height) standards, then the use shall be permitted only if a variance is granted by the Zoning Board of Appeals (ZBA).

c. Nonconforming Contiguous Lots Under the Same Ownership. The following regulations shall apply to nonconforming contiguous lots under the same ownership. The intent of these regulations is to ensure that development of nonconforming lots will not overbuild the lots, result in a development pattern or structures that are out of character with the surrounding neighborhood, diminish access to open space, sunlight, and views for existing residences and will be in accordance with the residential density planned for in the City Master Plan.

d. If two (2) or more lots or combination of lots with contiguous frontage are or have been under single ownership are of record at the time of adoption or amendment of this title, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Article. The lots must be combined prior to receiving a building permit for any construction activity, including additions, renovations, or new construction.

e. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this title.

f. Any combination, in whole or in part, of nonconforming lots of record shall result in lots that conform to the requirements of this title to the maximum extent feasible. Any altering of lot lines or combination of lots shall result in lots that conform to the requirements of this title. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain nonconforming lot of record status and will hereafter be required to comply with the lot requirements of this title.

Sec. 6.3 Nonconforming Uses

Where, at the effective date of this Article or amendment thereto, lawful use of land exists that is made no longer permissible under the provisions of this Article as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following limitations:

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

b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article.

c. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
   1. Utilities, such as water, gas, and electricity to the property, have been disconnected.
   2. The property, buildings, or grounds have fallen into disrepair.
   3. Signs or other indications of the existence of the nonconforming use have been removed.
   4. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use.
   5. Other actions, which in the opinion of the zoning administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

d. Those alleged nonconforming uses which cannot be proved to have been legally existing prior to the effective date of this section shall be declared illegal and shall be discontinued following the effective date of this section.

Section 6.4 Nonconforming Structures

Where, at the effective date of this ordinance section or amendment thereto, a lawful structure exists that could not be built under the provisions of this section by reason of restrictions on

area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following limitations:

a. No such structure may be enlarged or altered in a way which increases its nonconformity within the provisions of this Article.

b. Should such structure be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

d. Should such structure be altered or modified to eliminate, remove, or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

Section 6.5 Expansion of a Nonconforming Residential Building

A nonconforming residential building (that does not meet the required lot size) may be expanded into a required side or rear yard in a manner that does not comply with the setback standards with approval from the zoning administrator. The zoning administrator shall utilize the following standards:

a. The expansion does not extend closer to the lot line than any existing, nonconforming part of the structure.

b. The addition does not extend beyond the predominant existing building line along the same block.

c. The addition retains compliance with all other setbacks, lot coverage, and height requirements.

d. The addition will meet all minimum building code requirements.

e. The resultant addition, in terms of dimensions and design, would be compatible with the established character of the neighborhood.

f. The design of the addition must be compatible with the existing structure and not detract from the appearance of the site.

g. The expansion of a residential building with a nonconforming yard, not meeting the requirements above, shall be prohibited unless a variance is granted by the ZBA (ZBA).

Article 6: Administration
Division 2: Administrative Authority

Section 6.20 Authority of Zoning Administrator

Except where herein otherwise stated, the provisions of this section shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the City Commission. The Zoning Administrator shall have the power to:

a. The Zoning Administrator shall make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.

b. The Zoning Administrator shall issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense.

c. The Zoning Administrator shall issue a certificate of zoning compliance when the requirements of this Ordinance have been met.

d. The Zoning Administrator shall perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 6.21 Certificates of Zoning Compliance

The Zoning Administrator shall issue Certificates of Zoning Compliance under the following conditions:

a. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefore. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this ordinance.

b. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, as permitted under the terms of this ordinance, until a certificate of zoning compliance shall have been issued hereunder by the Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this ordinance.

c. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.

d. Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this ordinance and shall require the issuance of an amended certificate of zoning compliance.

e. The types of buildings and structures subject to a building permit or zoning compliance permit are generally described in the following table. The Zoning Administrator will make the final determination of the applicability of the building permit and will make the final determination of the applicability of a zoning compliance permit, based on the information submitted by the applicant and subject to applicable legislation, including this chapter.

Buildings and Structures Subject to Building Permits	**Buildings and Structures Subject to Zoning Compliance Permits**
a. All principal structures b. Accessory structures two stories in height or taller, regardless of floor area c. Attached accessory structures d. Accessory structures that have a floor area exceeding 120 square feet e. Retaining walls greater than four feet in height f. Other structures as outlined in the Michigan Building and Residential Codes	a. Change of use, including operations for current occupants b. Change of tenant c. Building façade changes d. Landscape changes; entrance features e. Parking lot changes, other than routine maintenance f. Lighting, including the replacement of fixtures g. Utility relocation h. Change of rooftop mechanical units

Section 6.22 Performance Guarantees

a. As a condition of approval of a site plan, special land use or planned unit development, the Zoning Administrator may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities, and similar items. Financial guarantees are generally required for items that cannot be completed due to weather or related delays yet a temporary certificate of occupancy is sought.

b. Performance guarantees shall be processed in the following manner:
   1. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the uncompleted required improvements, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be no greater than one hundred percent (100%) of the cost of installing the uncompleted improvements, plus the cost of necessary consultants and a reasonable amount for contingencies.
   2. The required performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the City.
   3. Upon receipt of the required performance guarantee, the Zoning Administrator may issue a temporary certificate of occupancy for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance.
   4. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of such improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall recommend to the Zoning Administrator either approval or rejection of the improvements with a statement of the reasons for any rejections.
   5. The Zoning Administrator shall then either approve or reject the improvements. The Zoning Administrator shall notify the obligor in writing of the action within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.
   6. The Zoning Administrator, upon completion of all required improvements, shall issue a certificate of zoning compliance and forward it to the Zoning Administrator.

7. Upon receipt of the certificate of zoning compliance and request of the obligor, the Zoning Administrator shall rebate the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed.
8. Performance guarantees shall not be returned until all debts or obligations to the City are resolved.
9. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 6.23 Public Hearings

a. Unless otherwise required, notices for all public hearings shall be given as follows:
    1. The notice shall:
    2. Describe the nature of the request.
    3. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    4. State when and where the request will be considered.
    5. Indicate when and where written comments will be received concerning the request.
    6. Except as required in c. and d., below, notices for all public hearings shall be given as follows:
        a) Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing, not including the date of the meeting.
        b) Notice of the hearing shall be published in a newspaper of general circulation
        c) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
        d) Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

e) Newspaper publication as required in b. above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.

b. Zoning Board of Appeals. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice shall be only to the applicant and by newspaper publication, as required in a.6. above.
c. If the interpretation or appeal of an administrative decision involves a specific property, notice shall be given to the person bringing the appeal and as required in a.1.-3., above.

Section 6.24 Violations

Whenever by the provisions of this chapter the performance of any act is required, or the performance of any act is prohibited, or whatever regulation, dimension or limitation is imposed on the use of, or upon any land, or on the erection or alteration or the use or change of use of a structure or the uses within such structure, a failure to comply with such provisions of this chapter shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Section 6.25 Penalties

Any person who violates this chapter shall be responsible for a civil infraction violation, subject to the fines and penalties set forth in the City of Imlay City Code of Ordinances.

Article 6: Administration

Division 3: Zoning Board of Appeals

Section 6.30 Establishment

A Zoning Board of Appeals (ZBA), hereinafter in this Article sometimes referred to as the "board," is hereby established pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended. The terms of the statute shall prevail, except as modified by the terms of the Code of Ordinances and the Charter which are not in direct conflict thereto.

Section 6.31 Membership, Quorum, and Alternate Members

a. The ZBA shall consist of seven (7) members appointed by majority vote of the members of the City Commission. In the first instance the City Commission shall appoint two (2) members for a one-year term, two (2) members for a two-year term, and three (3) members for a three-year term, respectively. Thereafter, each member shall be appointed to hold office for the full three (3) year term. A vacancy on the ZBA shall be filled by the City Commission for the remainder of the unexpired term in the same manner as the original appointment.
b. Five (5) members shall constitute a quorum.
c. The City Commission may, if desired, appoint two (2) alternate members for three (3) year terms.
    1. One (1) or both alternate members may be called by the chairman, or in the absence of the chairman by the vice-chairman, or, in the absence of the vice-chairman, by the secretary to sit as a regular member of the ZBA if a regular member is absent from or unable to attend one (1) or more meetings.
    2. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest.
    3. The alternate member having been appointed shall serve in the case until a final decision has been made. While serving, the alternate member shall have the same voting rights a regular member of the ZBA.
d. A member who has abstained for reasons of conflict of interest shall take no part in the discussion or voting of the hearing. An abstaining member may remain in attendance in the audience during the hearing.

Section 6.32 Qualifications of Members

a. Members of the board shall be residents of the City.
   1. At least one (1) member shall be knowledgeable in the construction of buildings.
   2. One (1) of the regular members or an alternate member of the ZBA may be a member of the City Commission, but that member shall not serve as chairperson of the ZBA.
   3. One (1) of the regular members of the ZBA shall be a member of the Planning Commission.
b. An employee or contractor of the City Commission may not serve as a member of the ZBA.

Section 6.33 Procedural Matters, Public Hearings, and Vote Required

a. The ZBA is hereby authorized and empowered to establish its own rules of procedure and to elect its own officers subject to the provision that it shall, at its organizational meeting, elect a chairperson, a vice-chairman, and a secretary. In establishing rules of procedure and election of officers, a majority of those in attendance and constituting a quorum shall be required.
b. Prior to the ZBA making a decision in a specific case, the ZBA shall conduct a public hearing. Written notice of the hearing shall be in accordance with Section 102-303, Public Hearings.
c. A concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant, a matter upon which the board is required to pass under this Article or other Articles of the Code of Ordinances, except that a concurring vote of two-thirds (2/3) of the members of the ZBA shall be necessary to grant a variance from uses of land permitted in this Ordinance.
d. A member of the ZBA who is also a member of the Planning Commission or the City Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the City Commission. However, the member may consider and vote on other unrelated matters involving the same property.

Section 6.34 Jurisdiction, Duties and Responsibilities

The ZBA shall have all jurisdiction and powers granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the following specific jurisdiction and powers:

a. To hear and decide appeals from and review any order, requirements, permit, decision, or determination made by the Building Official or any other administrative official or body in enforcing the provisions of this Ordinance.
    1. The ZBA may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision, or determination as in the ZBA's opinion ought to be made in the premises, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken.
b. To hear and decide matters referred to it or upon which it is required to pass under any ordinance adopted pursuant to Michigan Zoning Enabling Act 110 of 2006, as amended, of the state, or by other Articles of the Code of Ordinances.
c. If there are practical difficulties (for nonuse variances) or unnecessary hardship (for use variances) in the way of carrying out the strict letter of the zoning ordinance, the ZBA may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.
    1. The ZBA may impose conditions and vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alteration of buildings or structures or the uses of land, buildings, or structures, so that the spirit of the particular Article shall be preserved, public safety secured, and substantial justice done.
d. The ZBA may grant dimensional or other site plan related variances for Special Land Uses, however the ZBA shall not have the power to reverse or modify the Planning Commission decision to approve or deny a Special Land Use permit nor grant variances to any Special Land Use standards or conditions of Special Land Use approval.
e. The ZBA shall not have the authority to hear any appeal from a decision on an application for a planned unit development.
f. The ZBA shall have the authority to hear and decide on a request for a use variance.

Section 6.35 Granting of Variances

The ZBA shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified below:

a. Dimensional Variance. The ZBA may grant a dimensional variance only upon a finding that practical difficulties exist. A dimensional variance is a variance from any dimensional standard or requirement of this ordinance, such as, but not limited to, a deviation from density, height, bulk, setback, or parking, landscaping and sign standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following:
    1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other "non-use" matters will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome. The variance will do substantial justice to the applicant, as well as to other property owners.
    2. A lesser variance than that requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
    3. The need for the variance is due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as exceptional narrowness, shallowness, shape, topography, or area.
    4. The problem and resulting need for the variance has not been self-created by the applicant and/ or the applicant's predecessor may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.
    5. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
    6. The granting of the variance will not materially impair the intent and purpose of this Ordinance.
    7. A simple majority of the ZBA membership is required to grant a dimensional variance.
b. Use Variance. The ZBA may grant a use variance only upon a finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship

shall require demonstration by the applicant of all of the following:

1. The property cannot be reasonably used for any purpose permitted in the zoning district without the variance. There must be financial proof of the applicant's inability to realize any reasonable return; speculation or a qualitative assessment is inadequate.
2. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return without some adjustment. In those situations where the difficulty is shared by others, the board may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.
3. The problem and resulting need for the variance has not been self-created by the applicant and/ or the applicant's predecessors.
4. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
5. A two-thirds (2/3) majority of the ZBA membership is required to grant a use variance.

Section 6.36 Appeals

a. An appeal to the ZBA, as provided in Section XX, Jurisdiction, Duties and Responsibilities, shall be taken within such reasonable time as shall be prescribed by the ZBA by general rule, and if no general rule has been adopted, within sixty (60) days of the decision, requirements or determination of an administrative official or body, by the filing with the Zoning Administrator and with the board of a notice of appeal specifying the grounds thereof.
b. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. Filing with the secretary of the ZBA the notice of appeal, or, in the absence of the secretary filing of the same with the chairperson or presiding officer, shall satisfy the provision of this section that a copy of the notice of appeal be filed with the board.
c. An appeal stays all proceedings in furtherance of the action appealed from, unless the

Building Official certifies to the ZBA after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the board or by the circuit court for the county, on application, on notice to the Building Official and on due cause shown.

d. The ZBA shall fix a reasonable time for the hearing of the appeal.
e. Any interested party may appear and be heard at the hearing in person or by an agent or attorney.
f. The ZBA shall not have the power to alter or change the zoning district classification of any property.

Section 6.37 Flood Hazard Area Overlay Zone Mapping Disputes

a. Where disputes arise as to the location of the flood hazard area boundary or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location.
b. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Insurance Administration.
c. Where Federal Insurance Administration information is not available, the best available floodplain information should be utilized.
d. Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Insurance Administration.
e. All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

Section 6.38 Decisions

a. Matters coming before the ZBA shall be decided within a reasonable time.
b. An appeal from a decision of the ZBA shall be filed within whichever the following deadlines comes first:

c. Thirty (30) days after the ZBA issues its decision in writing by the chairperson, if there is a chairperson, or signed by members of the ZBA, if there is no chairperson.
d. Twenty-one (21) days after the ZBA approves the minutes of its decision.
e. The ZBA shall maintain a record if proceedings.
f. Decisions of the ZBA may be appealed by an aggrieved person to the circuit court.

Section 6.39 Orders, Validity, and Limitations

No order of the ZBA permitting the erection or alteration of buildings shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to a completion in accordance with the terms of such permit.

Section 6.40 Court Appeals

An appeal from a decision of a ZBA shall be filed within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson or within twenty-one (21) days after the ZBA approves the minutes of its decision.

Article 6: Administration

Division 4: Rezoning and Master Plan

Section 6.40 Initiation of Rezoning, Zoning Ordinance Text, and Master Plan Amendments

a. The City Commission may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the official zoning map (rezoning) or the provisions of this Ordinance.

b. An amendment to the zoning district boundaries contained on the official zoning map (rezoning) may be initiated by the City Commission, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment.

c. Amendments to the text of this Ordinance may be initiated by the City Commission, the Planning Commission, or property owners of the City.

d. All proposed amendments to the official zoning map or the provisions of this Ordinance shall be referred to the Planning Commission for a public hearing and recommendation to the City Commission, prior to consideration thereof by the City Commission.

e. The Planning Commission may amend the future land use designations shown on the City of Imlay City Master Plan. An amendment may be initiated by the Planning Commission.

Section 6.41 Application Procedure

a. An amendment to the official zoning map, this Ordinance, or the Master Plan, except those initiated by the City Commission or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the City, including an application fee, which shall be established from time to time by resolution of the City Commission.

b. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application:
   1. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
   2. The name, signature, and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.

3. The existing and proposed zoning district designation of the subject property.
4. A site analysis site plan illustrating existing conditions on the site and adjacent properties, such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
5. A conceptual plan demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors.
6. A written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.
7. A traffic impact analysis shall be provided if any use permitted in the requested zoning district could generate one hundred (100) or more peak hour directional trips, or one thousand (1,000) or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from city staff and consultants.
8. A written description of how the requested rezoning meets Section XX, Criteria for Amendment of the Official Zoning Map (Rezoning).

c. In the case of an amendment to the official zoning map (rezoning), the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.

d. In the case of an amendment to the Master Plan or this Ordinance, other than an amendment to the official zoning map, a general description of the purpose and intent of the proposed amendment shall accompany the application form.

Section 6.42 Rezoning, Zoning Ordinance, and Master Plan Amendment Procedure

a. Upon initiation of a rezoning, zoning ordinance text amendment, or Master Plan amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission in accordance with Section 6.23, Public Hearings and in accordance with the provisions of the Michigan Zoning Enabling Act (Public Act 110 of

2006), and Michigan Public Act 285 of 1931, as amended.

b. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Commission, except in the case of a Master Plan amendment.

c. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Section 6.43, Criteria for Amendment of the Official Zoning Map (Rezoning), below, in making its finding and recommendation.

d. Following receipt of the findings and recommendation of the Planning Commission, the City Commission shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Commission may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment.

e. In the case of an amendment to the official zoning map (rezoning), the City Commission shall approve or deny the amendment, which may be based on consideration of the criteria contained in Section 6.43, Criteria for Amendment of the Official Zoning Map (Rezoning).

f. No petition for rezoning, zoning ordinance text amendment, or Master Plan amendment that has been denied by the City Commission or Planning Commission (Master Plan amendment) shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

Section 6.43 Criteria for Amendment of the Official Zoning Map (Rezoning)

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall, and the City Commission may consider the following criteria in making its findings, recommendations, and decision:

a. Consistency with the goals, policies, and Future Land Use Map of the City of Imlay City

Master Plan, including any subarea or corridor studies. If conditions have changed since the City of Imlay City Master Plan was adopted, the consistency with recent development trends in the area.

b. Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.

c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.

d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

e. The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of the City.

f. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

g. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.

Section 6.44 Amendments Required to Conform to Court Decree

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Commission and published, without the necessity of a public hearing or referral thereof to any other commission or agency.

Section 6.45 Conditional Rezoning

a. Conditional Rezoning. An applicant for a rezoning may voluntarily offer a Conditional Rezoning along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit a Conditional Rezoning shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and this Section.

b. A Conditional Rezoning shall be a written agreement executed by the applicant and the City, shall be in recordable form and shall be recorded with the Lapeer County Register of Deeds after execution.

c. A Conditional Rezoning may include limitations on the uses permitted on the property in question, specify lower or varying density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features than would otherwise be provided in this Ordinance.

d. Content of Agreement. In addition to any limitations on use or development of the property or preservation of property features or improvements as described above, a Conditional Rezoning Agreement shall also include, but not limited to the following:
   1. An acknowledgement that the Conditional Rezoning was proposed voluntarily by the applicant.
   2. An agreement and understanding that the property shall not be developed or used in any manner that is not consistent with a Conditional Rezoning.
   3. An agreement and understanding that the approval of a rezoning and a Conditional Rezoning shall be binding upon and insure to the benefit of the property owner and the City, and their respective heirs, successors, assigns, receivers, or transferees.
   4. An agreement and understanding that, if a rezoning with a Conditional Rezoning becomes void for any reason including, but not limited to, reasons identified in this Section, then no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
   5. An agreement and understanding that no part of a Conditional Rezoning shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
   6. A legal description of the land to which the agreement pertains.
   7. Any other provisions as are agreed upon by the parties.

8. An agreement is in a form acceptable to the City Attorney.

e. Process. A Conditional Rezoning shall be reviewed in accordance with the process in Section 6.42, Rezoning, Zoning Ordinance, and Master Plan Amendment Procedure and the following:

1. A Conditional Rezoning should be submitted prior to the Planning Commission public hearing. The City Attorney shall review a Conditional Rezoning Agreement to determine that it conforms with the requirements of this Section, this Ordinance, and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and that the Conditional Rezoning is in a form acceptable for recording with the Lapeer County Register of Deeds.
2. Following a public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the City Commission based upon the criteria listed in Section 6.43, Criteria for Amendment of the Official Zoning Map (Rezoning). In addition, following a public hearing to consider a Conditional Rezoning, the Planning Commission shall consider and address in written findings whether a proposed Conditional Rezoning:
   a) Is consistent with the intent of this Article.
   b) Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
   c) Is necessary to ensure that the property develops in such a way that it protects the surrounding neighborhood.
   d) Leads to a better development than would have been likely if the property had been rezoned without a Conditional Rezoning, or if the property were left to develop under the existing zoning classification.
   e) Is clearly in the public interest.
3. If a Conditional Rezoning has been offered by the applicant and recommended for approval by the Planning Commission, the City Commission may approve a Conditional Rezoning if it meets all requirements of subsection this section. The Conditional Rezoning shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Commission.
4. If the Conditional Rezoning is approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Conditional Rezoning. The Zoning Map shall specify the new district, plus a small letter "a" to indicate that the property is subject to a Conditional Rezoning (i.e., "B-1, a"). The City Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon

request.

5. The Conditional Rezoning Agreement shall be recorded with the Lapeer County Register of Deeds.
6. Any uses proposed as part of a Conditional Rezoning that would otherwise require approval of a Special Land Use or site plan approval shall be subject to the applicable review and approval requirements of Article 5, Chapter 1: Site Plan Review and Article 3, Chapter 5: Special Land Uses.
7. All other requirements of this Ordinance or any other City ordinances shall apply to the property to which a Conditional Rezoning applies.

f. Expiration. Unless extended by the City Commission for good cause, a Conditional Rezoning shall expire two (2) years after adoption of the Conditional Rezoning, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the City commences within the two (2) year period and proceeds diligently to completion.

1. If substantial construction on the approved development has not commenced within the aforementioned two (2) years, or if construction and development does not proceed diligently to completion thereafter, a Conditional Rezoning and rezoning shall be void and of no effect.
2. Should a Conditional Rezoning become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the City is taken to bring the property into compliance with this Ordinance, the City may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
3. Notwithstanding the above, if the property owner applies in writing for an extension of a rezoning and a Conditional Rezoning at least thirty (30) days prior to the expiration date, the City Commission may, in its sole discretion, grant an extension of up to one (1) year. Future extensions may be granted, although the number of previous extensions granted to a particular rezoning and Conditional Rezoning shall be considered by the City Commission.
4. Reversion of Zoning. If a rezoning and Conditional Rezoning become void as outlined above, the zoning classification of the property shall revert to its previous zoning classification, according to MCL 125.3405.

g. Continuation. Provided that all development and/or use of the property in question is in compliance with a Conditional Rezoning, a use or development authorized thereunder may continue indefinitely, provided that all terms of a Conditional

Rezoning continue to be adhered to.

h. During an initial two (2) year period, or during any extension granted by the City as permitted above, the City shall not add to or alter a Conditional Rezoning, even with the landowner's consent.

i. A Conditional Rezoning may be amended after the expiration of an initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Conditional Rezoning.

j. Violation of Agreement. Failure to comply with a Conditional Rezoning at any time after approval will constitute a breach of the agreement and a violation of this Ordinance and further use of the property may be subject to legal remedies available to the City.

k. Subsequent Rezoning of Land. Nothing in a Conditional Rezoning, nor any statement or other provision, shall prohibit the City from later rezoning all or any portion of the property that is the subject of a Conditional Rezoning to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).

l. Failure to Offer Conditions. The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner's rights under this Ordinance.