



**City of Williamston**

# **Zoning Ordinance**

Adoption Date: March 22, 2010  
Effective Date: April 4, 2010  
Amended Through: January 25, 2021



## List of Amendments:

Ordinance Number	Effective Date	Amended Section(s) (current)	Description
321	03/07/11	<a href="#">Section 74-2.202</a>	Essential Services
322	03/07/11	<a href="#">Section 74-2.412</a>	Cultural or Municipal Uses
329	02/13/12	Zoning Map	Zoning Amendment of a parcel from I-1 to C-2
331	04/03/12	<a href="#">Section 74-2.105</a>	Prohibited Land Uses
333	07/16/12	<a href="#">Section 74-10.105</a>	Zoning Board of Appeals
334	07/16/12	<a href="#">Section 74-8.106</a>	Multi-Tenant Signage
336	10/07/12	<a href="#">Section 74-12.103</a>	Use Definitions
337	10/07/12	<a href="#">Section 74-2.202</a>	Permitted Uses by District
337	10/07/12	<a href="#">Section 74-2.301</a> through <a href="#">Section 74-2.311</a>	Zoning District Summaries
337	10/07/12	<a href="#">Section 74-2.202</a>	Parking Requirements
339	12/24/12	<a href="#">Section 74-2.421</a>	Keeping of Household Animals or Pets
339	12/24/12	<a href="#">Article 12, Chapter 3</a>	General Definitions
341	03/10/13	<a href="#">Section 74-10.104</a>	Planning Commission
344	08/26/13	<a href="#">Section 74-2.202</a> , <a href="#">Section 74-2.310</a> , <a href="#">Section 74-2.311</a> , and <a href="#">Section 74-2.401</a>	Accessory Commercial Uses in Industrial Districts
347	02/17/14	Zoning Map	Zoning Amendments to add a Wellhead Protection Overlay Zone
347	02/17/14	Zoning Map	Zoning Amendment of 2 parcels to I-2
349	05/19/14	<a href="#">Section 74-2.105</a>	Prohibited Land Uses
350	07/20/15	Zoning Map	Zoning Amendment of a parcel from R-2 to C-1 with conditions
352	08/31/15	Zoning Map	Zoning Amendment of a parcel from RR to R-2
354	08/29/16	Zoning Map	Zoning Amendment of a parcel from R-2 to PUD
355	08/29/16	Zoning Map	Zoning Amendment of a parcel from I-2 to C-3
356	07/10/17	Section 74-5.302	Garage Recesses in R-1C District
361	05/07/18	Section 74-10.105	ZBA Membership and Quorum
364	09/10/18	Section 74-2.309; Article 4, Chapter 7; Section 74-5.112; Section 74-6.202, Section 74-8.104	C-4 District, PUD Standards, Parking Requirements, Signs
366	03/04/19	Section 74-2.202 and Section 74-2.310	I-1 Intent and Special Land Uses
371	01/27/20	Article 8 and Article 12, Chapter 2	Signs and Sign Definitions
372	07/06/20	Section 74-4.405, Section 74-4.412, Section 74-5.302, Section 74-6.104, Section 74-7.202	PUD Standards, PRD Standards, Garage Protrusions, Parking in Driveways, Street Trees
373	10/12/20	Section 74-6.202, Section 74-6.205, Section 74-6.301, Section 74-7.306	Parking Requirements, Community Parking, Parking Lot Screening
374	01/25/21	Section 74-5.502, Section 74-7.305, Section 74-8.105 through 106	Solar Energy Systems, Buffers in Industrial Districts, PO-1 Signs
	08/23/21	Section 74-2.425 and Section 74-2.426	Multiple Family - Low Intensity and Multiple Family - High Intensity
	01/04/22	Section 74-8.102 and Section 74-8.105	Readerboard Signs and Table 13 – Current Language



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# Article 1 **Short Title, Purpose and Scope**

## Section 74-1.101 **Short Title**

This ordinance shall be known as the "Zoning Ordinance of the City of Williamston."

## Section 74-1.102 **Purpose**

In interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Among other purposes, such provisions are intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers and to avoid undue concentration of population by regulating and limiting the height and bulk of buildings wherever erected, limiting and determining the size of yards, courts, and other open spaces, regulating the density of population, and regulating and restricting the location of uses, trades, industries, and buildings in relation to traffic and parking needs.

## Section 74-1.103 **Intent**

It is not intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this ordinance shall control.

## Section 74-1.104 **Savings Clause**

This ordinance shall not affect any pending litigation, civil or criminal, founded or growing out of any ordinance or resolution, order or permit, and shall not affect any rights, claims, privileges, immunities or causes of action of the city, or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, permit, order, or policy repealed by this ordinance.

## Section 74-1.105 **Validity and Severability**

It is the intent of the City Council in adopting this ordinance that all provisions shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the city and other persons affected by this ordinance. Should any provision of this ordinance be held to be unconstitutional, invalid, or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this ordinance, it being the intent of the city that such remaining provisions of this ordinance shall stand and remain in effect notwithstanding the invalidity of any other provisions.

## Section 74-1.106 **Rules of Interpretation**

In the interpretation, application and enforcement of the provisions of this ordinance, whenever the provisions of any other law or ordinance applicable imposes more stringent requirements than are imposed or required here, these provisions shall govern.

## Article 1 **Short Title, Purpose and Scope**

### Section 74-1.107 **Vested Right**

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

### Section 74-1.108 **Adoption and Effective Date**

- A. **Repeal of Prior Ordinance.** The Zoning Ordinance adopted by the City of Williamston Council on June 30, 1997 and all amendments thereto, is hereby repealed insofar as it conflicts with this Ordinance. The repeal of the ordinance and all amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.
  
- B. **Adoption and Effective Date.** This ordinance, which specifically includes the Zoning District Map, is hereby ordered to be given immediate effect and be in force from and after the earliest date allowed by law, and this Ordinance is hereby ordered to be published, in the manner provided by law, in the Williamston Enterprise on Sunday, the 28th day of March, 2010.

This Ordinance was adopted by the City of Williamston Council by authority of Act 110 of the Public Acts of Michigan, 2006 (as amended) at a meeting thereof duly called and held on Monday, the 22nd day of March, 2010 and ordered to be published in the manner provided by law.

# Article 2 Zoning Districts and Permitted Uses

## Chapter 1 Generally

### Section 74-2.101 Zoning Districts

For the purposes of this ordinance, the City of Williamston is divided into classes of zoning districts known as:

<b>SYMBOL</b>	<b>NAME</b>
RR	One-Family Rural Residential and Open Space Conservancy District
R-1	One-Family Residential District (includes the R-1C and R-1S districts)
R-2	One and Two-Family Residential District
R-3	Multiple Family Residential District
MH	Manufactured Housing District
PO-1	Professional Office District
C-1	Central Business District
C-2	General Business District
C-3	Mixed Business District
C-4	Interchange Business District
I-1	Light Manufacturing/Office/Research/Laboratory District
I-2	Industrial District
GC	Greenbelt Conservation District
WRO	Williamston Road Overlay District
WP	Wellhead Protection Zone

### Section 74-2.102 Zoning Map

The boundaries of all districts are established as shown on the "The Zoning Map of the City of Williamston." The map, all notations, references, and other information shown thereon is incorporated by reference and included as a part of this Ordinance as if fully described in this article.

### Section 74-2.103 District Boundaries

Except where reference on the map is to a street line or other designated line by dimensions shown, the district boundary lines follow lot lines or the center lines of streets or alleys. Where a district line does not coincide with lot lines or street center lines or where it is not designated by dimensions, it shall be deemed to be 150 feet from the nearest parallel street line.

Where a district boundary line divides a lot or lots in common ownership and of record at the time this ordinance is enacted, the least restricted use shall be considered as extending to the entire lot and deemed a conforming use if the more restricted portion of the lot is entirely within 25 feet of the dividing district boundary line.

## Article 2 **Zoning Districts and Permitted Uses**

### Chapter 1 **Generally**

#### Section 74-2.104 **Zoning of Annexed Areas**

Where real property is annexed to the City of Williamston, the zoning regulations in effect on that property at the time of annexation shall remain in effect as though part of this ordinance until incorporated on the zoning map of this ordinance by amendment, or as provided by law.

#### Section 74-2.105 **Prohibited Land Uses**

Uses that are not specifically listed in and permitted by this Ordinance or otherwise determined to be similar to listed and permitted uses are hereby determined to be prohibited uses. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited. This prohibition shall not apply to the following:

- A. A qualifying patient engaged in the medical use of marihuana in his or her own residence in accordance with the Michigan Medical Marihuana Act.
- B. A primary caregiver assisting a qualifying patient with whom he or she is connected through the Michigan Department of Community Health's registration process with the medical use of marihuana in the patient's residence in accordance with the Michigan Medical Marihuana Act.



## Chapter 2 Permitted Uses by District

### Section 74-2.201 Permitted Uses and Uses Allowed by Special Permit

In order to avoid intrusion of undesirable uses and to foster all possible benefits for a continued high quality environment, all residential and nonresidential land and structure uses have been classified into permitted uses and uses allowed by special use permit. Permitted uses include those which require a minimum of limitations; but those uses presenting potential injurious effect upon residential and other property, unless authorized under specific imposed conditions, are controlled through the issuance of special use permits.

### Section 74-2.202 Permitted Uses by District

The following [Table 1](#) lists the permitted uses in each district. Refer to [Article 12, Chapter 1](#) for a description of the uses listed in the following [Table 1](#).

Whenever a specific development standard is included for a particular use in [Table 1](#), any development must comply with the requirements of the referenced section. All development standards are listed in [Article 2, Chapter 4](#).

Refer to the footnotes to the table of permitted uses in [Section 74-2.203](#). Footnotes applicable to each zoning district are indicated in parentheses after the zoning district title in the [Table 1](#).

Finally, refer to [Article 4](#) for the requirements applicable in zoning districts not listed in [Table 1](#).

**Table 1. Table of Permitted Uses by District**

USE	RR (A)	R-1 (A)	R-2 (A)	R-3 (A)	PO-1 (F)	C-1 (F)	C-2 (F)	C-3 (F, G)	C-4 (F, H)	I-1 (I)	I-	DEVELOPMENT STANDARD
<b>RESIDENTIAL USES</b>												
Mixed Use Dwelling Unit						■		■				<a href="#">Section 74-2.424</a>
Low Intensity Multiple Family (3-4 units)			○	■								<a href="#">Section 74-2.425</a>
High Intensity Multiple Family (5+ units)				○								<a href="#">Section 74-2.426</a>
One Family Dwelling Unit	■	■	■	■								<a href="#">Section 74-2.427</a> <a href="#">Section 74-5.105</a>
Townhouse				■				○				<a href="#">Section 74-2.428</a>
Two Family Dwelling Unit			■	■				■				<a href="#">Section 74-5.105</a>
Accessory Dwelling Unit	○	○	○					○				<a href="#">Section 74-2.402</a>
<b>LODGING USES</b>												
Bed & Breakfast	○	○	○	○				■				<a href="#">Section 74-2.407</a>
Boarding or Lodging House				■								
Inn						■	○	■	■			<a href="#">Section 74-2.420</a>
Hotel						■	○		■			<a href="#">Section 74-2.420</a>
<b>OFFICE and SERVICE USES</b>												
Bank or Financial Institution					■	■	■				○	
Health or Exercise Club or Spa (Small)					■	■	■	■				
Health or Exercise Club or Spa (Large)							○	○				
Office					■	■	■	■			○	
Personal Service Establishment					■	■	■	■				

# Article 2 Zoning Districts and Permitted Uses

## Chapter 2 Permitted Uses by District

Key: ■ Principal Permitted Use    ○ Special Land Use    [blank] Use Not Permitted

USE	RR (A)	R-1 (A)	R-2 (A)	R-3 (A)	PO-1 (F)	C-1 (F)	C-2 (F)	C-3 (F, G)	C-4 (F, H)	I-1 (I)	I-	DEVELOPMENT STANDARD
<b>COMMERCIAL USES</b>												
Adult Entertainment					○	○		○	○	○	○	<a href="#">Section 74-2.403</a>
Automobile Service (Commercial)							■	○	○		■	<a href="#">Section 74-2.406</a>
Bakery or Confectionary						■						
Bar, Tavern, or Alcohol Service Establishment						■	○	○	■			
Dry Cleaning Shop						■	■	■				<a href="#">Section 74-2.414</a>
Funeral Home or Mortuary						■	○					<a href="#">Section 74-2.416</a>
Gallery or Studio								■				
Pawn Shops or Pawnbrokers								○				<a href="#">Section 74-2.434</a>
Place of Assembly (50 or fewer persons at maximum occupancy)						■		■				
Place of Assembly (51-100 persons at maximum occupancy)						○		○				
Place of Assembly (more than 100 persons at maximum occupancy)						○		○				
Restaurant						■	■	■	■			
Restaurant, Outdoor Sidewalk or Patio Dining						■	■	■	■			<a href="#">Section 74-2.431</a>
Retail Sales (indoor)						■	■	■	■			
Retail Sales (limited outdoor)						■	■	■	■			<a href="#">Section 74-2.442</a>
Retail Sales (unrestricted outdoor)							○					<a href="#">Section 74-2.443</a>
Trades Showroom						■	■	○				<a href="#">Section 74-2.450</a>
<b>INDUSTRIAL USES</b>												
Automobile Service (Industrial)											■	
Manufacturing and Processing (light)										■	■	
Manufacturing and Processing (heavy)											■	
Mini-Warehouse							○	○			■	<a href="#">Section 74-2.423</a>
Outdoor Storage (major)										○	○	<a href="#">Section 74-2.433</a>
Recreational Vehicle Storage	○										○	<a href="#">Section 74-2.433</a>
Research Facility					○					■	■	<a href="#">Section 74-2.441</a>
Research Facility, Major											■	<a href="#">Section 74-2.441</a>
Salvage Yards/Resource Recovery Facility											○	<a href="#">Section 74-2.444</a>
Storage/Distribution											○	<a href="#">Section 74-2.448</a>
<b>COMMUNITY, EDUCATION, and INSTITUTION USES</b>												
Assisted Living Facility				■	■			○				<a href="#">Section 74-2.430</a>
Cemetery	○											<a href="#">Section 74-2.409</a>
Child Care Center or Day Care Center		○	○		■	○	■	○				<a href="#">Section 74-2.410</a>
Community Service Facility		■	■	■	■	■						<a href="#">Section 74-2.411</a>
Cultural or Municipal Use		■	■	■	■	■	■					<a href="#">Section 74-2.412</a>
Essential Services	○	○	○	○	○	○	■	○	■	○	■	<a href="#">Section 74-2.415</a>
Hospital					○		■					
Learning Center					○	■	■	■		■	■	
Medical Clinic					■		■	○				
Nursing Home				■	■			○				<a href="#">Section 74-2.430</a>
Private Club, Fraternal Organization, or Lodge Hall						■		○				<a href="#">Section 74-2.436</a>
Public Parking Lot			■			■		■				
Religious Institution		■	■	■	■	■	■	■				<a href="#">Section 74-2.440</a>
School, College or University		○	○		○	○		○				
School, Primary or Secondary		○	○									
School, Vocational						■		○				Limited to uses permitted in district

**Article 2 Zoning Districts and Permitted Uses**  
Chapter 2 Permitted Uses by District

**Key:** ■ Principal Permitted Use      ○ Special Land Use      [blank] Use Not Permitted

USE	RR (A)	R-1 (A)	R-2 (A)	R-3 (A)	PO-1 (E)	C-1 (E)	C-2 (E)	C-3 (E, G)	C-4 (E, H)	I-1 (I)	I-2	DEVELOPMENT STANDARD
State Licensed Residential Facility (6 or fewer residents)	■	■	■	○				○				<a href="#">Section 74-2.447</a>
State Licensed Residential Facility (7 or more residents)	○	○	○	○				○				<a href="#">Section 74-2.447</a>
<b>RECREATION USES</b>												
Assembly Structure for Viewing Outdoor Activities	○	○	○				○					
Campground/RV Park									○			<a href="#">Section 74-2.408</a>
Golf Course	■											<a href="#">Section 74-2.417</a>
Private Recreation (small indoor)						○	■	○				
Private Recreation (large indoor)							○			■		
Private Recreation (small outdoor)	■	■	■	■	■		■	■				<a href="#">Section 74-2.437</a>
Private Recreation (large outdoor)	○						○					<a href="#">Section 74-2.438</a>
Public Park or Recreation Facility	■	■	■	■	■	■	■	■	■	■	■	<a href="#">Section 74-2.439</a>
<b>ANIMAL and AGRICULTURE USES</b>												
Agriculture Bulk Collection, Storage, Distribution	○	○	○	○	○	○	○	○	○	○	○	<a href="#">Section 74-2.404</a>
Agricultural Operation	■											<a href="#">Section 74-2.405</a>
Gardening and Cultivating of Plants	■	■	■	■	■	■	■	■	■			
Greenhouse or Nursery (with or without retail sales)	○											<a href="#">Section 74-2.418</a>
Keeping of Household Animals or Pets	■	■	■	■		■	■					<a href="#">Section 74-2.421</a>
Kennel	○						○					<a href="#">Section 74-2.422</a>
Pet Boarding Facility	○						■			■		<a href="#">Section 74-2.435</a>
Stable, Private	■											<a href="#">Section 74-2.446</a>
Stable, Public	○											<a href="#">Section 74-2.446</a>
Veterinary Hospital or Clinic	○				■	○	■	○				<a href="#">Section 74-2.451</a>
<b>TEMPORARY, SPECIAL EVENT, and OTHER USES</b>												
Accessory Building or Structure	■	■	■	■	■	■	■	■	■	■	■	
Accessory Commercial Uses to a Manufacturing or Processing (light) Principal Use										○	○	<a href="#">Section 74-2.401</a>
Drive-Through Facility (accessory to any principal use)					○		○	○	○			<a href="#">Section 74-2.413</a>
Home Occupation	■	■	■	■	■	■		■				<a href="#">Section 74-2.419</a>
Nonresidential Parking		○	○	○								<a href="#">Section 74-2.429</a>
Outdoor Storage (accessory)	○						○			■	■	<a href="#">Section 74-2.432</a>
Solar Energy System (Principal Structure on Lot)	■	■	■	■	■	■	■	■	■	■	■	<a href="#">Section 74-5.502</a>
Solar Energy System (Principal Structure NOT on Lot)	■	○	○	○	○	○	○	○	○	■	■	<a href="#">Section 74-5.502</a>
Roadside Stand or Market						■		■	■			<a href="#">Section 74-2.445</a>
Seasonal Outdoor Sales	■					■	■	■	■			<a href="#">Section 74-2.445</a>
Temporary Use Permit	■	■	■	■	■	■	■	■	■	■	■	<a href="#">Section 74-5.116</a>
Temporary Construction	■	■	■	■	■	■	■	■	■	■	■	<a href="#">Section 74-2.449</a>
Wireless Telecommunication Facility	○	○	○	○	○	○	○	○	○	■	■	<a href="#">Section 74-2.452</a>

**Section 74-2.203 Footnotes to the Table of Permitted Uses by District**

A. Transition Zone in Residential Districts.

## Article 2 **Zoning Districts and Permitted Uses**

### Chapter 2 **Permitted Uses by District**

1. The first residential lot, having a side yard adjoining, or located across the street from, any C-1, C-2, C-3, C-4 or PO-1 district may be utilized in accordance with the next less restricted residential district requirements.
  - a. Any single principal structure located or built completely upon the first 100 feet or accessory use permitted on the first 132 feet of a residential lot or lots in common ownership, with

**Article 2 Zoning Districts and Permitted Uses**  
**Chapter 2 Permitted Uses by District**

adjoining side yards, measured from a lot in the C-1, C-2, C-3, C-4 or PO-1 district, or located across the street from C-1, C-2, C-3, C-4 or PO-1 district, may be used for offices or clinics with private dispensaries, subject to the following conditions:

- B. Off-street parking adequate to meet the needs of the specific use is provided in accordance with the requirements of [Article 6](#).
- C. Side yards must meet the side yard requirements for the zoning district in which such lot is located.
- D. Any existing or future building or building redevelopment shall conform to the residential character of the neighborhood.
- E. Sign requirements of the zoning district in which the structure is located must be met.
- F. **Required conditions in PO-1 and C Districts.** The following conditions are required in all commercial districts:
  - 1. All business, service, or processing shall be conducted wholly within a completely enclosed building except as permitted by the limited outdoor retail sales requirements in [Section 74-2.442](#).
  - 2. All businesses shall have direct access to a state highway, county road or major street.
  - 3. Screening from one and two-family residential uses shall be provided by a solid fence of wood stained, sealed or painted eight feet in height, plus a solid planting strip to restrict views from the residential property 15 feet in width and six feet in height at planting.
  - 4. No shipping and/or receiving door shall be located on the side of buildings or structures adjacent to residential property.
  - 5. All outside storage of vehicles shall be screened from any adjacent residential property, and occur only within lighted areas secured by fencing.
  - 6. The use must fit into the size, scale, height, texture, material and landscaping pattern of the existing neighborhood.
  - 7. Not more than three commercial establishments, separated by common walls, or separated by a maximum distance of 20 feet between each building, may retain one common dumpster for solid waste. Such dumpster is to be located within the rear yard of one of the establishments.
- G. **Conversion of Existing Single Family Structures.** The conversion of any existing single family residential structure to an office or commercial use shall require special land use approval.
- H. **Outdoor Uses.** All permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor operations or storage of material from the view of adjoining streets or properties. However, this restriction shall not apply to permitted service stations, the sale of produce and plants in semiopen structures, or drive-in retail establishments which serve customers from their vehicle. A chainlink or decorative fence of sufficient density (1 1/4-inch × 1 1/4-inch) to keep discarded debris within the confines of a site shall be provided for outdoor eating establishments or use which are likely to have this debris.
- I. **Prohibited uses.** The following operations and uses shall not be permitted on any site in the district:
  - 1. Labor camps.
  - 2. Junkyards.
  - 3. Drilling for and/or the removal of oil, gas or other hydrocarbons on substances (except that this provision shall not be deemed to prohibit the entry of subject property below a depth of 500 feet for such purposes).

## Article 2 **Zoning Districts and Permitted Uses**

### Chapter 2 **Permitted Uses by District**

4. Commercial excavation of building or construction materials.
5. Dumping, disposal, incineration of [or] reduction of garbage, sewage, offal, dead animals or refuse.
6. Fat rendering.
7. Stockyard or slaughter of animals.
8. Refining of petroleum or of its products except for distillation of reclamation of spent solvents, such as mineral spirits.
9. Smelting of iron, tin, zinc or other ores
10. Cemeteries.
11. Jail or honor farms.
12. Any and all operations and uses not compatible or harmonious with the establishment and maintenance of a high quality industrial park.

## Chapter 3 **Zoning District Summaries**

This chapter sets forth most of the requirements that must be met to construct or reconstruct a structure or development within the City of Williamston. Those requirements that are not specific to individual zoning districts but which may indirectly apply to or affect uses and structures are found within:

- [Article 5](#) General Provisions
- [Article 6](#) Parking
- [Article 7](#) Landscaping
- [Article 8](#) Signs
- [Article 9](#) Administrative Procedures
- [Article 11](#) Nonconformities

Those articles should be referenced prior to application for a zoning permit in any zoning district. The following zoning district summaries describe the purpose, permitted uses and uses allowed by special use permit for each district, and a summary of dimensional standards. The summary of dimensional standards is based on the requirements contained in [Article 3](#) Schedule of Regulations, which establishes the required minimum lot area, minimum lot width, maximum lot coverage, minimum yard setbacks, maximum building heights and supplementary dimensional requirements for each zoning district.

Reference should be made to the official zoning map of the City of Williamston to identify the location and boundaries of these districts within the city.

**Article 2 Zoning Districts and Permitted Uses**

**Chapter 3 Zoning District Summaries**

**Section 74-2.301 RR One-Family Rural Residential and Open Space  
Conservancy District**

**STATEMENT OF PURPOSE**

It is the purpose of this section to establish a district of semirural character to preserve open space and rural qualities. This district includes existing low-density single-family properties, as well as areas within which that type of development appears both likely and desirable and the availability of water and sewer, by itself, may not constitute cause for instituting a higher density zoning.

The requirements for this district are designed to protect and stabilize the essential open space characteristics of these areas and to promote and encourage a suitable and safe environment for family life. Residential development involving higher population densities and requiring higher levels of public facilities and services shall be excluded from this district, but can be accommodated in the R-1 single-family, R-2 one- and two- family, or the R-3 multiple-family residential districts.

<b>PRINCIPAL PERMITTED USES</b>	<b>SPECIAL LAND USES</b>
<ul style="list-style-type: none"> <li>• One family dwelling unit</li> <li>• State licensed residential facility (6 or fewer residents)</li> <li>• Golf course</li> <li>• Private recreation (small outdoor)</li> <li>• Public park or recreation facility</li> <li>• Agricultural operations</li> <li>• Gardening and cultivating of plants</li> <li>• Keeping of household animals or pets</li> <li>• Private stables</li> <li>• Accessory buildings and structures</li> <li>• Home occupations</li> <li>• Seasonal outdoor sales</li> <li>• Temporary uses and construction</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory dwelling unit</li> <li>• Bed &amp; breakfast</li> <li>• Recreational vehicle storage</li> <li>• Cemetery</li> <li>• Essential Services</li> <li>• Religious institution</li> <li>• State licensed residential facility (7 or more residents)</li> <li>• Assembly structures for viewing outdoor activities</li> <li>• Private recreation (large outdoor)</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Greenhouse or nursery, with or without retail sales</li> <li>• Kennels</li> <li>• Pet boarding facilities</li> <li>• Public stable</li> <li>• Veterinary hospital or clinic</li> <li>• Outdoor storage (accessory)</li> <li>• Wireless telecommunications facility</li> </ul>

*The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.*

**DIMENSION REGULATIONS**

<i>Lot Standards</i>		<i>Minimum Setbacks (ft.)</i>	
Minimum Lot Width (ft.):	200	Front Yard <sup>(A)</sup> :	50 <sup>(A)</sup>
Minimum Lot Area (sq. ft.):	2 acres	Side Yard (one) <sup>(B)</sup> :	25
Maximum Lot Coverage:	10%	Side Yard (total of two):	50
Minimum Floor Area Per Unit (sq. ft.):	1,200	Side Street:	25 <sup>(B)</sup>
Building Height (ft.):	30	Rear Yard:	50

*Footnotes:* Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations.

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards ..... <a href="#">Article 3, Chapter 2</a>	Planned Residential Development ..... <a href="#">Article 4, Chapter 4</a>	Site Condominium Development ..... <a href="#">Article 4, Chapter 6</a>
Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions..... <a href="#">Article 5, Chapter 1</a>	General Provisions for Residential Districts ..... <a href="#">Section 74-5.104</a>
One-Family Dwelling Design Standards..... <a href="#">Section 74-5.105</a>	Recreational Vehicle Storage..... <a href="#">Section 74-5.120</a>	Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>
Accessory Structures..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting..... <a href="#">Article 5, Chapter 4</a>	Sustainable Energy Generation..... <a href="#">Article 5, Chapter 5</a>
Performance Standards..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>	Landscaping..... <a href="#">Article 7</a>
Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses ..... <a href="#">Article 11</a>	





**Article 2 Zoning Districts and Permitted Uses**

**Chapter 3 Zoning District Summaries**

**Section 74-2.302 R-1 One-Family Residential District**

**STATEMENT OF PURPOSE**

The R-1 one-family residential district is intended to provide a residential living environment devoted primarily to single-family dwellings within a medium density range while also accommodating certain compatible nonresidential uses which do not overcrowd residential areas, congest local streets, or otherwise adversely affect the character of established residential neighborhoods.

The R-1 district is shown on the Zoning Map as the R-1C (city lot) and R-1S (suburban lot) districts, which are identical in every respect save the dimensional requirements that apply in the different portions of the R-1 district. The R-1C areas coincide with the City’s historic neighborhoods which developed under a different set of dimensional requirements than newer areas of the City located in the R-1S areas.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>• One family dwelling unit</li> <li>• State licensed residential facility (6 or fewer residents)</li> <li>• Community service facility</li> <li>• Cultural or municipal use</li> <li>• Religious institution</li> <li>• Private recreation (small outdoor)</li> <li>• Public park or recreation facility</li> <li>• Gardening and cultivating of plants</li> <li>• Keeping of household animals or pets</li> <li>• Accessory buildings and structures</li> <li>• Home occupations</li> <li>• Temporary uses and construction</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory dwelling unit</li> <li>• Bed &amp; breakfast</li> <li>• Child care center or day care center</li> <li>• Essential services</li> <li>• School (college or university)</li> <li>• School (primary or secondary)</li> <li>• State licensed residential facility (7 or more residents)</li> <li>• Assembly structures for viewing outdoor activities</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Nonresidential parking</li> <li>• Wireless telecommunications facility</li> </ul>

*The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.*

DIMENSION REGULATIONS					
<i>Lot Standards</i>	<i>R-1C</i>	<i>R-1S</i>	<i>Minimum Setbacks (ft.)</i>	<i>R-1C</i>	<i>R-1S</i>
Minimum Lot Width (ft.):	64	80	Front Yard <sup>(A)</sup> :	25 <sup>(C)</sup>	25 <sup>(C)</sup>
Minimum Lot Area (sq. ft.):	8,000	9,600	Side Yard (one) <sup>(B)</sup> :	5	5
Maximum Lot Coverage:	40%	40%	Side Yard (total of two):	15	15
Minimum Floor Area Per Unit (sq. ft.):	1,000	1,000	Side Street:	12.5 <sup>(D)</sup>	12.5 <sup>(D)</sup>
Building Height (ft.):	30	30	Rear Yard:	25	35

*Footnotes:* Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations.

REFERENCES TO ADDITIONAL STANDARDS		
Supplemental Dimension Standards..... <a href="#">Article 3, Chapter 2</a>	Planned Residential Development ..... <a href="#">Article 4, Chapter 4</a>	Site Condominium Development..... <a href="#">Article 4, Chapter 6</a>
Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions..... <a href="#">Article 5, Chapter 1</a>	General Provisions for Residential Districts ..... <a href="#">Section 74-5.104</a>
One-Family Dwelling Design Standards..... <a href="#">Section 74-5.105</a>	Recreational Vehicle Storage..... <a href="#">Section 74-5.120</a>	Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>
Accessory Structures..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>	Sustainable Energy Generation..... <a href="#">Article 5, Chapter 5</a>
Performance Standards..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>	Landscaping..... <a href="#">Article 7</a>
Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses ..... <a href="#">Article 11</a>	

Section 74-2.303 R-2 One and Two-Family Residential District

**STATEMENT OF PURPOSE**

The one- and two-family residence district is intended to accommodate a variety of housing types within higher density residential areas in the City of Williamston. The residence district encompasses the city's existing mature neighborhoods where new large scale residential development is highly unlikely, and where the character of the various neighborhoods will be retained.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>• One-family dwelling unit</li> <li>• Two-family dwelling unit</li> <li>• Community service facility</li> <li>• Cultural or municipal use</li> <li>• Public parking lot</li> <li>• Religious institution</li> <li>• State licensed residential facility (6 or fewer residents)</li> <li>• Private recreation (small outdoor)</li> <li>• Public park or recreation facility</li> <li>• Gardening and cultivating of plants</li> <li>• Keeping of household pets or animals</li> <li>• Accessory building or structure</li> <li>• Home occupation</li> <li>• Temporary use or construction</li> </ul>	<ul style="list-style-type: none"> <li>• Low intensity multiple family (3-4 units)</li> <li>• Accessory dwelling unit</li> <li>• Bed &amp; breakfast</li> <li>• Child care center or day care center</li> <li>• Essential services</li> <li>• School (college or university)</li> <li>• School (primary or secondary)</li> <li>• State licensed residential facility (7 or more residents)</li> <li>• Assembly structures for viewing outdoor activities</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Nonresidential parking</li> <li>• Wireless telecommunication facility</li> </ul>

*The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.*

**DIMENSION REGULATIONS**

<i>Lot Standards</i>	<i>One Family</i>	<i>Two+ Family<sup>(A)</sup></i>	<i>Minimum Setbacks (ft.)</i>	<i>One-Family</i>	<i>Two+ Family<sup>(A)</sup></i>
Minimum Lot Width (ft.):	60	80	Front Yard <sup>(A)</sup> :	25 <sup>(C)</sup>	25 <sup>(C)</sup>
Minimum Lot Area (sq. ft.):	7,200	10,800	Side Yard (one) <sup>(B)</sup> :	5	5
Maximum Lot Coverage:	50%	50%	Side Yard (total of two):	15	15
Minimum Floor Area Per Unit (sq. ft.):	900	900	Side Street:	12.5 <sup>(D)</sup>	12.5 <sup>(D)</sup>
Building Height (ft.):	30	30	Rear Yard:	25	25

*Footnotes:* Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations.

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards ..... <a href="#">Article 3, Chapter 2</a>	Planned Residential Development ..... <a href="#">Article 4, Chapter 4</a>	Site Condominium Development ..... <a href="#">Article 4, Chapter 6</a>
Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions..... <a href="#">Article 5, Chapter 1</a>	General Provisions for Residential Districts ..... <a href="#">Section 74-5.104</a>
One-Family Dwelling Design Standards..... <a href="#">Section 74-5.105</a>	Recreational Vehicle Storage..... <a href="#">Section 74-5.120</a>	Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>
Accessory Structures..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting..... <a href="#">Article 5, Chapter 4</a>	Sustainable Energy Generation..... <a href="#">Article 5, Chapter 5</a>
Performance Standards..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>	Landscaping..... <a href="#">Article 7</a>
Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses ..... <a href="#">Article 11</a>	

**Article 2 Zoning Districts and Permitted Uses**

**Chapter 3 Zoning District Summaries**

**Section 74-2.304 R-3 Multiple Dwelling Residence District**

**STATEMENT OF PURPOSE**

The multiple dwelling residence district is intended to accommodate housing types within high density residential areas. It is designed to permit a more intensive residential use of land with various types of multiple dwellings, including high rise apartment structures and related institutional uses. These districts would be distributed within various planned locations throughout the city, be located adjacent to streets permitting good accessibility and be compatible with adjoining single-family neighborhoods.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>• Low intensity multiple family (3-4 units)</li> <li>• One-family dwelling unit</li> <li>• Townhouse</li> <li>• Two-family dwelling unit</li> <li>• Boarding or lodging house</li> <li>• Assisted living facility</li> <li>• Community service facility</li> <li>• Cultural or municipal use</li> <li>• Nursing home</li> <li>• Religious institution</li> <li>• Private recreation (small outdoor)</li> <li>• Public park or recreation facility</li> <li>• Gardening and cultivating of plants</li> <li>• Keeping of household pets or animals</li> <li>• Accessory building or structure</li> <li>• Home occupation</li> <li>• Temporary use or construction</li> </ul>	<ul style="list-style-type: none"> <li>• High intensity multiple family (5+ units)</li> <li>• Bed &amp; breakfast</li> <li>• Essential services</li> <li>• State licensed residential facility (any kind)</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Nonresidential parking</li> <li>• Wireless telecommunications facility</li> </ul>

The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.

**DIMENSION REGULATIONS**

<i>Lot Standards</i>	<i>One Family or Commercial<sup>(A)</sup></i>	<i>Two Family or Low Intensity Multiple Family<sup>(B)</sup></i>	<i>High Intensity Multiple Family or Townhouse<sup>(C)</sup></i>	<i>Minimum Setbacks (ft.)</i>
Minimum Lot Width (ft.):	60	60	40	Front Yard <sup>(A)</sup> : 10 minimum 25 maximum
Minimum Lot Area (sq. ft.):	7,200	5,400	4,000	Side Yard (one) <sup>(B)</sup> : 5
Maximum Lot Coverage:	50%	50%	50%	Side Yard (total of two): 15
Minimum Floor Area Per Unit (sq. ft.):	900 <sup>(K)</sup>	720 <sup>(L)(M)</sup>	<sup>(M)</sup>	Side Street: 12.5 <sup>(D)</sup>
Building Height (ft.):	35	35	35	Rear Yard: 35

**Footnotes:** Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations.

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards..... <a href="#">Article 3, Chapter 2</a>	Planned Residential Development ..... <a href="#">Article 4, Chapter 4</a>	Site Condominium Development..... <a href="#">Article 4, Chapter 6</a>
Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions..... <a href="#">Article 5, Chapter 1</a>	General Provisions for Residential Districts ..... <a href="#">Section 74-5.104</a>
One-Family Dwelling Design Standards..... <a href="#">Section 74-5.105</a>	Recreational Vehicle Storage..... <a href="#">Section 74-5.120</a>	Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>
Accessory Structures..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>	Sustainable Energy Generation..... <a href="#">Article 5, Chapter 5</a>
Performance Standards..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>	Landscaping..... <a href="#">Article 7</a>
Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses ..... <a href="#">Article 11</a>	

Section 74-2.305 **PO-1 Professional Office District**

**STATEMENT OF PURPOSE**

The PO-1 districts are designed to accommodate non-retail businesses and offices of an administrative or professional nature where pleasant surroundings are desired for employees and where a harmonious relationship with a commercial area can be provided. These districts are mapped typically as buffer or transitional zones between the various commercial and noncommercial zones.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>• Bank or financial institution</li> <li>• Health or exercise club or spa (small)</li> <li>• Office</li> <li>• Personal service establishment</li> <li>• Assisted living facility</li> <li>• Child care center or day care center</li> <li>• Medical clinic</li> <li>• Nursing home</li> <li>• Private recreation (small outdoor)</li> <li>• Public park or recreation facility</li> <li>• Religious Institution</li> <li>• Gardening and cultivating of plants</li> <li>• Veterinary hospital or clinic</li> <li>• Accessory building or structure</li> <li>• Home occupation</li> <li>• Temporary use or construction</li> </ul>	<ul style="list-style-type: none"> <li>• Adult entertainment</li> <li>• Place of assembly (up to 100 persons at max. occupancy)</li> <li>• Research facility</li> <li>• Essential services</li> <li>• Hospital</li> <li>• Learning center</li> <li>• School (college or university)</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Drive through facility (accessory to a principal use)</li> <li>• Wireless telecommunications facility</li> </ul>

*The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.*

**DIMENSION REGULATIONS**

<i>Lot Standards</i>		<i>Minimum Setbacks (ft.)</i>	
Minimum Lot Width (ft.):	50	Minimum front yard <sup>(A)</sup> :	15
Minimum Lot Area (sq. ft.):	5,000	Maximum front yard <sup>(A)</sup> :	30
Maximum Lot Coverage:	40% <sup>(9)</sup>	Side Yard (one) <sup>(B)</sup> :	10 <sup>(4)</sup>
Minimum Floor Area Per Unit (sq. ft.):	--	Side Yard (total of two):	20
Building Height (ft.):	35	Side Street:	15
		Rear Yard:	40

*Footnotes:* Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations.

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards ..... <a href="#">Article 3, Chapter 2</a>	Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions ..... <a href="#">Article 5, Chapter 1</a>
Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>	Accessory Structures ..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>
Sustainable Energy Generation ..... <a href="#">Article 5, Chapter 5</a>	Performance Standards ..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>
Landscaping ..... <a href="#">Article 7</a>	Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses..... <a href="#">Article 11</a>

**Article 2 Zoning Districts and Permitted Uses**  
**Chapter 3 Zoning District Summaries**

**Section 74-2.306 C-1 Central Business District**

**STATEMENT OF PURPOSE**

The C-1 Central Business District is intended to permit a variety of commercial, administrative, financial, civic, cultural, residential, entertainment, and recreational activities in an effort to provide a harmonious mix of activities that serve to enhance the district as a commercial and service center. This district is characterized by multiple story buildings, the presence of intense pedestrian activity, and is so located that the provision of off-street parking facilities by individual landowners is not necessary. Many persons entering the district will come by automobile and typically will park once to carry out several errands.

PRINCIPAL PERMITTED USES		SPECIAL LAND USES
<input type="checkbox"/> Mixed use dwelling unit <input type="checkbox"/> Inn <input type="checkbox"/> Hotel <input type="checkbox"/> Bank or financial institution <input type="checkbox"/> Health or exercise club or spa (small) <input type="checkbox"/> Office <input type="checkbox"/> Personal service establishment <input type="checkbox"/> Bakery or confectionary <input type="checkbox"/> Bar, tavern, or alcohol service establishment <input type="checkbox"/> Dry cleaning shop <input type="checkbox"/> Funeral home or mortuary <input type="checkbox"/> Gallery or studio <input type="checkbox"/> Place of assembly (up to 50 persons at max. occupancy) <input type="checkbox"/> Restaurant <input type="checkbox"/> Restaurant with outdoor sidewalk or patio dining <input type="checkbox"/> Retail sales (indoor)	<ul style="list-style-type: none"> <li>• Retail sales (limited outdoor)</li> <li>• Trades showroom</li> <li>• Community service facility</li> <li>• Cultural or municipal use</li> <li>• Learning Center</li> <li>• Private club, fraternal organization, or lodge hall</li> <li>• Public parking lot</li> <li>• Religious Institution</li> <li>• School (vocational)</li> <li>• Public park or recreation facility</li> <li>• Gardening and cultivating of plants</li> <li>• Keeping of household animals or pets</li> <li>• Accessory building or structure</li> <li>• Home occupation</li> <li>• Roadside stand or market</li> <li>• Seasonal outdoor sales</li> <li>• Temporary use or construction</li> </ul>	<input type="checkbox"/> Adult entertainment <input type="checkbox"/> Place of assembly (51 or more persons at max. occupancy) <input type="checkbox"/> School (college or university) <input type="checkbox"/> Child care or day care center <input type="checkbox"/> Essential Services <input type="checkbox"/> Private recreation (small indoor) <input type="checkbox"/> Agriculture bulk collection, storage, distribution <input type="checkbox"/> Veterinary hospital or clinic <input type="checkbox"/> Wireless telecommunications facility

The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.

**DIMENSION REGULATIONS**

Lot Standards		Minimum Setbacks (ft.)	
Minimum Lot Width (ft.):	none	Minimum front yard <sup>(A)</sup> :	0
Minimum Lot Area (sq. ft.):	none	Maximum front yard <sup>(A)</sup> :	8
Maximum Lot Coverage:	none	Side Yard (one) <sup>(B)</sup> :	0
Minimum Floor Area Per Unit (sq. ft.):	none	Side Yard (total of two):	0
Building Height (ft.):	45	Side Street:	0
		Rear Yard:	10

**Footnotes:** Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations.

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards..... <a href="#">Article 3, Chapter 2</a>	Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions ..... <a href="#">Article 5, Chapter 1</a>
Building Design Standards..... <a href="#">Article 5, Chapter 2</a>	Accessory Structures ..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>
Sustainable Energy Generation ..... <a href="#">Article 5, Chapter 5</a>	Performance Standards ..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>
Landscaping ..... <a href="#">Article 7</a>	Signs..... <a href="#">Article 8</a>	Nonconforming structures or uses..... <a href="#">Article 11</a>

Section 74-2.307 **C-2 General Business District**

**STATEMENT OF PURPOSE**

The C-2 general business district is intended to permit retail business and services which are oriented to automobile traffic. This district encourages commercial uses that can accommodate larger off-street parking facilities and complement pedestrian-oriented businesses in the C-1 district.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>• Bank or financial institution</li> <li>• Health or exercise club or spa (small)</li> <li>• Office</li> <li>• Personal service establishment</li> <li>• Automobile service (commercial)</li> <li>• Dry cleaning shop</li> <li>• Place of assembly (up to 100 persons at maximum occupancy)</li> <li>• Restaurant, with or without outdoor sidewalk or patio dining</li> <li>• Retail sales (indoor)</li> <li>• Retail sales (limited outdoor)</li> <li>• Trades showroom</li> <li>• Child care or day care center</li> <li>• Essential services</li> </ul>	<ul style="list-style-type: none"> <li>• Hospital</li> <li>• Learning center</li> <li>• Medical clinic</li> <li>• Religious institution</li> <li>• Private recreation (small, indoor or outdoor)</li> <li>• Gardening and cultivating of plants</li> <li>• Greenhouse or nursery (with or without retail sales)</li> <li>• Pet boarding facility</li> <li>• Veterinary hospital or clinic</li> <li>• Accessory building or structure</li> <li>• Seasonal outdoor sales</li> <li>• Temporary use or construction</li> <li>• Public park or recreation facility</li> </ul>
<ul style="list-style-type: none"> <li>• Inn</li> <li>• Hotel</li> <li>• Health or exercise club or spa (large)</li> <li>• Bar, tavern, or alcohol service establishment</li> <li>• Funeral home or mortuary</li> <li>• Place of assembly (more than 100 persons at maximum occupancy)</li> <li>• Retail sales (unrestricted outdoor)</li> <li>• Mini-warehouse</li> <li>• School (vocational)</li> <li>• Assembly structure for viewing outdoor activities</li> <li>• Private recreation (large, indoor or outdoor)</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Kennel</li> <li>• Drive through facility (accessory to a principal use)</li> <li>• Outdoor storage (accessory)</li> <li>• Wireless telecommunications facility</li> </ul>	

*The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#), shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.*

**DIMENSION REGULATIONS**

<i>Lot Standards</i>	<i>Minimum Setbacks (ft.)</i>
Minimum Lot Width (ft.): 100	Minimum front yard <sup>(A)</sup> : 15 <sup>(P)</sup>
Minimum Lot Area (sq. ft.): 14,500	Maximum front yard <sup>(A)</sup> : 30
Maximum Lot Coverage: 50% <sup>(Q)</sup>	Side Yard (one) <sup>(B)</sup> : 15 <sup>(A)</sup>
Minimum Floor Area Per Unit (sq. ft.): --	Side Yard (total of two): 30
Building Height (ft.): 30	Side Street: 10 <sup>(H)</sup>
	Rear Yard: 25 <sup>(A)</sup>

**Footnotes:** Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations. EFGHIJKLMNOPQ

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards ..... <a href="#">Article 3, Chapter 2</a>	Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions ..... <a href="#">Article 5, Chapter 1</a>
Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>	Accessory Structures ..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>
Sustainable Energy Generation ..... <a href="#">Article 5, Chapter 5</a>	Performance Standards ..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>
Landscaping ..... <a href="#">Article 7</a>	Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses..... <a href="#">Article 11</a>

**Article 2 Zoning Districts and Permitted Uses**  
**Chapter 3 Zoning District Summaries**

**Section 74-2.308 C-3 Mixed Business District**

**STATEMENT OF PURPOSE**

The C-3 mixed business district is intended to accommodate a mixture of commercial and residential land uses. This district applies to the properties bordering Grand River Avenue on both sides of the C-1 central business district. These properties have historically been residential and are undergoing a transition to commercial. This district is also intended to preserve existing residential properties while allowing compatible commercial activities to provide an interesting and varied entrance into the city and to avoid the continuance of encouraging marginal strip business development along this major thoroughfare.

<b>PRINCIPAL PERMITTED USES</b>	<b>SPECIAL LAND USES</b>
<ul style="list-style-type: none"> <li>• Mixed use dwelling unit</li> <li>• One family dwelling unit</li> <li>• Two family dwelling unit</li> <li>• Bed &amp; breakfast</li> <li>• Inn</li> <li>• Health or exercise club or spa (small)</li> <li>• Office</li> <li>• Personal service establishment</li> <li>• Dry cleaning shop</li> <li>• Gallery or studio</li> <li>• Place of assembly (up to 50 persons at maximum occupancy)</li> <li>• Restaurant, with or without outdoor sidewalk or patio dining</li> <li>• Retail sales (indoor)</li> <li>• Retail sales (limited outdoor)</li> <li>• Cultural or municipal use</li> <li>• Learning center</li> <li>• Public parking lot</li> <li>• Private recreation (small outdoor)</li> <li>• Public park or recreation facility</li> <li>• Religious Institution</li> <li>• Gardening and cultivating of plants</li> <li>• Keeping of household animals or pets</li> <li>• Accessory building or structure</li> <li>• Home occupation</li> <li>• Roadside stand or market</li> <li>• Seasonal outdoor sales</li> <li>• Temporary use or construction</li> </ul>	<ul style="list-style-type: none"> <li>• Townhouse</li> <li>• Accessory dwelling unit</li> <li>• Health or exercise club or spa (large)</li> <li>• Adult entertainment</li> <li>• Automobile service (commercial)</li> <li>• Bar, tavern, or alcohol service establishment</li> <li>• Pawn shop or pawnbroker</li> <li>• Place of assembly (more than 50 persons at maximum occupancy)</li> <li>• Trades showroom</li> <li>• Assisted living facility</li> <li>• Child care center or day care center</li> <li>• Essential services</li> <li>• Medical clinic</li> <li>• Nursing home</li> <li>• Private club, fraternal organization, or lodge hall</li> <li>• School (college or university)</li> <li>• School (vocational)</li> <li>• State licensed residential facility</li> <li>• Private recreation (small indoor)</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Veterinary hospital or clinic</li> <li>• Drive through facility (accessory to a principal use)</li> <li>• Wireless telecommunications facility</li> </ul>

The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.

**DIMENSION REGULATIONS**

<b>Lot Standards</b>		<b>Minimum Setbacks (ft.)</b>	
Minimum Lot Width (ft.):	60	Minimum front yard <sup>(A)</sup> :	25
Minimum Lot Area (sq. ft.):	7,200 <sup>(B)</sup>	Maximum front yard <sup>(A)</sup> :	none
Minimum Lot Area (sq. ft.):	10,800 <sup>(B)</sup>	Side Yard (one) <sup>(B)</sup> :	5
Maximum Lot Coverage:	50% <sup>(C)</sup>	Side Yard (total of two):	15
Minimum Floor Area Per Unit (sq. ft.):	900 <sup>(D)</sup>	Side Street:	18.5 <sup>(H)</sup>
Building Height (ft.):	30 <sup>(E)</sup>	Rear Yard:	25

**Footnotes:** Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations.

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards..... <a href="#">Article 3, Chapter 2</a>	Planned Residential Development ..... <a href="#">Article 4, Chapter 4</a>	Site Condominium Development..... <a href="#">Article 4, Chapter 6</a>
Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions..... <a href="#">Article 5, Chapter 1</a>	One-Family Dwelling Design Standards ..... <a href="#">Section 74-5.105</a>
Building Design Standards..... <a href="#">Article 5, Chapter 2</a>	Accessory Structures ..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>
Sustainable Energy Generation ..... <a href="#">Article 5, Chapter 5</a>	Performance Standards ..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>
Landscaping ..... <a href="#">Article 7</a>	Signs..... <a href="#">Article 8</a>	Nonconforming structures or uses..... <a href="#">Article 11</a>



Section 74-2.309 **C-4 Interchange Mixed Use District**

**STATEMENT OF PURPOSE**

The C-4 interchange mixed use district is intended primarily for those activities and services that are compatible with and benefit from access to the interstate expressway. These uses include those that draw traffic from the larger region and higher density uses that can generate higher than average traffic volumes. The prime consideration in the application of this District is to locate higher density uses directly adjacent to arterial roads with access to highways which can accommodate their inherent characteristics.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>• Townhouse</li> <li>• Mixed use dwelling unit</li> <li>• Hotel</li> <li>• Bar, tavern, or alcohol service establishment</li> <li>• Place of assembly</li> <li>• Assembly structures for viewing outdoor activities</li> <li>• Restaurant, with or without outdoor sidewalk or patio dining</li> <li>• Retail sales (indoor)</li> <li>• Retail sales (limited outdoor)</li> <li>• Health or exercise club or spa</li> <li>• Personal service establishment</li> <li>• Cultural or municipal use</li> <li>• Essential services</li> <li>• Public park or recreation facility</li> <li>• Private recreation</li> <li>• Gardening and cultivating of plants</li> <li>• Accessory building or structure</li> <li>• Temporary use or construction</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile service (commercial)</li> <li>• Drive through facility (accessory to a principal use)</li> <li>• Wireless telecommunications facility</li> <li>• Assisted living facility</li> <li>• Child care center or day care center</li> <li>• School (college or university)</li> <li>• School (vocational)</li> <li>• Planned Unit Development</li> </ul>

The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.

**DIMENSION REGULATIONS**

<i>Lot Standards</i>		<i>Minimum Setbacks (ft.)</i>	
Minimum Lot Width (ft.):	100	Minimum front yard <sup>(A)</sup> :	60 <sup>(P)</sup>
Minimum Lot Area (sq. ft.):	14,500	Maximum front yard <sup>(A)</sup> :	none
Maximum Lot Coverage:	50% <sup>(Q)</sup>	Side Yard (one) <sup>(B)</sup> :	15 <sup>(A)</sup>
Minimum Floor Area Per Unit (sq. ft.):	--	Side Yard (total of two):	30
Building Height (ft.):	30	Side Street:	45 <sup>(H)</sup>
		Rear Yard:	25 <sup>(A)</sup>

*Footnotes:* Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations. EFGHIJKLMNOPQ

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards ..... <a href="#">Article 3, Chapter 2</a>	Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions ..... <a href="#">Article 5, Chapter 1</a>
Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>	Accessory Structures ..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>
Sustainable Energy Generation ..... <a href="#">Article 5, Chapter 5</a>	Performance Standards ..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>
Landscaping ..... <a href="#">Article 7</a>	Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses..... <a href="#">Article 11</a>

**Article 2 Zoning Districts and Permitted Uses**

**Chapter 3 Zoning District Summaries**

**Section 74-2.310 I-1 Light Manufacturing/Office/Research/Laboratory District**

**STATEMENT OF PURPOSE**

This district is intended primarily for those uses which are oriented to product creation, scientific research and higher technology and which possess few, if any, nuisance characteristics. This district also contemplates uses of land which are supportive to commercial and industrial districts but are not detrimental to the public health, safety, or welfare in connection with the uses for which such districts are established. It is intended that the density of the property and the character of the entrances and frontages of this district be protected with landscaping. The standards contained in this district essentially follow the covenants of the Williamston I-96 Industrial Park-Granger Parcel.

<b>PRINCIPAL PERMITTED USES</b>	<b>SPECIAL LAND USES</b>
<ul style="list-style-type: none"> <li>• Manufacturing and processing (light)</li> <li>• Research facility</li> <li>• Learning center</li> <li>• Private recreation (large indoor)</li> <li>• Public park or recreation facility</li> <li>• Pet boarding facilities</li> <li>• Accessory building or structure</li> <li>• Outdoor storage (accessory)</li> <li>• Temporary use or construction</li> <li>• Wireless telecommunications facility</li> </ul>	<ul style="list-style-type: none"> <li>• Adult entertainment</li> <li>• Outdoor storage (major)</li> <li>• Essential services</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Accessory Commercial Uses (ACU's) to a Manufacturing or Processing (light) Principal Use</li> <li>• Office Uses</li> <li>• Bank or Financial Institution</li> </ul>

*The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.*

**DIMENSION REGULATIONS**

<i>Lot Standards</i>		<i>Minimum Setbacks (ft.)</i>	
Minimum Lot Width (ft.):	100	Minimum front yard <sup>(A)</sup> :	50 <sup>(P)</sup>
Minimum Lot Area (sq. ft.):	43,560	Maximum front yard <sup>(A)</sup> :	none
Maximum Lot Coverage:	50% <sup>(Q)</sup>	Side Yard (one) <sup>(B)</sup> :	30
Minimum Floor Area Per Unit (sq. ft.):	--	Side Yard (total of two):	60
Building Height (ft.):	35	Side Street:	37.5
		Rear Yard:	25 <sup>(A)</sup>

**Footnotes:** Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations. EFGHIJKLMNOQ

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards..... <a href="#">Article 3, Chapter 2</a>	Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions ..... <a href="#">Article 5, Chapter 1</a>
Building Design Standards..... <a href="#">Article 5, Chapter 2</a>	Accessory Structures ..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>
Sustainable Energy Generation ..... <a href="#">Article 5, Chapter 5</a>	Performance Standards ..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>
Landscaping ..... <a href="#">Article 7</a>	Signs..... <a href="#">Article 8</a>	Nonconforming structures or uses..... <a href="#">Article 11</a>

Section 74-2.311 I-2 Industrial District

**STATEMENT OF PURPOSE**

It is the purpose of this section to establish and preserve areas for industrial and related uses of a nature so that they do not create serious problems of compatibility with other kinds of land uses. This district is intended to make provisions for medium to heavy industrial uses and for certain kinds of business uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of the businesses in these areas.

PRINCIPAL PERMITTED USES	SPECIAL LAND USES
<ul style="list-style-type: none"> <li>• Automobile service (commercial)</li> <li>• Automobile service (industrial)</li> <li>• Manufacturing and processing (light)</li> <li>• Manufacturing and processing (heavy)</li> <li>• Mini-warehouse</li> <li>• Research facility</li> <li>• Research facility (major)</li> <li>• Essential services</li> <li>• Learning center</li> <li>• Public park or recreation facility</li> <li>• Accessory building or structure</li> <li>• Outdoor storage (accessory)</li> <li>• Temporary use or construction</li> <li>• Wireless telecommunications facility</li> </ul>	<ul style="list-style-type: none"> <li>• Adult entertainment</li> <li>• Outdoor storage (major)</li> <li>• Recreational vehicle storage</li> <li>• Salvage yard/resource recovery facility</li> <li>• Storage/distribution</li> <li>• Agriculture bulk collection, storage, distribution</li> <li>• Accessory Commercial Uses (ACU's) to a Manufacturing or Processing (light) Principal Use</li> </ul>

*The above list is a summary of uses permitted by right or by special land uses approval in the district. Refer to [Section 74-2.202](#) for standards and requirements applicable to permitted and special land uses. In case of a conflict between the above list and the uses listed in [Table 1, Table 1](#) shall prevail. Refer to [Article 12, Chapter 1](#) for definitions of each of the above listed uses.*

**DIMENSION REGULATIONS**

<i>Lot Standards</i>	<i>Minimum Setbacks (ft.)</i>
Minimum Lot Width (ft.): 150	Minimum front yard <sup>(A)</sup> : 50 <sup>(P)</sup>
Minimum Lot Area (sq. ft.): 87,120	Maximum front yard <sup>(A)</sup> : none
Maximum Lot Coverage: 50% <sup>(Q)</sup>	Side Yard (one) <sup>(B)</sup> : 30
Minimum Floor Area Per Unit (sq. ft.): --	Side Yard (total of two): 60
Building Height (ft.): 40	Side Street: 37.5
	Rear Yard: 50

*Footnotes:* Refer to [Section 74-3.103](#) wherever a footnote is referenced in parentheses after one of the above design regulations. EFGHIJKLMNOQ

**REFERENCES TO ADDITIONAL STANDARDS**

Supplemental Dimension Standards ..... <a href="#">Article 3, Chapter 2</a>	Planned Unit Development ..... <a href="#">Article 4, Chapter 7</a>	General Provisions ..... <a href="#">Article 5, Chapter 1</a>
Building Design Standards ..... <a href="#">Article 5, Chapter 2</a>	Accessory Structures ..... <a href="#">Article 5, Chapter 3</a>	Exterior Lighting ..... <a href="#">Article 5, Chapter 4</a>
Sustainable Energy Generation ..... <a href="#">Article 5, Chapter 5</a>	Performance Standards ..... <a href="#">Article 5, Chapter 6</a>	Parking ..... <a href="#">Article 6</a>
Landscaping ..... <a href="#">Article 7</a>	Signs ..... <a href="#">Article 8</a>	Nonconforming structures or uses..... <a href="#">Article 11</a>

## Chapter 4 **Development Standards for Specific Uses**

### Section 74-2.401 **Accessory Commercial Uses (ACU's) to a Manufacturing or Processing (light) Principal Use**

In recognition of the various ACU's that have been found compatible and reasonably harmonious with manufacturing and processing (light) uses operated within the I-1 and I-2 Districts, the city may authorize the construction, maintenance, and operation of ACU's in certain areas within the I-1 and I-2 Districts as specified in this section by the issuance of a special land use permit. The special land use permit shall not be issued unless the required procedures are followed and the applicable requirements of [Article 9, Chapter 2](#), as well as the following standards, are met:

- A. **ACU's Allowed.** One (1) or more of the following commercial uses may be accessory to manufacturing and processing (light), provided the commercial uses also comply with the provisions of this section:
  1. Bakery or Confectionary.
  2. Bar, Tavern, or Alcohol Service Establishment.
  3. Restaurant, provided there is no drive-through facility.
  4. Restaurant, Outdoor Sidewalk or Patio Dining, subject to the standards of [Section 74-2.431](#).
  5. Retail Sales (indoor).
  6. Retail Sales (limited outdoor), subject to the standards of [Section 74-2.442](#).
- B. **Maximum Proportion of Manufacturing and Processing (light) Uses with Accessory Commercial Uses.** In the interest of maintaining the industrial character of the area, and to prevent conflicts between industrial and non-industrial uses, the total indoor and outdoor floor area of an ACU shall not exceed 25% of the floor area dedicated to the principal manufacturing or processing (light) use.
- C. **Compatibility with Surrounding Uses.** The ACU shall be compatible with all of the existing and potential uses allowed in the underlying zoning district and adjacent zoning district(s) in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
- D. **Relationship between the Manufacturing or Processing (light) Use and its ACU.** The sale of the product manufactured or processed on-site shall be part of the ACU. Any products for sale on-site that are not also produced on-site must be related to the product that is produced on-site. In determining whether to grant a special land use permit for an ACU, the Planning Commission may determine permitted and prohibited products for sale.
- E. **Compliance with All Other Zoning Regulations.** The ACU shall comply with all standards and regulations set forth in this Ordinance. Furthermore, the entire site (including the manufacturing or processing (light) use) shall meet the parking standards of [Article 6](#) and the landscaping and screening standards of [Article 7](#), and the Planning Commission may require compliance with any other provision of this Ordinance as a condition of approval of the ACU.
- F. **Cessation of, or Change to, the Principal Manufacturing or Processing (light) Use.** At all times, the ACU shall be an accessory use to the principal manufacturing or processing (light) use. If the principal manufacturing or processing (light) use ceases, the ACU shall cease within 90 days of the cessation of the principal use. If changes are proposed to the use or floor area of the principal manufacturing or processing (light) use, the owner shall apply to the Planning Commission to amend the special land use permit for the ACU before making changes to the principal use.

**Section 74-2.402 Accessory Dwelling Units**

Accessory dwelling units may be permitted as a special land use in zones identified in [Section 74-2.202](#). An accessory dwelling unit (ADU) is a small apartment which is part of an existing one-family owner-occupied home. The ADU must be clearly secondary to the single-family home. Accessory dwelling units shall comply with all of the following standards:

- A. **Number Permitted.** One ADU may be permitted per lot containing an existing detached single family dwelling unit through the special land use process if the ADU complies with all of the requirements of this section.
- B. **Minimum Lot Standards.** ADUs may only be permitted on lots that meet the minimum lot area and width standards of the zoning district.
- C. **Occupancy.** No more than two adult persons may occupy an ADU. There is no limit on children under the age of 18 who are related by blood to or under the guardianship of an adult occupying the ADU
- D. **Age of Principal Structure.** An ADU may be developed in or accessory to a dwelling unit that has been completed for at least 5 years.
- E. **Owner-Occupancy Required on the Property.**
  - 1. Owner-Occupancy Required. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a voter registration, car registration, or other method acceptable to the City.
  - 2. Ownership of the ADU. Ownership of the ADU shall remain with the owner of the property, and shall only be rented to tenants. In no case may the owner of the property divide ownership rights between the principal and accessory dwelling units through condominium or other means.
  - 3. Filing of Legal Restriction. To ensure continued compliance by current and subsequent owners, the applicant shall provide and record in the Ingham County Register of Deeds a covenant in a form acceptable to the City Attorney that the existence of the ADU is predicated upon the occupancy of either the principal or accessory dwelling unit by a person who owns the property, and that the ADU shall remain in the ownership of the person who owns the property. The applicant shall provide the City with evidence of filing of the restrictive covenant with the Register of Deeds prior to the City issuing a final certificate of occupancy for the ADU.

It is also required that any owner of the property must notify a prospective buyer of the limitations of this section. Violations of the terms of this covenant shall result in the loss of the special use permit.
  - 4. Conformance with the conditions of the ADU special use permit shall be certified yearly by the owner subject to inspection by the City. Inspection shall be allowed by the owner after 48 hours notice by certified mail from the City. The certification process shall be subject to an appropriate fee as determined by the City Council.
- F. **Floor Area.** The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less.
- G. **Location.** The ADU may be located within the single family structure, within an attached accessory structure, or in a detached accessory structure on the site. An ADU may only be located in an accessory building that has existed in its present form for at least 5 years prior to the date on which

## Article 2 Zoning Districts and Permitted Uses

### Chapter 4 Development Standards for Specific Uses

the certificate of occupancy for the ADU is granted. The footprint and height of the detached accessory building may not be expanded when it is converted to an ADU.

#### H. Design Criteria.

1. Architectural Character. An ADU shall be designed to maintain the architectural character and appearance of the principal building. If an ADU extends beyond the existing footprint of the main building, the addition must be consistent with the existing façade, roof pitch, siding, and windows.
2. Entrances. Entrances to ADUs, including exterior stairs leading to a second story entrance, are restricted to the side or rear façade of the principal building. This provision does not apply if the ADU's primary entrance is the same as the entrance to the principal residence.
3. Orientation. The orientation of the ADU shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings as determined by the physical characteristics surrounding the ADU. Factors that should be considered include landscape screening, fencing, and window and door placement.

#### I. Parking.

One off-street parking space shall be provided for the ADU in a driveway or in a rear or side yard on the lot. No parking space may be provided in the front yard except in paved driveways. Parking spaces are not subject to setback requirements.

#### J. Maximum Proportion of Single Family Dwelling Units With ADUs.

In the interest of maintaining the single family character of the City's neighborhoods, and to prevent an undesirable proliferation of ADUs, a special use permit for a new ADU shall only be granted if less than 15% percent of single-family dwelling units in the City contain existing ADUs.

If the 15% limit for ADUs is reached, the City Council, upon consultation with the Planning Commission, shall reassess this ordinance to determine if a higher percentage of single-family dwelling units should be allowed to have ADUs or if the 15% limitation should remain.

## Section 74-2.403 Adult Entertainment Uses

#### A. Definitions.

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

1. Adult bookstore or video store means an establishment having a substantial or significant portion of its stock in trade in video cassettes, discs or films or media recorded, pressed, engraved or prepared for playback and books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale, rental and/or display of such material.
2. Adult cabaret means an establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show specified anatomical areas of their bodies or who engage in, perform or simulate specified sexual activities on or with any person.
3. Adult entertainment business means an adult bookstore, adult motion picture theater, adult personal service business, adult cabaret, adult novelty business, massage parlor, nude modeling studio, or any combination thereof.
4. Adult motion picture theater means an enclosed building used for presenting motion picture films, videocassettes, cable television or any other such visual media, distinguished or characterized by

**Article 2 Zoning Districts and Permitted Uses**  
**Chapter 4 Development Standards for Specific Uses**

an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

5. Specified anatomical areas means:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

6. Specified sexual activities means:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

7. Used, in the definition of the term "adult motion picture theater" in this subsection, describes a continuing course of conduct of exhibiting specified sexual activities and specified anatomical areas in a manner which appeals to a prurient interest.

- B. **Purpose and Intent.** The purpose and intent of this section is to regulate the location of, but not to exclude, adult entertainment businesses. This is accomplished by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the city recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The city recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

The provisions of this section regarding massage parlors shall not apply to health care facilities licensed by the state under the Public Health Code, MCL 333.2223 et seq., such as hospitals, sanitariums, nursing homes, medical clinics or the office of a physician, surgeon, chiropractor, dentist, psychologist, clinical social worker, family counselor, physical therapist or other members of the health occupations licensed or regulated by the state. In addition, the provisions of this section regarding massage parlors shall not apply to individuals permitted to practice with a temporary license under required supervision as provided by the State Public Health Code, MCL 333.16101 et seq., as well as clergy, and certified members of the American Massage and Therapy Association.

It is determined necessary for the health, safety and welfare of the City to adopt this section pertaining to and regulating adult businesses for the following reasons:

1. Many parents are concerned about the influence of pornographic entertainment outlets and businesses and have chosen the City to raise their families because of the absence of such adult businesses, save one which existed on the effective date of the ordinance from which this section derives.
2. Location of and easy availability of adult businesses in close proximity to homes, apartments, schools, churches and public parks give an impression of legitimacy to such uses and have adverse effects upon children, established family relations, respect for marital relationships and the concept of nonaggressive consensual sexual relations.

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3. Location of adult businesses in close proximity to houses, apartments, schools, churches and public parks will draw persons who are not known in the community and will create police and safety problems in areas of the City which should be free of such problems.
4. Property values in areas adjacent to adult businesses will decline, thus causing a blight upon both commercial and residential areas of the City.

#### C. Specific Requirements.

1. No adult entertainment business shall be located within 500 feet of a church, school, public park, noncommercial public assembly facility or public office building.
2. The site of an adult entertainment business shall not be adjacent to or within 300 feet of any residential area or residential district.
3. The site of an adult entertainment business shall not be within 500 feet of any other adult entertainment business.
4. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of the adult entertainment business activity, are limited to a single sign and all such displays shall be part of specific approvals for all the uses or activities on the site. Any alteration to the above media shall be approved by the Planning Commission.
5. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.
6. No person shall reside in, or permit any person to reside in, the premises of an adult entertainment business.

### Section 74-2.404 Agriculture Bulk Collection, Storage, Distribution

- A. **Access.** Each principal agribusiness use shall have frontage upon and access to major or collector street, as shown on the City of Williamston Zoning Map.
- B. **Lot Requirements.** The minimum lot area is two acres and the minimum lot width is 300 feet.
- C. **Setbacks.** A bulk collection, storage, distribution, and similar structure shall be located not less than 50 feet from any right-of-way line and not less than 50 feet from any side or rear property line.
- D. **Lot Coverage.** The total coverage of all main and accessory buildings shall not exceed 30 percent of the lot on which they are located.
- E. **Performance Standards.** Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond 500 feet from the boundaries of the lot or premises from which the noise or objectionable characteristic is generated.

### Section 74-2.405 Agricultural Operations

Customary agricultural operations, including general farming, truck gardening, fruit orchards, nursery greenhouses, and farm buildings, but not including the keeping of horses (see [Section 74-2.446](#)) or the raising or breeding of non-livestock animals (see [Section 74-2.422](#)), are subject to the following requirements:

- A. Raising and keeping for profit livestock, such as cattle, sheep, poultry and similar livestock is permitted, with the exception that the keeping of hogs may only occur on a parcel of land not less than ten acres in area.



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- B. Intensive confinement (as defined by the U.S. Department of Agriculture) livestock operations shall not be allowed.
- C. Associated farm buildings shall be located no closer than 200 feet from an existing public right-of-way and no closer than 50 feet from the side and rear lot lines of the parcel upon which such buildings are located. Where an adjoining parcel contains a residence or is zoned for residential use, the side and rear yard setback requirements for such accessory buildings shall be increased to 100 feet.

**Section 74-2.406 Automobile Service (Commercial)**

- A. **Lot Area and Width.** The minimum lot area for any such use shall be 10,000 square feet, and the minimum lot width shall be 100 feet.
- B. **Setbacks.**
  - 1. Any building shall be located not less than 30 feet from any side or rear lot line abutting residentially zoned property.
  - 2. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 30 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- C. **Driveways.** Ingress and egress drives shall not be less than 15 feet in width, and no more than one curb opening shall be permitted for every 50 feet of frontage (or major fraction thereof) along any street.
- D. **Driveway Spacing.** No drive or curb opening shall be located nearer than 30 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the zoning administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- E. **Screening Adjacent to Residential Uses.** When adjoining residentially zoned property, a six-foot high masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 20 feet of any right-of-way line, subject to approval by the zoning administrator.
- F. **Outdoor Storage.** All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight-foot-high masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three days.
- G. **Corner Lots.** On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.

**Section 74-2.407 Bed and Breakfast**

Bed and breakfast operations may be permitted as a subordinate use to single-family dwelling units subject to the following conditions:

- A. **Residence Required.** The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the real property owner and operator, and the real property owner and operator shall live on the premises when the bed and breakfast operation is active.

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- B. **Neighborhood Character.** Buildings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
- C. **Maximum Number of Rooms.** Not more than six sleeping rooms shall be available for guests of the bed and breakfast.
- D. **Kitchens and Meals.** There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
- E. **Emergency Provisions.**
  - 1. Approved smoke detectors shall be provided in individual sleeping units and in common hallways.
  - 2. Emergency egress lighting to assure continued illumination for a duration of not less than one hour in case of emergency or primary power loss.
  - 3. An approved fire extinguisher in the common hallway accessible to all occupants.
  - 4. Every sleeping unit shall have at least one operable window approved for emergency egress or rescue, except where the sleeping unit is provided with a door to a corridor having access to two remote exits in opposite directions.
  - 5. No premises shall be utilized for a bed and breakfast operation unless there are at least two exits to the outdoors from such premises.
- F. **Occupancy.** Occupancy shall be of a transient nature for periods not to exceed one week in duration in any one month by any transient occupant. A guest registry indicating name, address, phone number and vehicle license number shall be kept indicating dates of arrival and departure of guests and shall be available to the city for inspection upon request and shall further be presented for inspecting at the time of annual license renewal.
- G. **Signs.** An unlighted sign not exceeding six square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign.
- H. **Existing Structures.** No building or structure shall be removed in order to allow for a bed and breakfast use, nor shall such a building or structure be removed in order to provide parking for such a use.
- I. **Parking.**
  - 1. All parking spaces shall be paved or graded to city standards with materials which maintain the character of the neighborhood.
  - 2. Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility.
  - 3. If the applicant is unable to meet the parking requirements of this section, the applicant may request special consideration from the planning commission. The city's intent is not to encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking.
  - 4. In those instances where parking requirements cannot be met, the applicant may request special consideration from the planning commission. In such a case, the applicant shall submit an analysis of parking required and parking provided within a 300-foot radius of the subject parcel. After analyzing this data, the planning commission may lower the number of the required parking spaces based on the fact that sufficient off-street parking exists in the neighborhood.

### Section 74-2.408 **Campgrounds/RV Parks**

Campgrounds/RV parks must meet the following provisions and conditions:

- A. **Utilities.** The campground must provide a health department approved sewage disposal and water system.
- B. **Sites.** There must be a minimum of 15 campsites/trailer pads.
- C. **Soils.** Campgrounds, travel trailer parks and similar activities shall be located only in areas which contain soils that are not considered prime for agricultural production and which are otherwise suitable for recreational use.
- D. **Applicable State Regulations.** All campgrounds publicly or privately owned and operated shall comply with Act 368 of the Public Acts of 1978 [MCL 333.1101 et seq.].
- E. **Lot Area and Access.** Minimum lot size shall be five acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
- F. **Separation.** Minimum distance between designated campsites shall be 20 feet; minimum distance between travel trailers/ recreational vehicles shall be 15 feet.
- G. **Screening.** Appropriate vegetation and screening around the perimeter of the site shall be provided.

### Section 74-2.409 **Cemeteries**

Cemeteries and associated uses such as, but not limited to crematoriums shall have a minimum site area of 20 acres, and no building shall be closer than 200 feet from any property line.

### Section 74-2.410 **Child Care Centers, Day Care Centers**

- A. **Building Design.** The proposed building shall not be out of harmony with the predominate type of building in the particular zone by reason of its size, character or location.
- B. **Hours of Operation** shall not exceed 16 hours in a 24-hour period, and activity shall be limited to the hours 6:00 a.m. and 10:00 p.m.
- C. **Licensing.** In accordance with applicable state laws, all child care centers shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.
- D. **Outdoor Recreation Area.** A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the child care center, provided that the overall area shall not be less than 5,000 square feet. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses with a decorative opaque fence with a minimum height of 4 feet and a landscape buffer meeting the requirements of [Section 74-7.309](#). The Planning Commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement, in which case documentation citing State approval of such shall be provided.
- E. **Pick-up and Drop-off.** Adequate areas shall be provided for employee parking and pick-up and drop-off of children or adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public streets.
- F. **Access and Frontage.** Child care centers shall have frontage on, and direct vehicle access to, a public street classified as a major or collector street on the City of Williamston Zoning Map. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

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**Section 74-2.411 Community Service Facility**

Sufficient additional data shall be provided as needed to enable the Planning Commission to determine compliance with the requirements of this section, and to determine the best possible physical layout for the proposed use from the standpoint of its relationship to the general health, safety, and welfare of the city and adjoining property values.

Before approving the plan or plans, the Planning Commission shall require proper guarantees that the proposed use shall not constitute a public hazard and is reasonably necessary for the convenience of the community.

**Section 74-2.412 Cultural or Municipal Use**

Any building or structure associated with public libraries, museums, municipal uses, or other civic and cultural uses shall comply with the following setback requirements:

- A. **Residential Districts.** A minimum of 25 feet from any property line, or the minimum setback of the zoning district, whichever is greater.
- B. **Nonresidential Districts.** Such uses shall comply with the minimum setback requirements for the district in which they are located, and are exempt from any maximum setback limitation.  
(Ord. 322; 2/28/11)

**Section 74-2.413 Drive-Through Facilities**

Any use or building that contains a drive-through facility that is designed to provide service to a patron who remains in their car shall comply with the requirements of this section. These requirements are intended to support, enhance, and create a high quality public realm; to support and enhance the pedestrian environment and pedestrian connections; and to encourage development that fits well with and improves its existing or planned context.

- A. **Building Design.** Drive-through uses must be built as an integral architectural element of the primary structure and use. Building materials shall be the same as those used in the primary structure. Drive-through facilities and structures separate from the primary structure are prohibited.
- B. **Building Location and Orientation.** The principal building to which the drive-through use is accessory should be located at or near the front and, if applicable, side street setback lines. Any building with a drive-through use shall have a prominent entrance facing each street upon which it has frontage.
- C. **Drive-Through Setback.** Drive-through uses, including the drive-through window and any canopies, shall be located to the rear or side of the primary structure, and set back a minimum of 10 feet from the front or side street building wall of the primary structure.
- D. **Stacking Lane Location.** Stacking lanes shall not be located between the building and a street, and may not be located in a required front yard.
- E. **Headlight Glare.** Drive-through uses shall be configured and screened such that glare from the headlights of vehicles waiting in the stacking lane is obstructed from shining into a public right-of-way or neighboring residential use.
- F. **Landscaping.** A landscape buffer meeting the requirements of [Section 74-7.309](#) shall be provided along rear and side lot lines of a drive-through use located adjacent to a residentially zoned or used property.

### Section 74-2.414 **Dry Cleaning Shops**

Dry cleaners and laundries where the dry cleaning establishment occupies a total floor area not to exceed 2,000 square feet and using not more than two clothes-cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is non-explosive and nonflammable.

### Section 74-2.415 **Essential Services**

Publicly owned and operated buildings including public utility buildings and structures, bus garages, telephone exchanges, transformer stations, substations, gas regulator stations and other structures which would normally occupy a lot or parcel or the equivalent thereof. The erection, construction, alteration, or, maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical and telephone transmission systems, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection with the structure shall be carried out in accordance with the applicable Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.

Any component or activity of an essential service that does not occur entirely within an enclosed building shall be screened by a landscape buffer meeting the requirements of [Section 74-7.309](#).

### Section 74-2.416 **Funeral Home or Mortuary**

- A. **Lot Area.** Minimum lot area shall be one acre.
- B. **Living Quarters.** The space in the main building used for mortuary functions shall be separate from the living quarters of the person or persons owning, managing, or maintaining the mortuary.
- C. **Screening.** A fence or natural year-round landscape barrier of a minimum height of six feet shall be located between the mortuary and adjacent residential dwellings.
- D. **Outdoor lighting** shall be of a type and location so as not to infringe upon adjacent residential properties.

### Section 74-2.417 **Golf Courses and Country Clubs**

- A. **Minimum Lot Area.** The minimum lot area is 50 acres.
- B. **Setbacks.** Principal buildings shall be set back at least 50 feet from any property line, and accessory buildings related to the maintenance of the golf course shall be set back a minimum of 100 feet from any property line.
- C. **Buffering.** Appropriate planting and screening shall be provided where the golf course abuts a residential lot.
- D. **Parking Lot Surfacing.** Required off-street parking shall be paved with concrete or asphalt.

### Section 74-2.418 **Greenhouse or Nursery**

- A. **Lot Area.** Minimum lot size shall be 2.5 acres.
- B. **Setbacks.** Storage or material display areas shall meet all the yard setback requirements applicable to any building in the district.
- C. **Storage of Loose Aggregates.** The storage of soil, fertilizer or similarly loosely packaged materials shall be sufficiently contained to prevent any adverse affect upon adjacent properties.

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#### Section 74-2.419 Home Occupations

Home occupations may be permitted accessory to the principal use of a residential dwelling unit under the following procedures and conditions:

- A. **Exterior Appearance.** The exterior appearance of the structure shall not be altered or the occupations within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
- B. **Employees.** No more than two persons other than members of the immediate family occupying the dwelling shall be employed.
- C. **Location.** Either one of the following – the basement, garage, or no more than 50 percent of the gross floor area of one floor of a residence – shall be used for these purposes. Use of accessory buildings for these purposes is prohibited, except the garage.
- D. **Outside Storage.** There shall be no outside storage of any kind related to any home occupation.
- E. **Traffic and Deliveries.** The use may not increase vehicular traffic flow and parking by more than one additional vehicle at a time, and may not draw truck traffic other than a delivery by a truck no more frequently than an average of once a week.
- F. **Mechanical or electric equipment** employed by the home occupation shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
- G. **Signs.** Only one nameplate sign shall be allowed. It may display the name of the home occupation, for example, John Doe, Realtor, and must be attached to the principal building.
- H. **Nuisance Prohibited.** No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.
- I. **Restrictions and enforcement.** Operating a business or carrying on a business activity in excess of the limitations of a home occupation as defined and allowed in this Ordinance is prohibited.

Whenever a complaint is received, the zoning administrator shall make an investigation and either take action against the violator or advise the complainant there is no violation and the reason for that determination. If there is a reasonable question as to whether there is a violation, the zoning administrator may refer the matter to the Zoning Board of Appeals.

If a question concerning a home occupation is referred to the Zoning Board of Appeals, that board shall hold a public hearing in accordance with [Article 9, Chapter 6](#) and shall determine whether there is, in fact, a home occupation and, if so, whether there are any violations of the limitations in this subsection. If there is a violation, the Zoning Board of Appeals may order the noncompliant use to cease, or may issue a revocable permit for the continuation of the use in compliance with the standards of this section. If a hearing is held and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.

#### Section 74-2.420 Inn or Hotel

- A. Each unit of commercial occupancy shall contain a minimum of 200 square feet of gross floor area.
- B. When adjacent to a residential district, a masonry wall, six feet in height, shall be erected on the common property line.
- C. Outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

**Section 74-2.421 Keeping of Household Animals or Pets**

The keeping of ordinary household pets is permitted as indicated in [Table 1. Table of Permitted Uses by District](#), and subject to the following requirements:

- A. **Small Animals.** Small animals, commonly described as household pets, are permitted in a dwelling or an accessory building. The number of small animals shall not exceed four (4) on lots less than one (1) acre, and the maximum density on lots one (1) acre and greater shall not exceed one (1) small animal per one quarter (1/4) acre. Young small animals shall not be counted in this calculation until they are six (6) months in age.
- B. **Large Animals.** With the exceptions for female chickens (hens) in [Section 74-2.421.C](#) below, large animals, commonly described as farm animals, are permitted, provided the following standards are met:
  1. The number of large animals shall not exceed one (1) per acre rounded down to the next whole acre. Young large animals shall not be counted in this calculation until they are mature enough to reproduce.
  2. No large animals shall be housed in the front yard of any premises.
  3. The husbandry of such animals shall be so as to prevent annoyance or nuisance to residents of adjoining property.
  4. No storage of manure or odor or dust-producing materials or use shall be permitted within 100 feet of a lot line.
  5. No buildings for housing of animals shall be permitted closer than 25 feet from a lot line.
- C. **Keeping of Female Chickens (Hens).** This section shall not regulate the keeping of chickens in agricultural operations under [Section 74-2.405](#), where the raising of poultry is a principal permitted use. The keeping of hens is permitted as indicated in [Table 1. Table of Permitted Uses by District](#), and subject to the following requirements:
  1. **Zoning Permit.** Any person intending to keep hens must obtain a Zoning Permit from the city prior to acquiring hens.
  2. **Use.** The keeping of hens under this section shall be permitted only as an accessory use to a single-family residential use. The keeping of hens under this section is prohibited on properties with a two-family residential use.
  3. **Private Deed Restrictions.** Notwithstanding the issuance of a Zoning Permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association bylaws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
  4. **Prohibition of Male Chickens (Roosters).** Male chickens (roosters) are prohibited.
  5. **Prohibition of Slaughtering.** Slaughtering of chickens is prohibited.
  6. **Maximum Number of Hens Permitted.** No more than four (4) chickens may be kept on a property.
  7. **Enclosure.** The hens shall be provided with a secure, well-ventilated, roofed, and lockable enclosure (hereafter referred to as a "coop") and must be kept in the coop or an adjoining fenced enclosure at all times. Coops and fenced enclosures are subject to all provisions of this ordinance.

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8. **Location in Rear Yard Only.** Hens shall not be kept in any location on the property other than in the rear yard as defined herein.
9. **Setbacks.** No covered enclosure or fenced enclosure shall be located closer than 10 feet to any lot line, nor shall they be closer than 25 feet from a residential structure on an adjacent lot.
10. **Vermin Prevention.** All coops and fenced enclosures for the keeping of hens shall be so constructed or repaired as to prevent rats, mice, insects, and other vermin from being harbored underneath, inside, or within the walls of the coop or fenced enclosure. All feed and other items associated with the keeping of hens that are likely to attract or to become infested with or infected by vermin shall be protected and/or sealed so as to prevent vermin from gaining access to or coming into contact with them. Vermin can be prevented or abated by such practices as cutting grass and weeds, removing outdoor storage piles, filling outdoor burrows, cleaning out nesting areas, minimizing points of exterior access by sealing cracks and other openings, sealing feed and storing it off the ground, elevating the food bowls, and cleaning chicken bedding and broken eggs regularly.
11. **Violations.** If any of the requirements in this section are not fully complied with, the City may revoke any Zoning Permit granted under this section and/or initiate prosecution for a civil infraction violation. A Zoning Permit may also be revoked if the performance standards of [Article 5, Chapter 6](#) are not complied with, particularly those standards related to odor and noise.

#### Section 74-2.422 Kennels

The boarding, breeding, raising, grooming, or training of four or more dogs, cats, or other household pets of any age either 1) not owned by the owner or occupant of the premises, or 2) for commercial gain may be permitted provided the following requirements are met:

- A. **Minimum Site Area.** Such activity shall be permitted only on a parcel of land not less than two acres in area and provided, further, that such parcel shall not abut or be adjacent to any lot or parcel which is part of a recorded residential subdivision.
- B. **Enclosures.** All animals shall be kept in pens or cages designed, constructed and maintained so as to be harmonious and appropriate in appearance with the character of the general area in which located, and such use will not affect the character of the same area in a negative way.
- C. **Enclosure Setbacks.** All pens or cages shall be located not less than 75 feet from any property line and all animals shall be kept therein or within a building. No animal shall be allowed to run at large.
- D. **Noise and Odor.** Such activity shall be conducted so as not to be detrimental to any person, property or the general welfare by reason of excessive noise or odor.
- E. **Nuisance Prohibited.** The keeping of the animals described in this subsection shall not constitute a nuisance to persons living in the surrounding area. Upon receipt of a written complaint filed by a neighbor with the City stating the animals constitute a nuisance, the Zoning Board of Appeals shall hold a hearing with notice to all property owners within 300 feet of the property where the animals are kept. The Zoning Board of Appeals shall determine if in fact the animals do constitute a nuisance.

If the Zoning Board of Appeals determines that the animals have and will likely continue to constitute a nuisance, the animals shall not be kept on the property after the date set by the Zoning Board of Appeals. If, in the opinion of the Zoning Board of Appeals, there is reason to believe that reasonable measures will be taken to alleviate the nuisance associated with the animals, the Zoning Board of Appeals may issue a permit, renewable yearly, for the keeping of such animals with or without restrictions. If a hearing is held and a determination is made, the matter may not be reviewed again on a complaint of a neighbor unless there has been a change of circumstances.



- F. No person shall allow animals under such person's control or ownership to constitute a nuisance. Notwithstanding anything to the contrary in this ordinance, this subsection shall not be a limitation on, lessen the effect of, or interfere with any other City ordinance pertaining to animals, and the enforcement of it.

### Section 74-2.423 **Mini-Warehouse**

- A. **Lot Requirements.** The minimum lot area is one acre, and the minimum lot width is 100 feet.
- B. **Fencing.** A chain link fence of a minimum height of eight feet shall be located on the perimeter of the site. An entrance gate shall be provided with a minimum access width of 12 feet, with either electronic or manual control.
- C. **Buildings.** Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of 15 feet, as measured from building front to building front.
- D. **Indoor Storage Only.** All items shall be stored inside an enclosed facility.
- E. **Lighting.** Lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.

### Section 74-2.424 **Mixed Use Dwelling Unit**

No residential dwelling unit may be located on the first floor of a building on any lot that has frontage on Grand River Avenue or Putnam Street.

### Section 74-2.425 **Multiple Family – Low Intensity**

Low intensity multiple family uses may consist of one structure containing 3-4 units located on a lot. The building shall comply with the following design requirements:

- A. **Lot Area.** The structure shall have a design scale and appearance similar to a single family residential structure.
- B. **Architectural details.** Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- C. **Garage Orientation.** Where low intensity multiple family buildings contain attached or detached garages that are accessory to the dwelling unit, garage doors may not protrude more than 12 feet from the front building façade of the building to ensure garage doors do not dominate the façade of the structure. In the case where the garage door projects in front of the front building façade of the building, the garage shall have architectural accents (including, but not limited to, shadowboxing, pergola, windows, decorative hinges, accent lighting, multiple garage doors) to prevent visual monotony. There is no limitation on the number or orientation of parking areas, garages and any other accessory structure or uses that may be located within the established rear yard, with access provided by an alley or access drive.
- D. **Front Door Orientation.** The main entrance to the building shall be located on the front façade of the building, and shall include a front porch or stoop that is at least six feet (6') in width and depth with a minimum area of 36 square feet. The front porch or stoop may encroach up to 5 feet into the front yard setback area provided that it remains unenclosed

**Section 74-2.426 Multiple Family – High Intensity**

High intensity multiple family uses may include any number of structures on a lot, with any number of units in each structure. High intensity multiple family uses shall comply with the following requirements:

- A. **Lot Area.** The minimum lot area for the building or complex of buildings shall be one acre.
- B. **Building Separation.** The distance between buildings or between any building and nearest lot lines shall not be less than the height of the building, nor less than 25 feet in any case.
- C. **Building Entrances.** Each building shall have at least one entrance door on each street-facing facade to create an appearance that is consistent with a single family character. Entrances to individual units may occur off an interior hallway that is accessed via a front door, or may be located on the side or rear of the building. Interior hallways may also have a secondary entrance on the side or rear of the building.
- D. **Architectural Details.**
  - 1. Any façade facing a public street shall be designed as a front façade, including architectural elements to distinguish the façade as the buildings' primary face. Patio areas are prohibited between the building and a public street unless they are screened by an integral architectural element of the building's architecture. A freestanding wing wall is an example of a method of screening that is not an integral element of the building. A screening wall that is integral with the front building façade, and that screens a patio area that is partially recessed into the main mass of the building may count as an integral element of the building.
  - 2. Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
  - 3. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
- E. **Garage Orientation.** Where high intensity multiple family buildings contain attached or detached garages that are accessory to the dwelling unit, garage doors may not protrude more than 12 feet from the front building façade of the building to ensure garage doors do not dominate the façade of the structure. In the case where the garage door projects in front of the front building façade of the building, the garage shall have architectural accents (including, but not limited to, shadowboxing, pergola, windows, decorative hinges, accent lighting, multiple garage doors) to prevent visual monotony. There is no limitation on the number or orientation of parking areas, garages and any other accessory structure or uses that may be located within the established rear yard, with access provided by an alley or access drive.
- F. **Front Door Orientation.** For attached dwelling types that have individual entrances directly to the exterior of the building (such as townhouse and stacked flat buildings), a minimum of seventy-five percent (75%) of the main entrances to the individual dwellings shall be located on the front façade of the building, and all shall include a front porch or stoop that is at least six feet (6') in width and depth with a minimum area of 36 square feet. The front porch or stoop may encroach into the front yard setback area provided that it remains unenclosed.
- G. **Street Design and Vehicular Circulation.** Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior roads, drives, and parking areas within a multi-family development shall be hard surfaced and provided with curbs and gutters. Roadway drainage shall be appropriately designed such that storm water from the roadway will not drain onto the adjacent lots.

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- H. **Private Streets or Access Drives** may be permitted within group housing developments, provided that the following minimum requirements are met:
1. All private streets, roadways, or private access drives will be paved to a minimum width of 24 feet. Additional widths for streets may be required by the Planning Commission based upon the particular density and building relationship of the proposed group housing development.
  2. The length of dead-end private drives, streets or roadways shall meet the municipal standards requirements.
  3. All dimensions for private drives, streets or roadways shall meet the municipal standards requirements.
  4. Arrangements satisfactory to the City Council regarding the maintenance and repair of streets, roadways, or access drives.
- I. **Pedestrian Circulation.** Minimum five-foot (5') wide concrete sidewalks shall be provided to connect parking areas, public sidewalks and recreation areas to all building entrances. Minimum six-foot (6') wide concrete sidewalks shall be provided along collector roads and streets within the development. Sidewalks or minimum 8-foot wide asphalt pathways shall be provided along streets adjacent to the development in accordance with adopted City plans and policies.
- J. **Parking.**
1. On-street parking on interior streets shall count towards the minimum parking requirement. Where on-street parking is permitted, the street shall have a minimum clear circulation lane of 16 feet and parking stalls shall have a minimum width of 8 feet and a minimum length of 22 feet.
  2. Off-street parking lots may occupy up to 50% of a required front yard and 75% of a required rear yard, provided that no portion of the parking lot is located closer than 15 feet to a perimeter property line.
- K. **Recreation Areas.** Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the development) shall be provided at a ratio of at least five percent (5%) of the gross area of the development. The minimum size of each area shall be not less than 1,200 square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.
- L. **Utilities.** The proposed project must be in an area served by public water, sanitary sewer and storm sewer systems, and the project developers must agree to pay all of the costs of extending and attaching to such systems, plus such fees in force for connecting thereto. All water, sanitary and storm sewer plans shall be according to city's specifications and subject to the review and recommendations of the city's engineer.

**Section 74-2.427 One Family Dwelling Units in PO-1 Districts**

One family residential uses are a permitted use in one family dwelling units in the PO-1 district that were constructed prior to the date of adoption of this ordinance. No new one family dwelling unit may be constructed in the PO-1 district after the date of adoption of this Ordinance, but existing structures may be expanded, reconstructed, or otherwise improved in accordance with the dimensional standards applicable in the R1-C district (see [Section 74-3.102](#)).

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#### Section 74-2.428 Multiple Family - Townhouse

- A. **Individual Entrances Required.** All dwelling units shall have entrances that are directly accessible from the exterior of the building. No unit shall gain access from an interior hallway within a building. The primary exterior entrance to all units shall face a street with a connection leading from the roadside sidewalk to the front entrance of the building. In no case shall a front entrance to a townhouse unit face the rear yard of another unit or a service area.
- B. **Front Porch or Stoop Required.** Each unit shall have a minimum 30 sq. ft. unenclosed porch or stoop. The porch or stoop may encroach into the front yard setback area.
- C. **Front Setback.** The maximum front yard setback permitted for a Townhouse building shall be 15 feet.
- D. **Maximum number of units.** No attached unit building shall contain more than 6 dwelling units.
- E. **Stacked Flats Prohibited.** In no case shall stacked flats be permitted. All attached units shall be separated by common vertical walls. In no case shall dwelling units be separated by a common horizontal wall.
- F. **Design Features.** Any street-facing façade that is visible from a public right-of-way or private road easement shall include features such as, but not limited to columns, cornices, pediments, articulated bases, and fluted masonry covering a minimum of 10% of the exterior wall area.
- G. **Garages.** Garage doors may not comprise more than 35% of the width of any façade facing a public or private street. Garages may not protrude closer to the street than the front door of the unit they are accessory to. Garages are encouraged to be accessed from side or rear facades.
- H. **Architectural Requirements.**
  - 1. All walls that face a street other than an alley shall contain a minimum of 25% of the wall area in windows and doors (gabled roof areas are exempted from the wall area calculations).
  - 2. Windows shall be provided with trim detailing or shall be recessed. Windows shall not be flush with the exterior wall treatment. Windows shall be provided with an architectural surround at the jamb.
  - 3. Exterior finishes shall primarily consist of natural, durable materials such as brick or stone. Wood or vinyl siding may not consist of more than 33% of the wall area of any façade elevation (including gable ends), with the exception that composite siding resembling wood plank siding is an acceptable building material due to its durable nature and may be used on more than 33% of the wall area. EIFS or stucco may not cover more than 10% of the area of any façade elevation.

#### Section 74-2.429 Nonresidential Parking in a Residential District

Nonresidential parking areas may be permitted as a special land use only in the R-1, R-2 and R-3 districts, and only providing that the following provisions and conditions are met:

- A. Nonresidential parking in a residential district shall be limited to lots one of whose side lot lines is immediately adjacent to a commercial or industrial district, with no less than 100 percent common side lot lines to the lot on which the building intended to be served is located. In no case shall the parking for a nonresidential use be located beyond the first such adjacent lot or the first 150 feet of the adjacent lot, whichever is lesser.
- B. All entrance and exit drives shall be a distance of at least 20 feet from any adjoining property line in a residential district.

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- C. All parking areas shall be screened on all sides abutting either a residential district, a street, or an existing residence, with an ornamental fence, compact hedge, or wooden screen fence, not less than four feet nor more than six feet in height, of the type which will obscure vision at all seasons from adjoining premises and the street. No such parking areas shall be located in any required front yard or side yard setback areas in accordance with those provisions of the residential district in which they are located.
- D. No commercial repair work, commercial servicing, or selling of any kind shall be conducted on the parking areas in residential districts.
- E. No sign of any kind other than those indicating entrances and exits and the condition of use of the parking area shall be erected upon the parking area parcel or adjoining residential parcels.
- F. All parking areas shall provide parking spaces a minimum of nine feet by 18 feet with an access drive behind the parking space 24 feet in width.
- G. No outdoor storage of any kind shall occur in the parking area, including abandoned vehicles, storage of materials or supplies. All parking areas must be free of litter, dust, papers, and other items which could blow onto adjacent properties. Operation of the parking area shall be carried on in a manner to prevent dust, odor, noise, vibration, and other nuisances to adjoining properties.
- H. No loud noises shall be allowed in the parking area, above 45 decibels after 10:00 p.m. or before 8:00 a.m., or above 70 decibels during the hours of 8:00 a.m. to 10:00 p.m. No continual noise shall be permitted in the parking area. This section to be enforced by the chief of police.
- I. Flammable or explosive materials shall not be permitted in the parking area. No open burning shall be permitted in the parking area.
- J. In no instance shall vehicular parking be allowed within 15 feet of adjoining residential districts, residences, or residentially zoned properties.
- K. All parking areas created under this section shall be constructed in compliance with [Article 6](#).
- L. No exterior lighting shall shine or illuminate beyond the property line of the parking areas, onto adjacent residential property.
- M. In addition to the above requirements of this division, other requirements may be deemed necessary or desirable by the Planning Commission for the protection of the adjoining residences in a residential district, in which such parking areas may be located. These requirements shall be presented by resolution of the Planning Commission after a duly held public hearing.
- N. Notwithstanding the foregoing, the Planning Commission does have the right to deny a special land use because of the adverse impact which the development would have on adjacent residential areas. The term "adverse impact," as used in this division includes, but is not limited to, such possible or potential problems as:
  - 1. Increased traffic.
  - 2. Interruption of residential continuity.
  - 3. Decreased safety and welfare within the given area.
- O. Off-street parking and loading shall be provided in accordance with [Article 6](#).

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#### Section 74-2.430 Nursing Homes and Assisted Living Facilities

Nursing homes, convalescent homes, and assisted living facilities are subject to the following requirements, which shall supersede any other applicable requirements of this Ordinance.

- A. **Setbacks.** All buildings shall be set back 30 feet from any adjacent one-family residential district or 20 feet from any other zoning district.
- B. **Location.** Such uses shall only be located on sites that have a minimum frontage of 75 feet on a major or collector street as shown on the City of Williamston Zoning Map.
- C. **Building Height.** The maximum building height shall be 40 feet, except that buildings located within 100 feet of an RR or R-1 zoning district shall have a maximum height of 30 feet.
- D. **Landscaping.** A type D buffer shall be provided along any one-family residential district or property used for one family residential purpose. A landscape buffer meeting the requirements of [Section 74-7.309](#) shall be provided along any property line adjacent to a zoning district other than one-family.
- E. **Parking.** Parking shall be provided at the rate of one parking space for every 2 beds in the facility.
- F. **Common Areas and Facilities.** Common areas (exclusive of corridors, entrance vestibules and hallways) that are incidental to and/or enhance any primary use shall be provided and shall amount to a minimum of 50 square feet per dwelling unit or bed in the facility. Such facilities may include, but are not limited to, recreational rooms, meeting or social rooms, common kitchen areas, exercise facilities, laundry areas, or storage rooms for the use of residents.

#### Section 74-2.431 Outdoor Dining

Outdoor dining and table service, including but not limited to patios and sidewalk cafes, are subject to the following requirements:

- A. The sales and service of food outdoors shall be incidental to a similar principal use indoors and adjacent to that principal use.
- B. Outdoor dining areas shall not obstruct the entrance to any building or sidewalk. If outdoor dining areas are located on a sidewalk in front of a building, a minimum 5-foot wide clear pedestrian travelway shall be maintained on the sidewalk or pathway.
- C. Temporary, manufactured or free standing food service providers are not considered outdoor dining uses.
- D. The outside table service shall be located in a manner which will not interfere with visibility, vehicular or pedestrian mobility or access to City or public utility facilities. The determination of whether the outside table service (or any part thereof) interferes shall be made by the zoning administrator at the time of application based on the characteristics of each proposed site.
- E. The height of any barrier or installed landscaping shall not exceed three feet, six inches (3'6"). Any barriers permitted in a public right-of-way shall be entirely portable.
- F. Signs are not allowed in the outside table service area with the exception of a menu sign. Business names may be allowed on the valence of awnings and/or umbrellas.
- G. All outside table services must be readily accessible to and useable by individuals with disabilities.
- H. Approval of a right of way use permit by the agency with jurisdiction.

- I. Use and occupation of the public right-of-way which is allowed under this ordinance may be temporarily suspended, without prior notice or hearing, when, in the discretion of the City Manager any such use, occupation or obstruction may interfere with public safety efforts or programs, special events, street improvement activities, construction activities, cleaning efforts, or other similar activities or with the health, welfare, or safety of the citizens of the City.

#### **Section 74-2.432 Outdoor Storage (accessory)**

Accessory outdoor storage of materials may occur in rear yards, and must be screened from adjacent areas by a solid fence or wall or opaque evergreen screen of a height sufficient to completely block from view the materials being stored. In no case may materials being stored exceed a height of eight feet. Notwithstanding the foregoing, building materials may be stored temporarily on a construction site while construction is actually in progress.

#### **Section 74-2.433 Outdoor Storage (major)**

**A. Setbacks.**

1. The minimum distance between any areas on the premises in which the outdoor storage use occurs shall be located no closer than 75 feet from a residential district.
2. Any outdoor storage area shall be set back at least 50 feet from any street right-of-way.

**B. Screening.** Areas used for storage, milling and/or fabrication shall be surrounded by a decorative opaque fence or wall of a minimum height of six feet or the height of materials being screened, whichever is greater, along with a landscape buffer meeting the requirements of [Section 74-7.309](#).

**C. Storage Height.** Materials being stored may be stacked to a maximum height of eight feet, except for vehicle storage yards.

**D. Loose or Aggregate Materials.** Any materials being stored which may create dust shall be covered or maintained in such a manner to prevent dust from blowing off-site.

**E. Commercial or Industrial Vehicles and Equipment** shall be parked or stored in the rear, or on the side, of the main building on the site.

**F. Vehicle Storage** may be permitted by special use in the I-2 district. All such vehicles must be regularly washed and maintained.

#### **Section 74-2.434 Pawn Shops and Pawnbrokers**

**A. License Required.** Except as herein otherwise provided, it is unlawful for any person to operate as a pawn shop or pawnbroker unless a license is granted by the City pursuant to PA 273 of 1917 (as amended), MCL 446.201 et. seq.

**B. Places Ineligible for License.** A license will not be issued or renewed under this Section for any place or for any business:

1. If the premises is located within 300 feet of a school or church.
2. If the premises is located within 250 feet of another licensed pawn shop or pawn broker.

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**Section 74-2.435 Pet Boarding Facility**

A pet boarding facility, sometimes referred to as “doggy day care,” is a business for the temporary boarding and care of common household pets generally during daytime hours, but in some cases including overnight boarding. Pet boarding facilities may provide related services such as grooming or training, but no animals may be bred or sold at a pet boarding facility unless the pet boarding facility is accessory to a principal retail use. Pet boarding facilities are subject to the following requirements:

- A. A maximum of 10% of the gross floor area of the building or lease space may be used for retail sales of goods related to pets.
- B. Pets may be boarded at the facility for a maximum of 72 continuous hours (three days). Pets may only be boarded at kennels for periods longer than 72 continuous hours.
- C. On-site vehicular circulation shall be configured to accommodate vehicles within the boundaries of the site. In no case shall vehicles awaiting drop-off or pick-up of a pet be allowed to encroach onto a public or private street.
- D. Any pets being boarded overnight shall be confined to the building from the hours of 9 pm until 6:30 am.
- E. Pet boarding facilities shall be constructed, maintained, and operated so that the sounds and smell of animals cannot be discerned outside of the building. Outdoor runs shall be maintained so that no odors are discernible from adjacent properties.
- F. Outdoor runs where pets will be permitted either on or off-leash shall be set back a minimum of 100 feet from any adjacent residentially zoned or used land. The 100 foot setback notwithstanding, outdoor runs shall be located as far as practicable from any adjacent residential zoning district. Any outdoor runs where pets will be permitted off-leash shall be surrounded by a minimum 54-inch tall fence. If the fence will be visible from any adjacent residential district or road right-of-way, the fence shall be decorative in nature.
- G. Outdoor runs shall be fully enclosed with a decorative fence.
- H. The Planning Commission may require a landscaped buffer or solid wall to be provided between the outdoor run and any adjacent residential district if the location of the proposed outdoor run could negatively impact adjacent or nearby residentially zoned or used land.

**Section 74-2.436 Private Club, Fraternal Organization, or Lodge Hall**

- A. Minimum lot size shall be one acre.
- B. The main and accessory buildings shall be set back at least 30 feet from all property lines.
- C. Adequate off-street parking, as identified in [Article 6](#), shall be provided.
- D. All outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
- E. When adjacent to a residential use, a masonry or brick wall, or fence six feet in height shall be erected on the common lot line between the two properties.



**Section 74-2.437 Private Recreation (small outdoor)**

- A. **Commercial Use.** For-profit or commercial small outdoor private recreation uses are only permitted on sites that have at least 100 feet of frontage on a major or collector road as shown on the City of Williamston Zoning Map, and shall require special land use approval in the RR, R-1, and R-2 zoning districts.
- B. **Non-Commercial Use.** Not-for-profit small outdoor private recreation uses such as neighborhood parks, sports courts, playgrounds, etc. are permitted as identified in [Table 1. Table of Permitted Uses by District.](#)
- C. **Buffering.** A natural vegetation strip at least ten feet wide shall be maintained between the park area and all other adjacent land uses.
- D. **Lighting.** Any outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

**Section 74-2.438 Private Recreation (large outdoor)**

- A. **Minimum Lot Area** The minimum lot area for such a use shall be two acres.
- B. **Setbacks.** A front yard setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
- C. **Buildings.** Buildings primarily for the purpose of operating a large outdoor private recreation use may include sales and dispensing of food or beverages, retail sales or rental of equipment related to the principal use of the property and storage of equipment used in maintaining the property.
- D. **Points of Access.** Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
- E. **Lighting.** All lighting shall be shielded from adjacent residential districts. All site lighting, except necessary security lighting, shall be extinguished after 11 pm.
- F. **Screening Fencing.** A 54 inch decorative obscuring wall or fence must be provided around the perimeter of the site wherever adjacent to a residential use, residential zoning district, or street right-of-way.

**Section 74-2.439 Public Park or Recreation Facility**

Any building or structure on the site shall be located at least 50 feet from each lot and street line.

**Section 74-2.440 Religious Institution**

- A. **Lot Area and Width.** The minimum lot area shall be 1.5 acres and the minimum lot width shall be 100 feet.
- B. **Access.** The site shall be so located as to provide for ingress to and egress from the site directly onto major or collector street, as shown on the Zoning Map.
- C. **Setbacks.** The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than 15 feet or the minimum setback required by the district, whichever is greater.

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- D. **Building Height.** Buildings of greater than the maximum height allowed in the zoning district may be allowed provided front, side and rear yards are increased above the minimum requirements by one foot for each foot of building that exceeds the maximum height allowed. This provision applies to the main mass of the building.
- E. **Steeple, Spires, and Other Architectural Elements** may exceed the maximum building height restrictions subject to the requirements of [Section 74-3.202](#).
- F. **Living Quarters.** The main building or space used for church functions shall be separate from the living quarters of the person or persons that function as minister and/or caretaker of the facility.

#### Section 74-2.441 Research Facility

- A. All operations shall be within an enclosed building.
- B. Solid and liquid wastes shall be contained and disposed of according to applicable state and federal requirements.
- C. All applicable federal, state and local health requirements shall be adhered to.
- D. Applicable performance standards identified in [Article 5, Chapter 6](#) shall be met.

#### Section 74-2.442 Retail Sales (limited outdoor)

Limited outdoor retail sales includes the outdoor display or sales of goods that are accessory to a principal use and that do not exceed one square foot of sales area for each four square feet of indoor sales or display area.

Areas for outdoor display of merchandise associated with a retail sales use may require screening, depending on the nature of the outdoor sales use. Outdoor sidewalk sales areas in the C-1 district will not require screening, but an outdoor sales area attached to a nursery or garden center would require screening. The screening requirement shall be determined by the reviewing authority for the application (see [Article 9, Chapter 2](#) for review requirements). The zoning administrator shall review applications for limited outdoor retail sales uses if sketch plan, site plan, or special land use approval is not required.

#### Section 74-2.443 Retail Sales (unrestricted outdoor)

- A. **Lot Requirements.** The minimum lot area shall be 10,000 square feet, and the minimum lot width shall be 100 feet.
- B. **Lighting** shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- C. **Setbacks.** Storage or material display areas shall meet the setback requirement applicable to principal buildings in the zoning district.
- D. **Vehicle Sales Lots.** The following specific requirements shall apply to vehicle sales lots, including agricultural machinery sales and service and new and used car sales:
  - 1. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
  - 2. Lighted parking areas shall not create a nuisance for nearby properties including, but not limited to: agricultural machinery sales and service, new and used car sales, lawn and garden sales and service.

3. No vehicles or equipment shall be located closer than ten feet to any propertyline.

### Section 74-2.444 **Salvage Yards/Resource Recovery Facilities**

- A. **Plans and specifications** shall be submitted to the Planning Commission and shall include the following information in addition to the site plan submittal requirements:
  1. Means of limiting access including fencing, gates, natural barriers, or other methods.
  2. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the city's waste water treatment facility.
  3. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
  4. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
  5. Daily cleanup procedures.
  6. Other details necessary as required by the Planning Commission.
- B. **Separation from Residential Zones.** A facility shall be located not less than 500 feet from the nearest residential zone and must be screened by a fence of not less than eight feet in height and not less than 90 percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
- C. **Frontage and Access.** The site shall have at least 200 feet of frontage on a major street as shown on the City of Williamston Zoning Map. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.
- D. **Dust and Odor** resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
- E. **Highly flammable or explosive materials** shall not be accepted unless approved by the health department.
- F. **Minimum Lot Area.** The salvage yard site shall not be less than five acres in area.
- G. **Open burning** shall not be carried on in a salvage area facility.
- H. **Site Maintenance.**
  1. The salvage yard area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
  2. Necessary operations of the salvage yard shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
  3. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances

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#### Section 74-2.445 Seasonal Outdoor Sales

Such uses, including but not limited to the sale of Christmas trees, shrubbery, flowers, fruits and vegetables in season, special sidewalk sales or short term promotional activities, must be approved in advance by the zoning administrator. Upon approval, a license shall be issued to the applicant specifying the terms, conditions and time limitations of the activity. A fee as established by resolution of the City Council from time to time shall be paid upon issuance of the license.

#### Section 74-2.446 Stables

A. **Private stables** ancillary to a private residence are subject to the following:

1. Prior to granting a permit the Planning Commission shall hold a public hearing to receive public comment regarding the effect that establishment of a private stable will have on the surrounding neighborhood. The public hearing shall be held in accordance with the procedures of [Article 9, Chapter 6](#).
2. Two acres of land shall be provided for one horse, and each additional horse stabled shall require one additional acre of land. The property shall be under control or use of the permit holder with either title or lease.
3. Confinement areas and/or stables shall, in all instances, be located in the rear and/or side yard. Horses shall be confined to fenced pastures, paddocks or stables unless harnessed and under the direct control of a person.
4. An accessory building used as a stable shall not be located nearer than 50 feet to any property line and not nearer than 100 feet to any dwelling.
5. No storage of manure or odor-producing or dust-producing substances or any activity producing odor or dust shall be permitted within 100 feet of any property line.
6. In each instance when the Planning Commission issues a permit for a private stable, the commission shall find that there has been compliance with the conditions of this subsection, that the activity will not or has not been a nuisance to residents in the area, is compatible with adjacent land uses and is consistent with the public health, safety and welfare of the City.

B. **Public stables, riding academies, and hunt clubs**, where permitted, are subject to the following requirements:

1. The uses may be permitted on parcels of land that are at least five contiguous acres or more in area.
2. Bridle paths, and all other riding areas, shall be within the confines of the proposed property.
3. The stable shall be so situated on the site so as to be at least 300 feet from any residences on abutting parcels or lots.
4. Paddocks, instruction areas, pastures, and areas for the purpose of feeding horses shall be confined to the site and shall be located at least 30 feet from the perimeter of the site.
5. Ingress and egress to the stable area shall be provided solely through the parcel in question, which shall abut a public right-of-way.
6. Adequate off-street parking facilities shall be provided on the site, located at least 100 feet from the perimeter of the site.

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7. Manure shall be kept in tightly covered boxes and shall be regularly sprayed or limed so as to control flies and other insects.
8. Floodlights or any other source of artificial lighting provided to facilitate night riding activities shall be properly shielded or directed away from residences or abutting properties, and shall be turned off nightly at 11 pm.

**Section 74-2.447 State Licensed Residential Facility**

In addition to meeting all of the requirements of [Section 74-2.419](#), state licensed residential facilities, as defined by this Ordinance and as licensed by the State of Michigan, shall comply with the following requirements.

State licensed residential facilities with fewer than 7 residents are family day care homes, foster family homes, foster family group homes, and adult foster care family homes.

State licensed residential facilities with more than 6 but not more than 12 residents are group child day care homes, and adult foster care small group homes.

State licensed residential facilities with more than 12 residents include adult foster care congregate facilities and adult foster care large group homes.

- A. **Licensing.** In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities.
- B. **Compatibility with Neighborhood.** Any state licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it is located.
- C. **Separation of Facilities With 7 or More Residents.** New state licensed residential facilities with 7 or more residents shall be located a minimum of 500 feet from any other state licensed residential facility with 7 or more residents, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.
- D. **Group Child Day Care Homes.** In addition to the preceding subsection, the following regulations shall apply to all group child day care homes (with more than 6 but fewer than 12 residents), as defined in this Ordinance.
  1. Pick-Up and Drop-Off. Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts and allows maneuvers without affecting traffic flow on the public street.
  2. Hours of Operation. Group child day care homes shall not operate more than 16 hours per day.
- E. **Adult Foster Care Congregate Facilities and Adult Foster Care Large Group Homes** may only be located on sites that have at least 80 feet of frontage on a major or collector street as defined on the City of Williamston Zoning Map.

**Section 74-2.448 Storage/Distribution**

- A. **Exterior Lighting.** Outdoor lighting shall be provided for parking and security and shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.

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- B. **Screening.** Where a parcel on which a warehouse is located is adjacent to a residential use, a solid wall or fence six feet in height shall be located on the common propertyline.
- C. **Outdoor Storage.** Outdoor storage areas shall be surrounded by a chainlink fence, solid fence, or wall of a minimum height of eight feet and a maximum height of ten feet.
- D. **Vehicle Use Area Surfacing.** All parking, loading and unloading areas shall be paved with concrete or asphalt and designed and constructed with appropriate stormwater runoff facilities.

#### Section 74-2.449 Temporary Construction

For uses incidental to construction work, such buildings or trailers shall be removed upon the completion or abandonment of the construction work and before issuance of any occupancy permit.

#### Section 74-2.450 Trades Showroom

Offices and showrooms of plumbers, electricians, decorator or similar trades are subject to the following requirements:

- A. **Workshop Space.** Not more than 70 percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise.
- B. **Appearance from Street.** The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.
- C. **Outdoor Storage Prohibited.** All storage of materials shall be within the confines of the building or part of the building occupied by the establishment.

#### Section 74-2.451 Veterinary Hospitals or Clinics

- A. **Outdoor kennels** or similar "holding" areas shall be at least 50 feet from any adjacent dwelling or any adjacent property used by the public and shall not be located in any required front, rear or side yard setback area. Animals must be housed within an enclosed building between the hours of 6:00 p.m. and 8:00 a.m.
- B. **Disposal.** All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of animal wastes in conformance with local health department regulations.
- C. **Licensing.** Facilities and operational procedures must meet necessary licensing requirements.
- D. **Location of Activities.** All medical and surgical procedures must occur within a completely enclosed building.

#### Section 74-2.452 Wireless Telecommunication Facilities

- A. **Purpose.** The purpose of this section is to provide a process and to set standards for the construction, expansion and modification of wireless communications facilities (WCF), to protect the historic, scenic and visual character of the City, and to comply with federal laws and regulations regarding wireless communications facilities and to provide reasonable access.
- B. **Applicability.** This Ordinance applies to all construction, Expansion, Modification, maintenance, and operation of wireless communications facilities except:

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1. Emergency WCF - Temporary wireless communications facilities for emergency communications by public officials.
  2. Maintenance or repair - Maintenance or repair of a WCF and related equipment provided that there is no change in the height or any other dimension of the facility.
  3. Temporary wireless communications facility - Temporary WCF, in operation for a maximum period of seven (7) days.
  4. Antenna as Accessory Uses - An antenna, other than parabolic dish antenna greater than five (5) feet in diameter, that receives only and is accessory to a permitted use, that is, related to such use but clearly incidental and subordinate.
- C. **Approval Authority.** No person or agency shall construct or expand a WCF without approval of the zoning administrator or the Planning Commission:
1. Approval by the zoning administrator is required for:
    - a. A WCF not exceeding 65 feet in height used for licensed amateur (“ham”) radio, which is not additionally licensed or used for any commercial purpose other than by the licensed amateur radio operator, and when there is no other WCF on the parcel on which the new WCF is to be located.
    - b. Co-location on an existing WCF that does not increase the height of the support structure.
    - c. A disguised WCF not exceeding 35 feet in height.
    - d. A hidden WCF.
  2. Approval by the Planning Commission is required for construction of a new WCF monopole structure on public property owned by the City, school district, or on any property located in the I-1 or I-2 district.
  3. Special land use approval by the Planning Commission is required for construction of any new monopole WCF in any zoning district other than the I-1 or I-2 district, or on public property owned by the City or school district.
- D. **Application Requirements.** Applicants seeking approval for an WCF shall submit all applicable materials from the following list, as identified by the zoning administrator:
1. A copy of the FCC license for the facility, or the license to operate within an assigned geographic area including the City of Williamston.
  2. A signed statement from the owner or operator of the facility attesting that the facility complies with and will comply with FCC regulations.
  3. A map showing the location of all existing and approved WCFs within a four mile radius of the proposed WCF.
  4. A written statement of the need for a WCF at the particular location. The statement should also describe reasonably anticipated expansion plans for the WCF, and reasonably anticipate changes of technology and their effect on expansions of the proposed facility.
  5. Evidence demonstrating that no existing building, site, or structure or more preferred support structure as identified in [Section 74-2.452.E.1](#), below.

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#### E. Wireless Telecommunication Facility Support Structure Standards.

1. Limitation on new support structures. It is the City's policy to minimize the proliferation of new wireless telecommunication facility support structures in favor of collocation of such facilities on existing structures. No new wireless telecommunication facility support structures shall be constructed unless the applicant for the new structure demonstrates, and the Planning Commission finds, that collocation on an existing structure is not adequate or is not reasonably feasible.

New WCF facilities must be located according to this list of preference, from most preferred to least preferred. A new WCF facility will not be approved unless the applicant can demonstrate to the satisfaction of the review authority that all of the more preferred WCFs are not practical.

- a. Hidden WCFs.
  - b. Co-location on an existing support structure.
  - c. Disguised WCFs.
  - d. Location on existing structures.
  - e. Ground mounted WCFs.
  - f. New monopole WCF in the I-1 or I-2 district.
  - g. New monopole WCF in any district other than the I-1 or I-2 district.
2. Monopole design required. All WCF support structures, unless otherwise provided, shall have a monopole, unipole or similar non-lattice, single vertical structure design and shall be further designed to accommodate at least four wireless telecommunication arrays of antennas or panels. The applicant shall submit an affidavit by a design engineer registered in the state attesting that the support structure can support at least four wireless telecommunication arrays of antennas or panels. The site plan for any new support structure shall expressly state that the support structure shall be erected and available for collocation, and shall also show the proposed location of the applicant's and co-locators' equipment shelters and related facilities.
  3. Maximum height. WCFs shall not exceed 150 feet in height, as measured from the average grade at the base of the support structure to the top of the antenna or panel. In no case shall the height exceed any applicable height limitation established by county, state or federal regulations.
  4. One support structure per lot. Except in the I-1 or I-2 zoning district, not more than one WCF support structure may be located on a single lot.
  5. Location on lot. If located on the same lot as another permitted use, a ground mounted or monopole WCF shall not be located in a front yard or side yard abutting a street.
  6. Setbacks. Ground mounted and monopole WCFs shall be set back from the lot line a distance not less than one-half of its height or 65 feet, whichever is greater. However, when wireless telecommunication facilities are located on premises abutting residentially zoned or used land, the minimum setback from the lot line abutting the residentially zoned lot shall be equal to the height of the facility. All setbacks shall be measured from the edge of the WCF support structure.
  7. Signs. No sign shall be attached to or displayed on a WCF other than signs required by federal, state, or local law. No signals or lights or other means of illumination shall be permitted on a facility unless required by state or federal law or regulation. The facility shall have a neutral color intended to blend with the surroundings.



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8. Equipment shelters. If the wireless telecommunication facility is located on a site which is already improved with another building or structure, and an equipment shelter is proposed, the equipment shelter shall be constructed with exterior facade materials similar to the principal building or structure on the site. Equipment shelters and accessory structures are limited to uses associated with the WCF and may not be located closer than 30 feet to any property line.
9. Fence. A minimum 6-foot tall decorative fence shall be provided surrounding the WCF equipment enclosure.
10. Screening. Monopole and ground mounted WCFs, including the related equipment and required fence, shall be substantially screened from view from abutting properties. The screening shall consist of evergreen plant materials with a minimum height of 6 feet at planting, planted in such a manner to create an opaque screen within 3 years of planting. Existing vegetation that will be preserved may be used to satisfy the screening requirement with the consent of the reviewing authority.
11. Disguised WCFs. A disguised WCF made to appear as an unrelated object such as a tree, steeple, or flagpole shall be sufficiently realistic in size and proportion to adjacent features as to be reasonably perceived as the intended object. The disguise must encompass the entirety of the WCF including its base facilities or, alternately, the base facilities may be isolated from the WCF in a separate building not closely associated with the disguised WCF. For the purposes of determining compliance with this Ordinance, the disguised WCF shall be treated identically as the object which it is intended to be recognized would be.
12. General Requirements:
  - a. All towers shall be equipped with an anti climbing device to prevent unauthorized access.
  - b. The plans of the tower construction shall be in conformance with all local and state building codes, Federal Aviation Administration, and Federal Communications Commission design standards and stamped by a registered structural engineer to verify the conformance.
  - c. Towers in excess of 100 feet in height above grade level shall be prohibited within a two-mile radius of a public airport or a one-half-mile radius of a helipad.
  - d. Metal towers shall be constructed of or treated with corrosive-resistant materials.
  - e. Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable statutes, regulations and standards.
  - f. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight feet above the ground at all points unless buried underground.
  - g. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned or leased by the applicant.
  - h. The base of the tower shall occupy no more than 500 square feet.
  - i. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
  - j. On-site vegetation shall be preserved to the maximum extent practicable.
  - k. The antenna or tower shall not be used for display of an advertisement or identification of any kind, except for emergency purposes.
  - l. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard; or the tower or antenna shall be removed. Cost for testing and verification shall be borne by the operator/owner of the antenna.

**F. Co-location.**

## Article 2 Zoning Districts and Permitted Uses

### Chapter 4 Development Standards for Specific Uses

1. Existing structures. Wireless telecommunication antennas or panels may be installed on existing buildings or structures provided such antennas or panels, and their supporting structure, do not exceed the height limitation set forth in [Section 74-2.452.E..3](#) above.
  2. Exemption from setbacks. Any wireless telecommunication antenna or panel mounted on an existing building or structure which does not increase the height of the building or structures shall be exempt from the setback requirements of [Section 74-2.452.E..6](#) above.
- G. **Wireless telecommunication facilities located in one-family residential zones**, if permitted, shall meet one of the following requirements:
1. Existing non-residential building. The WCF shall be mounted directly onto an existing, non-residential building in a manner that does not increase the height of the building. The facility shall consist of material or color which is compatible with the exterior treatment of the building;
  2. Existing non-residential structure. The WCF shall be located on an existing, non-residential support structure, pole or tower such as a public or private utility tower, pole or structure, but not on a building. Such facility shall consist of a material or color which is compatible with the tower, pole or structure. Antennas or panels may extend above the top of the tower, pole or structure not more than 30 feet; however, the height to the top of the antenna or panel may not exceed 185 feet; or
  3. New support structure on public property. The WCF shall be located on a new support structure situated on public property. Any facility located on public property which is used for passive recreation shall be designed to minimize the conspicuousness of the facility (e.g., using camouflaged or stealth designed poles or existing environmental features as screening). All such facilities located on public property shall meet the setback requirements of this section. The use of guy wires is prohibited in residential districts.
- H. **Abandonment.**
1. A WCF that is inactive for 12 consecutive months shall be considered abandoned. The zoning administrator shall notify the owner of the abandoned facility in writing and order removal of the facility within 90 days of receipt of the written notice. The owner of the facility shall have 30 days from receipt of the written notice to demonstrate to the zoning administrator that the facility has not been abandoned.
  2. If the owner fails to demonstrate that the WCF is in active operation, the owner shall have 60 days to remove the facility, including all above ground structures, equipment, foundations (to a depth of 12 feet below grade), and utilities constructed specifically to serve the WCF. The land shall be returned to a condition as near to the original pre-construction condition as possible. If the facility is not removed during this time period, the City is permitted to remove the facility at the owner's expense.
  3. If a surety has been given to the City for removal of the WCF, the owner of the WCF is permitted to apply for release of the surety when the WCF and related equipment are removed to the satisfaction of the zoning administrator.
- I. **Definitions.** The following terms, as used in this [Section 74-2.452](#) shall have the following meaning:
1. Active Operation. The continuous transmitting or receiving of radio frequency signals.
  2. Co-location. The use of a support structure or an alternative support structure by more than one wireless service provider.

**Article 2 Zoning Districts and Permitted Uses**  
**Chapter 4 Development Standards for Specific Uses**

3. Disguised WCF. A WCF made and designed to appear to be an object recognized as other than a WCF.
4. Ground Mounted WCF. A WCF which is mounted to the ground, and which has a mast or similar structure and not a lattice tower or guy tower and is less than 50 feet in height.
5. Hidden WCF. A WCF that is fully hidden from view when contained within an existing structure unrelated to a WCF, such as a building, wall, or roof.
6. Monopole WCF. A WCF with a monopole support structure.
7. Support Structure. Any built structure, including guy wires and anchors if used, to which antennas and associated hardware are mounted.
8. Wireless Communication Facility (WCF). Any structure, antenna, tower, or other device that provides voice, data, radio, or television transmission, personal wireless service, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio and enhanced special mobile radio communications, common carrier wireless exchange access services, common carrier wireless exchange phone services and personal communications services or pager services. The definition of WECF includes personal wireless services facilities as that term may be defined in Title 47, United States Code, Section 332(c)(7)(c), as it may be amended now or in the future.

Article 2 **Zoning Districts and Permitted Uses**  
Chapter 4 **Development Standards for Specific Uses**

# Article 3 **Schedule of Regulations**

## Chapter 1 **Schedule of Regulations**

The regulations in this chapter establish minimum, and in some cases maximum dimensional standards for development in the various zoning districts.

### Section 74-3.101 **Standard Methods of Measurement**

The following standard methods of measurement are used in applying the dimensional requirements established in [Section 74-3.102](#).

- A. **Minimum Yard Setback Requirements.** The minimum yard setback requirements listed in [Table 2](#) and [Table 3](#) shall be measured from the property line, or the edge of the right-of-way or road easement when the property line extends to the centerline of the road, unless specifically noted otherwise.
- B. **Attached Accessory Structures Considered Part of Principal Structure.** Attached accessory garages and other structures, and enclosed porches, patios, terraces and decks shall be deemed a part of such main building for the purpose of determining compliance with the yard requirements of this Ordinance.
- C. **Lot coverage.** Accessory garages and other structures, open and enclosed porches, patios, terraces and decks shall be deemed a part of such main building for the purpose of determining compliance with the lot coverage requirements of this Ordinance.
- D. **Buildable lot area, open space and recreation area calculations.**
  - 1. Lakes, ponds, state or federally regulated wetlands, utility easements, public street right-of-ways and private road easements are excluded from area calculations for buildable lot area.
  - 2. No area which, for the purpose of a building or dwelling group, has been counted or calculated as part of a side yard, rear yard or front yard building setback required by this Ordinance may be counted or calculated to satisfy any open space or recreation area requirement of this Ordinance.

### Section 74-3.102 **Schedule of Regulations**

The following [Table 2](#) and [Table 3](#) present the minimum and maximum area, height, and distance requirements for each zoning district:

# Article 3 Schedule of Regulations

## Chapter 1 Schedule of Regulations

Table 2. Schedule of Regulations – RESIDENTIAL DISTRICTS

Zoning District	Minimum Lot		Maximum Building Height (feet)	Minimum Yard Setback (feet)					Min. Floor Area (sq. ft.)	Max. Lot Coverage	
	Area (sq. ft.)	Width (ft.)		Front <sup>A</sup>		Side (minimum)					Rear (min.)
				Min.	Max.	One <sup>B</sup>	Total of Two	Street			
RR	108,900	200	30	50 <sup>C</sup>	– <sup>C</sup>	25	50	25 <sup>D</sup>	50	1,200	10%
R-1C	8,000	64	30	25 <sup>C</sup>	– <sup>C</sup>	5	15	12.5 <sup>D</sup>	25	1,000	40%
R-1S	9,600	80	30	25 <sup>C</sup>	– <sup>C</sup>	5	15	12.5 <sup>D</sup>	35	1,000	40%
R-2	7,200 10,800 <sup>E</sup>	60 80 <sup>E</sup>	30	25 <sup>C</sup>	– <sup>C</sup>	5	15	12.5 <sup>D</sup>	25	900 <sup>L</sup>	50%
R-3	7,200 <sup>E</sup> 10,800 <sup>E</sup> 4,000 <sup>G</sup>	60 <sup>E</sup> 60 <sup>E</sup> 40 <sup>G</sup>	35	10	20	5	15	12.5 <sup>D</sup>	35	900 <sup>K</sup> 720 <sup>L</sup> (M)	50%
MH	See <a href="#">Article 4, Chapter 5</a> on page 79 for Manufactured Housing District standards										

Table 3. Schedule of Regulations – NONRESIDENTIAL and MIXED USE DISTRICTS

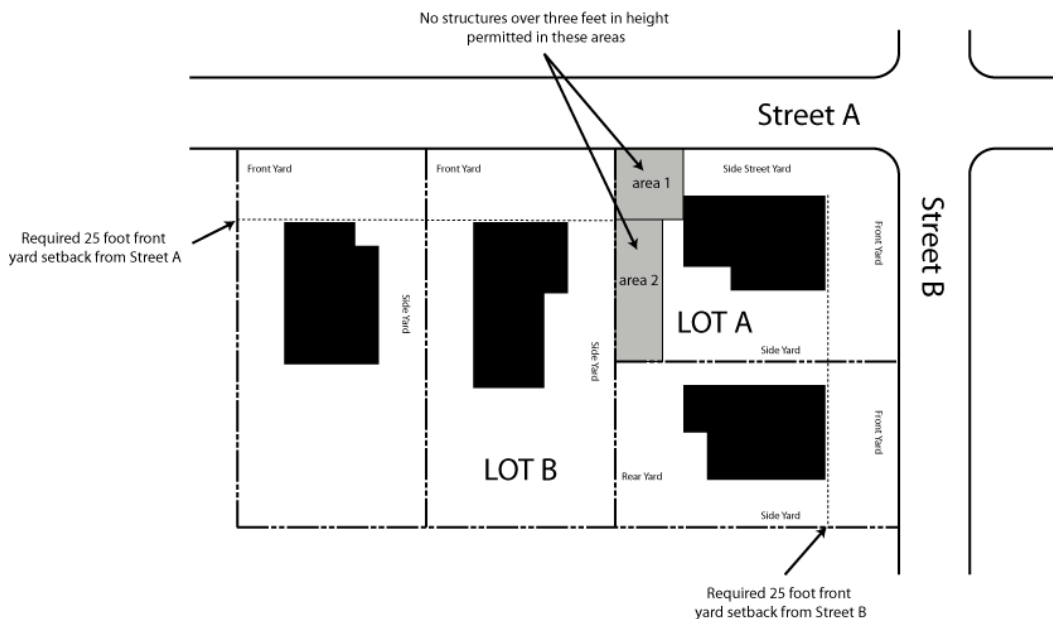
Zoning District	Minimum Lot		Maximum Building Height (feet)	Minimum Yard Setback (feet)					Min. Floor Area (sq. ft.)	Max. Lot Coverage	
	Area (sq. ft.)	Width (ft.)		Front <sup>A</sup>		Side (minimum)					Rear (min.)
				Min.	Max.	One <sup>B</sup>	Total of Two	Street			
PO-1	5,000	50	35	15	30	10 <sup>I</sup>	20	15	40	–	40% <sup>O</sup>
C-1	–	–	45	0	8	0	0	0	10	–	–
C-2	14,500	100	30	15 <sup>P</sup>	30	15 <sup>I</sup>	30	10 <sup>H</sup>	25 <sup>L</sup>	–	50% <sup>O</sup>
C-3	7,200 <sup>E</sup> 10,800 <sup>E</sup>	60	30 <sup>Q</sup>	25	–	5	15	18.5 <sup>H</sup>	25	900 <sup>N</sup>	50% <sup>O</sup>
C-4	14,500	100	30	60 <sup>P</sup>	–	15 <sup>I</sup>	30	45 <sup>H</sup>	25 <sup>L</sup>	–	50% <sup>O</sup>
I-1	43,560	100	35	50 <sup>P</sup>	–	30	60	37.5	25 <sup>L</sup>	–	50% <sup>O</sup>
I-2	87,120	150	40	50 <sup>P</sup>	–	30	60	37.5	50	–	50% <sup>O</sup>
GCD	See <a href="#">Article 4, Chapter 1</a> on page 61 for Greenbelt Conservation District standards										
WRO	See <a href="#">Article 4, Chapter 2</a> page 63 for Williamston Road Overlay District standards										
WP	See <a href="#">Article 4, Chapter 3</a> on page 65 for Wellhead Protection District standards										

Superscript Note: See footnote in [Section 74-3.103](#).

Section 74-3.103 Footnotes to the Schedule of Regulations

- A. **Dual Frontage Lots.** In any district where a lot runs through a block front street to street and where a front yard is required, the front yard shall be provided along each street lot line, which is not a side yard street lot line.
- B. **Yard Requirements along Zoning Boundary Line.** A lot having a side yard line adjacent to any zoning boundary line of a more restricted district shall have a side yard not less than the minimum width required for the adjoining side yard of the more restricted district.
- C. **Established Building Line.** If 40 percent or more of all the frontage on one side of a street between two intersecting streets has been or shall become developed with residences, the front yard so established shall prevail in the case of one- and two-family houses, but nothing in this section shall be construed to permit any new house closer than 20 feet to the front street line, or require front yard setback of more than 40 feet from the front street line.
- D. **Corner Lots in Residential Districts.**
  1. Buildings, fences, or other structures that are located within 25 feet of the side lot line of an adjoining property may have a maximum height of three feet unless the building or structure complies with the front yard requirement for the adjoining property. Area 1 in [Figure 1](#) illustrates the area in which structures may have a maximum height of 3 feet on Lot A due to their proximity to adjoining Lot B, and the front yard setback required on Lot B.
  2. Where the rear yard of a corner lot (Lot A) abuts the side yard of an adjoining property facing the street (Street A) upon which the corner lot has a side yard relationship (Lot B), any structure over three feet in height on Lot A shall be set back from the lot line between Lots A and B a distance equal to the side yard setback required on the adjoining lot B. Area 2 in [Figure 1](#) illustrates the area on the corner Lot A where structures shall have a maximum height of 3 feet.

Figure 1. Setbacks for Corner Lots



## Article 3 Schedule of Regulations

### Chapter 1 Schedule of Regulations

- E. **One Family or Commercial Building Minimum Lot Area.** Minimum lot area per one family dwelling or commercial building.
- F. **Two Family or Low Intensity Multiple Family Minimum Lot Area.** Minimum lot area for a two-family residence or low intensity multiple family dwelling structure.
- G. **High Intensity Multiple Family or Townhouse Dwelling Minimum Lot Area.** Minimum lot area per dwelling unit for a high intensity multiple-family or townhouse dwelling structure.
- H. **Corner lots In Commercial Districts.** Where a corner lot in any C-2, C-3 or C-4 commercial zone district abuts a lot that is not in the same district, the side yard setback of the corner lot shall not be less than the front yard requirement of the abutting lot. No portion of the lot within five feet of the side lot line of any adjoining property may be utilized for any structure.
- I. **Side Yard Setback Requirement When Adjacent to Residential Property.** When adjacent to residential property a minimum 25 foot side yard setback shall be required in the PO-1 district and a minimum 45 foot side yard setback shall be required in the C-2 and C-4 districts.
- J. **Rear Yard Setback Requirement When Adjacent to Residential Property.** A minimum 45 foot rear yard setback shall be required when adjacent to residential property.
- K. **One Family Minimum Unit Area.** Minimum floor area for single-family dwelling.
- L. **Two Family Minimum Unit Area.** Minimum floor area per unit for two-family residence.
- M. **Multiple Family Minimum Unit Area.** Minimum floor area per multiple-family unit: Studio or Efficiency: 350 sq. ft.; One Bedroom: 400 sq. ft.; Two Bedroom: 600 sq. ft.; Three Bedroom: 720 sq. ft.; Four Bedroom: 800 sq. ft.; Five+ 800 sq. ft. + 80 sq. ft. for each additional bedroom in excess of four.
- N. **Residential Dwelling Unit Minimum Floor Area.** Minimum floor area requirement only applies to residential dwelling units.
- O. **Open Space in Commercial and Industrial Districts.** Except in the C-1 district, all lots to be used for business, industry and public uses requiring parking for employees, shoppers, visitors and users shall have 15 percent of lot area set aside as open space. This space shall only be occupied by lawn or landscape features not obstructing areas for snowpiling.
- P. **Williamston Road Overlay District.** When a property is located in the Williamston Road Overlay Zone, the setback requirements of the overlay district shall prevail. See [Article 4, Chapter 2](#) for Williamston Road Overlay District standards.
- Q. **Increased Building Height.** Or with the consent of the fire authority, a height of 40 feet.



## Chapter 2 Supplemental Standards and Exceptions

### Section 74-3.201 Required Area or Space

No lot, or lots in common ownership, and no yard, court, parking area, or other space shall be divided, altered, or reduced to make its area dimensions less than the minimum required under this ordinance, and the area or dimension shall not be further divided or reduced. Where the plot plan presented in the application for a permit includes more than one recorded lot, the applicant or applicant's agent shall execute an affidavit in which the facts related to the use of the platted lots, or parts of platted lots, shall be stated and shall cause the plat and affidavit to be recorded in the office of the register of deeds in Ingham County, Michigan, with the cost of recording to be borne by the applicant.

### Section 74-3.202 Height and Area Exceptions (All Zoning Districts)

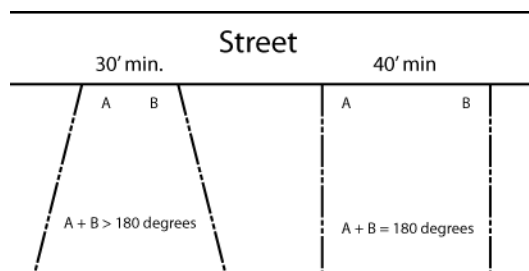
The height and area requirements of all zones shall be subject to the following exceptions: Parapet walls not exceeding four feet in height; chimneys; cooling towers; elevator bulkhead; fire towers; gas tanks; grain elevators; stacks; stage towers or scenery lofts; flour mills; food processing plants; television antennas; refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; and additions to existing buildings which now exceed the height limitations of the zone district.

### Section 74-3.203 Residential District Standards

The following provisions apply to development in all or any one of the RR, R-1, R-2 and R-3 districts. All applicable requirements identified in those provisions must be met, prior to the issuance of a zoning permit or building permit.

- A. **Rear yard and Front Yard Dwelling Prohibited.** No dwelling shall be constructed, maintained, altered, or moved into the front yard or rear yard setback of a building situated on the same lot. Each lot may contain a maximum of one single family residential structure or use.
- B. **Accessibility of Residential Lot.** Any lot used for residential purposes, except those of record at the time of enactment of this section, shall continuously abut the street right-of-way for a minimum of 40 feet when the sum total of the two interior angles created by the two side lot lines at the intersection with the street right-of-way line is 180 degrees or less; and for a minimum of 30 feet when the sum total of the two interior angles, created by the two side lot lines at the intersection with the street right-of-way line, is more than 180 degrees (see [Figure 2](#)).

Figure 2. Residential Lot Accessibility



- C. **Existing Platted Lots.** Where any existing platted lot in a residential zoning district has an area of not less than 90 percent of its zone district requirements and where that lot can meet the side yard requirements of its zone, a single-family use is permitted. An existing platted lot in single ownership of less than 90 percent of its zone requirements may be utilized for single-family use and for such

**Article 3 Schedule of Regulations**  
**Chapter 2 Supplemental Standards and Exceptions**

purpose the required side yards may be reduced by the same percentage the area of the lot, measured within 100 feet from the front street line, bears to its zone district requirements. However, no side yard shall be less than five feet and off-street parking requirements shall be met.

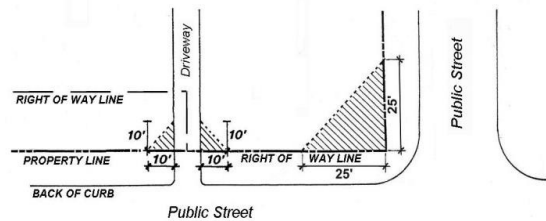
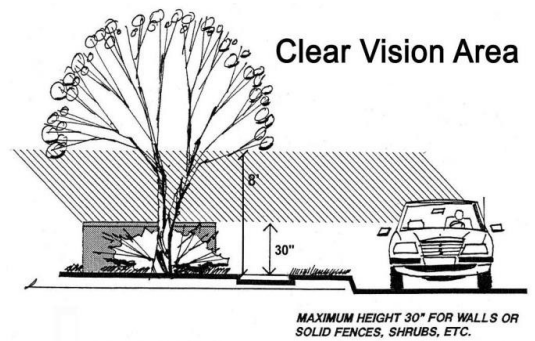
Four or more adjacent lots, owned at the time of the adoption of this ordinance, by the same person or persons with whom such person has any interest, and each lot containing less than 90 percent of the zone district width and area requirements, shall be utilized only in conformance with the zoning district's unreduced minimum requirements. The use of two or three adjacent lots in the same ownership at the time of the passage of this ordinance, where there is no practical possibility of obtaining additional land, shall be determined by the Zoning Board of Appeals on the basis of neighborhood character.

**Section 74-3.204 Clear Vision Areas**

No fence, wall, sign face, structure, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and eight feet above the lowest point of the intersecting road(s).

A. **Clear Vision Area.** The triangular clear vision area is described as follows (see [Figure 3](#)):

1. The area formed at the corner intersection of two public right of way lines, the two sides of the triangular area being 25 feet in length measured along abutting public right of way lines, and the third side being a line connecting these two sides, or
2. The area formed at the corner intersection of a public right of way and a driveway, the two sides of the triangular area being ten feet in length measured along the right of way line and edge of the driveway, and the third side being a line connecting these two sides.
3. In a case where the surveyed property line differs from the public right-of-way, said property line may be used for determining the clear vision area.



**Figure 3. Clear Vision Areas**

- B. **Trees** may be permitted in the clear vision area provided that limbs and foliage are trimmed so that they do not block visibility or otherwise create a traffic hazard.
- C. **Landscaping**, except turf grass or ground cover, shall not be located closer than three feet from the edge of any driveway or road within the clear vision area.
- D. **C-1 District Exempted.** The clear vision requirements shall not apply to principal structures in the C-1 district having a lesser front or street-side setback than required by the clear vision area requirements.

**Section 74-3.205 Sidewalks**

Sidewalks are required which meet ADA access, for inter site access, as well as public access across the property along all road frontages. Sidewalks shall have a minimum width of 5 feet, and the outer edge of the sidewalk shall be located one foot inside the right-of-way unless the zoning administrator determines that site-specific conditions require an alternate location for the sidewalk.

# Article 4 **Supplemental Zoning District Standards**

## Chapter 1 **GC - Greenbelt Conservation District**

### Section 74-4.101 **Purpose**

The City of Williamston contains watercourses of various sizes and types as well as wet soils that are susceptible to high water tables at any time during the year. These watercourses and wet areas are subject to federal and state development restrictions and consequently are limited in their ability to become part of the city's built environment. These areas are valuable natural and ecological resources that should be retained and used to act as a means of functional drainage of the land and define the open space and recreation fabric of the city.

The greenbelt conservation district is intended to preserve the natural drainage systems and unbuildable wet areas of the City of Williamston. In so doing, it is also intended to preserve these resources for the visual and recreational enjoyment of the city's residents by linking these waterways and wet areas in a curvilinear fashion, preserving a continuum of open space and preventing ecological and aesthetic damage that may result from unwise and disorderly development. The district is intended to provide for setbacks from these drainage systems in order to prevent physical harm, impairment and/or destruction to the drainageway. These regulations that apply within the GC district are designed to reserve such areas for the purposes outlined in this article and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the undeveloped character of this district.

The boundaries of the district are the boundaries reasonably required in order to prevent probable and unreasonable physical intrusion in or onto a protected natural feature, while taking into consideration property rights and the expectation of economic return on private property.

### Section 74-4.102 **Greenbelt Conservation District Defined**

The GC district is a floating zone with boundaries determined by the presence of regulated natural features. Any land that is located within:

- A. 50 feet from either side of the center of a designated County drain.
- B. 50 feet of the ordinary high water mark of the Red Cedar River. The ordinary high-water mark is defined as the line between upland and bottom land which persists through successive changes in water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.
- C. 50 feet of any state regulated wetland.

### Section 74-4.103 **Permitted Uses**

The following uses are permitted by right in the GC district, and shall replace the uses permitted by right in the underlying zoning district.

## Article 4 Supplemental Zoning District Standards

### Chapter 1 GC – Greenbelt Conservation District

- A. All uses allowed under part 303 of Act No. 451, Public Acts of 1994, as amended.
- B. Private boat dock or boathouse, limited to land adjacent to the Red Cedar River.
- C. Privately owned footbridges, subject to Planning Commission review.
- D. Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for serving the users of such facilities.

#### Section 74-4.104 Uses Allowed by Special Permit

The only use allowed by special permit in the GC district is a golf course.

#### Section 74-4.105 Prohibited Uses

Within the GC district, no structure shall be erected or used which is not permitted in [Section 74-4.103](#) or [Section 74-4.104](#).

#### Section 74-4.106 Required Conditions

The following restrictions and conditions are applicable to the GC district:

- A. **Landfill or Principal Structures Prohibited.** No landfilling and no principal structures shall be permitted in the GC district except in accordance with the Michigan Department of Environmental Quality requirements under Public Act 451 of 1994.
- B. **Permit Required.** The Planning Commission shall receive a copy of the permit application and approval of such application for those improvements that require a permit under Public Act 451 of 1994.
- C. **Vegetation Strip.** For those portions of the GC district adjacent to a river or watercourse, to minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen manmade structures and preserve aesthetic values of the GC district, a natural vegetation strip with a minimum width of 25 feet shall be maintained adjacent to the watercourse. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed to achieve a filtered view of the river from the principal structure and for reasonable private access to the river or watercourse, but turf grass or lawns may not be maintained within this strip.
- D. **Ordinary Maintenance.** A riverfront or streamfront owner or owner of property in which a drainageway is located may clean deadfall logs and other debris from the river, stream or drain to maintain a safe, clean and free flowing watercourse in a manner that will least disrupt fish and wildlife habitat, riverside vegetation and limit disruption of the river, stream, or drainageway bottom.
- E. **Physical Alteration of Land.** All applications for physical alterations to the properties located in this district that are not allowed by right under P.A. 451, shall be subject to site plan review requirements of [Article 9, Chapter 2](#), including the submittal of a written response from affected federal, state and local agencies.

## Chapter 2 WRO - Williamston Road Overlay District

### Section 74-4.201 Purpose

Williamston Road is the primary entrance route into the city, providing direct access from the Interstate 96 freeway. At the time of the adoption of this ordinance, the properties on both sides of Williamston Road between I-96 and Industrial Park Drive are relatively undeveloped. The community perceives this corridor, as it is ultimately developed, to be a valuable asset to Williamston's economic and physical development, and to that end the city desires to ensure that the Williamston Road corridor is designed and constructed to provide for optimum aesthetics, safety, and efficient flow of traffic.

### Section 74-4.202 Overlay District Established

The WRO District is a mapped zoning district that overlays all of the zoning districts along this corridor. The WRO district is shown on the City of Williamston Zoning Map. In this chapter, any reference to the overlay district means the WRO district requirements, while any reference to the underlying zoning district means that standard zoning district over which the WRO district is overlaid.

The WRO district establishes specific setback, landscaping and access standards that replace any similar standard from any other Article, Chapter, or Section of this Zoning Ordinance that apply in the underlying zoning district.

The Williamston Road Overlay District applies to any property with frontage on Williamston Road between the south right-of-way line of Industrial Park Drive and the southern boundary of the City.

### Section 74-4.203 Application to Land Use Activities

The requirements of this article apply to any person, firm, or corporation within the Williamston Road Overlay District when new or expanded land uses are proposed.

### Section 74-4.204 Permitted Uses and Review Requirements

Property in the WRO may be used in accordance with the uses that are permitted by right or may be permitted by special land use approval in the underlying zoning district. All land uses proposed or expanded within the Williamston Road Overlay District shall follow the procedures of and meet the site plan or special land use review standards specified in [Article 9, Chapter 2](#) (site plan review) and/or [Article 9, Chapter 3](#) (special land use review), as the case may be.

### Section 74-4.205 Standards Applied to the Overlay District

The following standards shall apply to that portion of the proposed use located within the Williamston Road Overlay District, subject to site plan review. Any standard or requirement of the underlying district in which the proposed land use is to occur shall remain in full force and effect unless a corresponding requirement is listed in this Section that replaces the requirement of the underlying zoning district.

#### A. Setbacks.

1. Building Setback. All buildings shall be set back a minimum of 75 feet from the centerline of Williamston Road.
2. Parking Setback. All off-street parking spaces shall be set back a minimum of 90 feet from the centerline of Williamston Road.

## Article 4 Supplemental Zoning District Standards

### Chapter 2 WRO – Williamston Road Overlay District

- B. **Multi-Use Pathway.** A 6-foot wide multi-use pathway shall be provided instead of the sidewalk otherwise required by [Section 74-3.205](#). The centerline of the multi-use pathway shall be set back 56 feet from the centerline of Williamston Road if a planned right-of-way width of 120 feet exists, or 46 feet from the centerline of Williamston Road if a planned right-of-way of 100 feet or less exists. If site-specific conditions make such a location infeasible, the approving authority may approve an alternate location for the multi-use pathway, provided that it is located such that it will connect with the pathway on adjacent sites.
- C. **Landscaping** shall be required and should consist of a combination of ground level shrubs, plants and ornamental and deciduous trees. The following specific street frontage landscaping shall be required:
1. **Canopy Trees.** One canopy tree shall be provided along the Williamston Road street frontage for every 35 feet of frontage. Canopy trees should be planted in the tree lawn between the multi-use pathway and the curb, or within 7 feet of the multi-use pathway if planted on the property.
  2. **Ornamental Trees.** One deciduous ornamental tree shall be provided for every 50 feet of Williamston Road frontage. Ornamental trees shall be planted between the building and the road.
  3. **Shrubs.** Clusters of shrubs shall be planted between the building and the road. A minimum of one shrub shall be planted for every 6 feet of Williamston Road frontage. Shrubs shall not be spaced more than 5 feet on center.
  4. **Flower Planting Beds.** Flower planting beds should be provided in the tree lawn between the multi-use pathway and the curb.
- D. **Access Management.** In addition to the standards of the Ingham County Road Commission, the following shall apply:
1. **Driveways.** Access driveways shall be separated by a distance of at least 300 feet as measured from the center of each driveway.
  2. **Setback from Intersections.** No driveway, or point of ingress and egress, shall be located within 130 feet of the centerline of any street that intersects with Williamston Road.
- E. **Cross-Access Required.**
1. **Cross-Access Connections.** Parking lots and vehicle maneuvering aisles shall be designed to connect to parking lots and vehicle maneuvering aisles on adjacent lots in order to form a continuous secondary access system on parcels facing Williamston Road. The cross-access connections should occur behind the buildings.
  2. **Easement Required.** Whenever a site is developed in accordance with the requirements of the WRO district, a blanket cross-access easement shall be enacted over all parking and vehicle maneuvering aisles on the site to permit cross-access connections from adjacent sites. The easement shall be recorded with the County Register of Deeds prior to any certificate of occupancy being granted by the City for the use.
- F. **Signs** shall be set back a minimum of 65 feet from centerline of Williamston Road. Ground signs shall be sized and located to be visible under the canopy of existing and future street trees.

## Chapter 3WP - Wellhead Protection Zone

### Section 74-4.301 **Purpose**

The intent of the wellhead protection overlay zone is to provide supplemental development regulation in the designated wellhead protection area so as to permanently protect the City of Williamston's drinking water source from long term contamination originating from land use activities on the earth's surface. Due to the vulnerability of groundwater to contamination, the need for public health protection, and the significant public investment in the municipal water supply system, these regulations contain protective measures which do not apply to other areas of the community. The requirements and restrictions defined in this article shall be applied as additional requirements and restrictions to the standards identified in this ordinance for the applicable underlying zoning district(s) within the designated wellhead protection area.

### Section 74-4.302 **Definitions**

As used in this article and unless the context clearly indicates otherwise:

**Overlay zone.** That area of the city in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the aquifer(s) supplying the city's municipal water wells. The overlay zone is described by an opaque map representing the wellhead protection area superimposed on the city's official zoning map.

**Discharge.** Discharge includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by lawful statute or regulation which occurs and which affects surface water and groundwater.

**Wellhead Protection Area.** The surface and subsurface area surrounding a public water supply well through which contaminants, if spilled or deposited, will most likely pass and eventually reach the well or wellfield. This area is also known as the zone of contribution (ZOC).

### Section 74-4.303 **Location of Wellhead Protection Areas**

The City of Williamston wellhead protection area is that area whose boundaries are defined by a hydrogeologic investigation delineating the characteristics of the aquifer(s) supplying the city's municipal water wells. The wellhead protection area shall be visually identified by an overlay zone on the city's official zoning map.

### Section 74-4.304 **Application to Land Use Activities**

The requirements of this article apply to any person, firm, or corporation within the wellhead protection overlay zone when new or expanded land uses are proposed.

### Section 74-4.305 **Special Land Use Permit Required**

No land uses within the wellhead protection overlay zone subject to regulation under this ordinance shall be constructed or expanded unless a special use permit has been granted by the Planning Commission. Only uses that are listed as principal or special land uses in the underlying zoning district may be considered for special use approval by the Planning Commission.

### Section 74-4.306 **Wellhead Protection Area Map**

The wellhead protection overlay zone shall be mapped and the land area where water infiltrates into the soils and reaches groundwater used by the public water supply wells shall be delineated. The wellhead protection overlay zone map shall indicate the criteria and methods used to prepare the map and shall be periodically reviewed. The wellhead protection overlay zone map shall be incorporated into this ordinance upon completion

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of the hydrogeologic investigation by a professional hydrogeologist delineating the area, flow, depth and characteristics of the aquifer(s) supplying the city's municipal water wells.

#### Section 74-4.307 Wastewater Treatment System Connections

All residential, commercial, industrial and public uses within the wellhead protection overlay zone shall be connected to available public wastewater treatment facilities.

#### Section 74-4.308 Site Plan Review Requirements

All land uses proposed or expanded within the wellhead protection area shall follow the special land use review procedures of [Article 9, Chapter 3](#). All land uses and activities existing within the wellhead protection area prior to the approval of the city's wellhead protection plan by the appropriate state agency must conform to the special land use site plan review standards in this article within 180 days after approval of the wellhead protection plan.

#### Section 74-4.309 Data Submission Requirements

The following data and information is required for special land use review purposes for all proposed uses in the wellhead protection area in addition to any information required by [Article 9, Chapter 3](#):

- A. Listing of types and quantities of hazardous substances which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
- B. Completion of the "Hazardous Substances Reporting Form," as provided by the zoning administrator.
- C. Location of existing and proposed service facilities and structures, above and below ground, including:
  1. General location of the site within the wellhead protection area.
  2. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances, including interior and exterior areas.
  3. Underground storage tank locations.
  4. Location of exterior drains, dry wells, catchbasins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- D. Location of existing wetlands and watercourses, including ponds and streams on or within one-fourth mile of the site.
- E. Soil characteristics of the site, at least to the detail provided by the U.S. Soil Conservation Service.
- F. Existing topography, with a maximum contour interval of two feet indicated.
- G. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
- H. An affidavit stating that any existing commercial, industrial, or public utility facility is in compliance with county, state and federal regulations.
- I. A county/state environmental permit checklist, indicating the types of environmental permits and approvals which may be needed for the proposed project.



### Section 74-4.310 **Standards for Special Land Uses**

All projects proposed for special land use approval within the wellhead protection area shall meet the following minimum standards, in addition to the applicable standards in [Article 9, Chapter 3](#):

- A. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, streams, or wetlands.
- B. Secondary containment of hazardous substances shall be provided for areas where such substances are stored or used. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be approved for connection to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances shall be met including, but not limited to, the following:
  - 1. A Michigan groundwater discharge permit shall be required for any discharge to groundwater.
  - 2. A pollution incident prevention plan shall be prepared for facilities which store any quantity of materials listed on the Michigan critical materials list.
- E. Commercial or industrial land uses shall have specially designed stormwater facilities in areas where hazardous substance spills may occur. Such facilities shall be designed to:
  - 1. Prevent the commingling of stormwater runoff and hazardous substances.
  - 2. Enhance spill cleanup.
  - 3. Meet all county, state and federal agency requirements.
- F. Runoff collection systems for roads and parking lots shall be able to control at least the first inch of rainwater.
- G. All guidelines and requirements of federal, state, the county and local agencies specified in the state-approved wellhead protection plan for the City of Williamston.

### Section 74-4.311 **Maintenance Plan Required**

All special land uses proposed for the wellhead protection area shall have an approved maintenance plan recorded with the county register of deeds. The maintenance plan may include standards and operational requirements related to:

- A. The application rate and timing of lawn fertilizers.
- B. The repair and reconstruction of secondary containment dikes and other spill protection measures.
- C. The application of de-icing chemicals to road surfaces and parking lots.
- D. Maintenance of stormwater management facilities located on-site.

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#### Section 74-4.312 **Administrative Review Fees**

All applicants for special use permits in the wellhead protection overlay district shall pay an administrative fee sufficient to cover the expense of reviewing and approving the proposal, including, but not limited to, the cost of planning and engineering site reviews. Such fee shall be set by City Council.

## Chapter 4 PRD - Planned Residential Development

### Section 74-4.401 Intent and Purpose

It is the purpose of this section to encourage more imaginative and livable housing environments within the City of Williamston through a planned reduction, or averaging, of the individual lot area requirements for the R-1, R-2 and R-3 districts, provided that the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned residential development providing the standards, procedure, and requirements set forth in this section can be complied with.

### Section 74-4.402 Objectives

The following objectives shall be considered in reviewing any application for a special use permit for planned residential development:

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

### Section 74-4.403 Qualifying Conditions

Any application for a special use permit shall meet the following conditions to qualify for consideration as planned residential development:

- A. The planned residential development site shall be not less than five acres in area, shall be under the control of one owner or group of owners acting jointly, and shall be capable of being planned and developed as one integral unit.
- B. The planned residential development shall meet or exceed all of the standards and requirements of the City of Williamston subdivision control ordinance or the requirements of [Article 4, Chapter 6](#) (site condominium development).
- C. The planned residential development site shall be located within residential districts.
- D. The proposed population density of the planned residential unit development shall be no greater than if the tract were developed with the lot area requirements of the particular zone district in which it is located.
- E. For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the City of Williamston or be set aside for the common use of home or lot

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owners within the planned residential development under legal procedures which shall also give the City of Williamston a covenant or interest therein, so that there are assurances that the required open space shall remain open.

- F. The proposed planned residential development shall meet all of the general standards outlined in this article.

#### Section 74-4.404 Permitted Uses

The following uses of land and structures may be permitted within planned residential developments:

- A. All uses permitted by right, under special conditions, or by special use permit in the R-1, R-2 and R-3 districts, subject to all applicable specified restrictions.
- B. Two-family dwellings.
- C. Group housing, row houses, garden apartments, townhouses, or other similar housing types which can be defined as a single-family dwelling with no side yards between adjacent dwelling units, provided that there shall be no more than eight dwelling units in any building or contiguous group of buildings.
- D. Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this section:
  - 1. Private recreation facilities, such as golf courses, swimming pools, or other recreational facilities which are limited to the use of the owners or occupants of the lots located within the planned residential development.
  - 2. Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
- E. Customary accessory uses as permitted in residential districts.
- F. Group laundry facilities so long as they have been designed and located in such a manner as to serve only inhabitants of the site of the planned residential districts. No advertising of any type shall be permitted with such facilities.
- G. Off-street parking at the rate of two spaces per dwelling unit.
- H. Garages and accessory buildings and uses exclusively for the use of residents of the planned unit development and for proper maintenance of the development.

#### Section 74-4.405 Application and Review Procedures

Planned residential developments shall follow the application and review procedures outlined in this section. The review procedures are intended to explicitly state the requirements at each stage of the review process. However, each applicant shall have the option to submit an application for approval of the planned residential development at either the outline, preliminary or final development plan stage, if the requirements are fulfilled according to this ordinance.

- A. **Preapplication conference.** Before submitting an application for a planned residential development, an applicant at his option may confer with the zoning administrator to obtain procedural information.
- B. **Preliminary development plan.**
  - 1. Submittal. An applicant seeking approval of the planned residential development shall submit a preliminary development plan at either of the following times:

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- C. If no preapplication conference has been held.
- D. If a preapplication conference has been held, within six months following the conference. However, the Planning Commission may, upon written request of the applicant, extend for three months the period for the filing of the preliminary development plan.
  - 1. The preliminary development plan shall include all the following required information:
    - E. A map showing the entire street system of arterial, collectors and local streets and their proposed construction standards and if they are publicly dedicated or privately owned and its related walkways.
    - F. A map showing the entire location of the utility system of sanitary sewer, storm sewer, water, electric and telephone lines.
    - G. Statistical calculations of areas dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semipublic uses.
    - H. A lot plan and statistical tabulation for the entire planned residential development of all the land uses proposed and showing the approximate size and location of all lot lines, building, structures, parking areas, and improvements both existing and proposed.
    - I. A map indicating the areas allocated for common open spaces and allocated for usable open spaces per building at grade level or above grade, whichever applies.
    - J. Preliminary elevation and/or perspective drawings of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details. A development model of the entire project area may be substituted for any elevation and/or perspective drawings.
    - K. A development schedule indicating
      - i. the approximate date when construction of the project can be expected to begin;
      - ii. the stages in which the project will be built and the approximate date when construction of each anticipated stage of development will begin;
      - iii. the approximate dates when the development of each of the stages in the development will be completed; and
      - iv. the area and location of common open space that will be provided at each stage.
    - L. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common and usable open space areas.
    - M. Any additional statements, plans and diagrams may be required when the Planning Commission finds that the planned development creates special problems of traffic, parking, landscaping, utilities, including sewer and water facilities, or any other factors; and
    - N. A map, including enough of the area surrounding the proposed planned residential development to show the relationship of the planned residential development to adjacent uses, both existing and proposed.
    - O. **Approval of preliminary development plan.** The preliminary development plan shall be considered for approval under the procedures provided within this ordinance for site plan review and special land use. A public hearing may be called on the planned residential development at this time.

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P. Final development plan.

1. Within a maximum of six months following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final detailed form the information required under this ordinance for site plan review and special land use. At its discretion and for good cause, the Planning Commission may extend for six months the period for filing of the final development plan.
2. The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard on the final development plan to:

Q. Any person who is on record as having appeared at the hearing on the preliminary development plan.

R. Any other person who has indicated to the Planning Commission in writing that they desire to be notified.

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

S. Violate any provision of this article.

T. Vary the lot area requirement by more than ten percent.

U. Involve a reduction of more than ten percent of the area reserved for the common open space and/or usable open space.

V. Increase the total ground area covered by buildings by more than five percent.

1. Approval of final development plan.

W. The Planning Commission shall review the final development plan, and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The clerk of the city shall record the final development plan in the manner provided for recording plats or subdivisions.

X. The Planning Commission shall delay final approval for a specified period of time until the applicant has taken title to, or executed a binding sales contract for, all the property so that the acquisition of title to the land can then be coordinated with the approval of project stages.

1. Prior to the granting of any planned residential development, the Planning Commission may recommend, and the City Council may adopt, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned residential development as the City Council deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this ordinance. The Planning Commission may recommend that the City Council require a performance guaranty be furnished and filed with the city clerk for private improvements in accordance with Section 74-5.119. Said performance guaranty shall accompany the request for final approval to ensure completion of all public site improvements, streets, parking areas, sewers, utilities, landscaping, plantings, screenings, etc.
2. The decision of the Planning Commission may be appealed to the City Council by the applicant. Request for appeal must be made in writing to the zoning administrator within ten days of the final action taken on the planned residential development.

Section 74-4.406 **Control of Planned Residential Development Following Final Approval**

- A. The City Council shall issue a certificate certifying the approval of the planned residential development, and the clerk of the City Council shall note the issuance of the certificate on the recorded final development plan.
- B. After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the planned residential development will be governed by the approval final development plan rather than by any other provisions of the zoning ordinance.
- C. After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:
  - 1. Minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cube content of any building or structure by more than ten percent.
  - 2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved.
  - 3. Changes in the use of common open space may be authorized by an amendment to the final development plan.
- D. No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the planned residential development, and all rights to enforce these covenants against any changes permitted by this ordinance are expressly reserved.

Section 74-4.407 **Lot Size Variation Procedure**

The lot area for a planned residential development with the R-1, R-2 and R-3 residential districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following procedures:

- A. **Site acreage computation.** The gross acreage proposed for a planned residential development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned residential development is located. In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure: Land utilized by public utilities as easements for major facilities, such as electric transmission lines, sewer lines, water mains, or other similar lands which are not available to the owner because of such easements.
- B. **Maximum number of lots and dwelling units.** After the total gross area is determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned residential development shall be computed by subtracting from the total gross area available a fixed percentage of said total for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirement of the zoning district in which the planned residential development is located.
  - 1. The fixed percentage for street right-of-way purposes to be subtracted from the total gross area available for development shall be 20 percent. This percentage shall apply regardless of the amount of land actually required for street right-of-way.

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2. Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned residential development is located, provided that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.
- C. **Permissive minimum lot area.** Notwithstanding other procedures set forth in the section, lot areas within planned residential developments shall not be varied or reduced on a per unit basis below the following minimum standards:
1. One-family detached dwelling units: 5,800 square feet within R-1, R-2 and R-3 districts.
  2. Two-family dwellings: 4,500 square feet per dwelling unit within R-2 and R-3 districts.
  3. Townhouse, row house, or other similar dwelling types: 3,500 square feet of lot area per dwelling unit in R-2 and R-3 districts.
- D. **Permissive minimum yard requirements.** Under the lot averaging or reduction procedure, each lot shall have at least the following minimum yards:
1. Front yard: 20 feet for all dwellings, provided that front yard requirements may be varied under consideration of common greens or other common open space if such space provides an average of 25 feet of front yard area per dwelling unit.
  2. Side yard: Ten feet on each side for all one- and two-family dwellings; none for townhouses or row houses, provided that there shall be a minimum of 20 feet between ends of contiguous groups of dwelling units.
  3. Rear yard: 20 feet for all dwellings, provided that rear yard requirements may be varied after consideration of common open space lands or parks or waterfront areas which abut the rear yard area.
- E. **Maximum permissive building height.** The maximum permissive building height shall be 2 1/2 stories, but not exceeding 35 feet. An accessory building shall not exceed a height of 15 feet.

### Section 74-4.408 Open Space Requirements

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

- A. That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a homeowners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and provided further that an open space easement for said land shall be conveyed to the City of Williamston to assure that open space land shall remain open.
- B. That open space land shall be dedicated to the general public for park or recreational purposes by the tract owner or owners, provided that the location and extent of park or recreation land conforms in intent to the comprehensive development plan of the City of Williamston and provided further that the access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development and maintenance.
- C. It is the intent of this section that in cases where option B above is determined to be in the best



interest of the community, that the owners or developers of the planned residential development shall not be compelled or required to improve the natural condition of the open spaceland.

#### Section 74-4.409 **Planned Residential Development in More Than One Zoning District**

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

#### Section 74-4.410 **Perimeter Setback Requirements**

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

#### Section 74-4.411 **Subdivision and Resale**

- A. If the subdivision or resubdivision of an approved planned residential development will create a new plat line, the applicant shall make application to the Planning Commission for the approval of the subdivision or resubdivision plat. The Planning Commission and City Council shall approve the subdivision or resubdivision if each section of the subdivided or resubdivided planned residential development meets the provisions of this ordinance, governing density, common and usable open space, and dimensional requirements and if it is in compliance with requirements contained within the Michigan Land Division Act.
- B. All lots of a subdivided or resubdivided planned residential development are to be controlled by the final development plan rather than by the provisions of the zoning ordinance that otherwise would be applicable. The provisions of [Section 74-4.405](#) and [Section 74-4.406](#) covering changes in the final development plan will apply.

#### Section 74-4.412 **Development Standards**

The following standards are intended to supplement the requirements of the City of Williamston subdivision control ordinance. Where conflicts or discrepancies may occur, the more stringent requirements shall take precedence.

- A. **Streets.**
  - 1. The arrangements, the character, the extent and location of all streets shall conform to any official thoroughfare plan for streets and highways, and shall be considered in their relation to existing and planned streets, topographical conditions, public conveniences and safety, and to the proposed uses of the land to be served by such streets.
  - 2. Where a subdivision abuts or contains an existing or proposed primary road, or other major street, the council may require marginal access streets, a reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment, as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  - 3. All road construction shall be at least to the applicable road specifications and shall comply with such additional specifications as are set forth in these regulations.
  - 4. If adjoining property is not subdivided, provision shall be made for the projection of proposed roads by continuing the full widths of right-of-way with rough grading of the roads to the boundaries of the subdivision. This provision shall not prevent the establishment of culs-de-sac within the subdivision.

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5. No street names shall be used which will duplicate or be confused with the names of existing streets.
- B. Easements.**
1. Easements across lots or centered on rear or side lot lines shall be provided for utilities where considered necessary by the council, and shall have a minimum total width of 12 feet.
  2. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection with the easement.
- C. Lots.**
1. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
  2. Lot dimensions shall conform to the requirements of the zoning ordinance, including lot size variations as permitted in Section 74-4.407. In addition, as well as conforming to the following:
- D.** Residential lots where not served by a public water system but served by public sanitary sewer service shall not be less than 90 feet wide at the building line nor less than 12,000 square feet in area.
- E.** Residential lots served by neither public water nor a public sewer system shall not be less than 100 feet wide nor less than 15,001 square feet in area.
- F.** Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- G.** Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of vehicular access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- H.** Side lot lines shall be substantially at right angles or radial to street lines, except where conditions of topography or more efficient layout warrants otherwise.
- I.** If, by necessity, a lot is irregular in shape, the lot shall have frontage equal to not less than one-half of the minimum required lot width at the building line on an existing or an approved dedicated public road.
- J.** A plat having riverfront or stream front lots should include a statement that the lot lines extend to the water's edge regardless of the fluctuation in the water level.
- K. Utility and Street Improvements.** The proprietor shall provide the following public improvements in connection with the subdivision. All such improvements shall be constructed in accordance with the specifications and requirements of the applicable code, ordinance or regulations of the city.
1. Roads, including such related improvements as are required in this ordinance.
  2. Storm water drainage as required in this ordinance. If storm sewers are not feasible, then leaching basins must be installed. The installation of either storm sewers or leaching basins must be done in accordance with the plans and specifications of the city and well established engineering practices and approved by the city engineer.
  3. Water supply and sanitary sewerage. Every portion of a subdivision shall be supplied with adequate

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water and sanitary sewerage facilities. Public water and sanitary sewerage facilities shall be provided in all plats to which such facilities are determined reasonably available by the council.

4. Sidewalks may be provided as required in this article.
5. Pedestrian ways may be required within public easements, as determined by the Planning Commission.
6. Street and/or pedestrian scale lighting, of a type and location approved by the city engineer, shall be provided.

## Chapter 5MH - Manufactured Housing District

### Section 74-4.501 **Statement of Purpose**

The purpose of the MH manufactured housing residential district is to encourage a suitable environment for persons and families that by preference choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes moderately low density standards and permitted uses that reflect the needs of residents in the district. Development is limited to manufactured homes when located in a subdivision designed for that purpose or a manufactured housing park and recreation facilities, churches, schools and necessary public utility buildings.

### Section 74-4.502 **Relation to Manufactured Housing Commission Rules**

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

### Section 74-4.503 **Principal Permitted Uses**

The following uses are permitted in MH districts:

- A. Manufactured homes.
- B. Manufactured home parks.
- C. Manufactured home subdivisions.
- D. State licensed residential facilities and family day care homes for children.
- E. Publicly owned and operated parks, playfields, playgrounds and other recreational facilities.
- F. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit.
- G. Accessory buildings and uses customarily incidental to the principal uses permitted in this section.

### Section 74-4.504 **Special Land Uses**

Certain uses defined in this section are permitted in MH districts after special approval and prior to the use of any land, building or structure or for the erection of any building or structure for such special uses. Special approval uses possess unique characteristics vis-a-vis those permitted by right in the affected zoning district. These characteristics have inherent in them a degree of incompatibility with the uses permitted by right, therefore, it is important that individual site consideration be given those proposed uses and potentially affected properties be given an opportunity to determine the suitability of the use for the particular area.

The following uses may be permitted following special land use approval:

- A. Religious institutions and other incidental facilities, subject to the following:
  - 1. The site shall be adjacent to a city major thoroughfare, and all ingress and egress shall be limited to and directly upon that thoroughfare.

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2. Buildings exceeding 25 feet in height shall be permitted, providing the front, side and rear yard setbacks are increased one foot for each foot the building exceeds 25 feet.
  3. A continuous uninterrupted obscuring screening of suitable material at least four feet in height but not more than six feet in height shall be provided along sides of the off street parking area when adjacent properties are zoned residential.
  4. A minimum of three acres shall be provided.
  5. The front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives.
- B. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
- C. Nursery schools, state licensed group day care homes and day care centers (not including dormitories); provided that for each child so cared for, there shall be provided and maintained a minimum of 150 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be screened from any adjoining lot in any residential district.
- D. Temporary buildings for use incidental to construction work for a period not to exceed one year.
- E. Golf courses, public or private. If a golf course is a course open to persons other than those who reside in the mobile home park, it cannot be used as part of the overall permitted density.

**Section 74-4.505 Development Standards**

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

- A. **Flood Areas.** A manufactured home shall not be placed in a designated floodway, as determined by the Michigan Department of Environmental Quality.
- B. **Minimum Site Area.** A manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured housing unit. The 5,500 square foot average may be reduced by twenty percent (20%) provided that each individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of the average site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under Rules R125.1946, R125.1941, and R125.1944, and this Chapter.
- C. **Maximum Height.** In the MH manufactured housing residential district, all structures shall comply with the maximum height requirements applicable in the R-1C Single Family Residential District. Refer to the Schedule of Regulations summary in [Section 74-3.102](#).
- D. **Setbacks from Perimeter Property Lines.**
1. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
  2. Homes, permanent buildings and facilities, or any other structures that abut a public right-of-way shall be set back at least 50 feet from the property line. If the property line runs through the center of the public road, then the 50 feet shall be measured from the road right-of-way line. This setback does not apply to internal roads dedicated for public use.
- E. **Required Distances Between Homes and Other Structures.**

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1. A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
    - a. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
    - b. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
    - c. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
    - d. Fifty feet from permanent community-owned structures, such as clubhouses or maintenance and storage facilities.
    - e. One hundred feet from a baseball or softball field.
    - f. Twenty-five feet from the fence of a swimming pool.
  2. Attached or detached structures or accessories that may not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.
  3. Any part of a home or an accessory structure, such as steps, porches, supported or unsupported awnings decks, carports or garages, or similar structures shall be set back the following minimum distances:
    - a. Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.
    - b. Seven feet from a parking space on an adjacent home site or parking bay off a home site.
    - c. Seven feet from a common sidewalk.
    - d. Twenty-five feet from a natural or man-made lake or waterway.
  4. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:
    - a. Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.
    - b. Roof overhang shall be set back 2 feet or more from the edge of the internal road.
    - c. Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.
  5. A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.
- F. **Landscaping and Screening.** Manufactured housing communities are subject to the landscaping requirements of [Article 7](#) except when the manufactured housing community is adjacent to property that is, in the opinion of the Manufactured Housing Commission, undeveloped. For the purposes of determining compliance with the landscaping and screening requirements, a manufactured housing park shall be considered a single family use.

**G. Open Space.**

1. Open space shall be provided in any manufactured housing community containing fifty (50) or more manufactured home sites. A minimum of two percent (2%) of the park's gross acreage or 25,000 square feet of contiguous space, whichever is greater, shall be dedicated to well drained, usable open space complying with the drainage standards in State Rule R125.1714.
2. Required property boundary setback areas may not be used in the calculation of openspace.
3. Optional improvements shall comply with state construction codes and applicable laws and ordinances pertinent to construction, including obtaining appropriate state or local permits for the facility or structure being built.
4. If provided, recreational or athletic areas shall comply with the safety and setback standards of Rules R125.1705 and 125.1941(1), respectively.

**H. Lighting.** Except in a seasonal manufactured home community, all internal street and sidewalk systems within a manufactured housing community shall be lighted as follows:

1. Access points shall be lighted. If the public thoroughfare is lighted, the illumination level shall not be more than the average illumination level of the adjacent illuminated thoroughfare.
2. At all internal road intersections and designated pedestrian crosswalks the minimum illumination shall not be less than .15 footcandles.
3. Internal roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.
4. Lighting fixtures for site-built buildings shall comply with the state electrical code.

**I. Swimming Pools.** Swimming pools in manufactured housing communities shall comply with Michigan Administrative Code Rules R325.2111 et. Seq., Public Act 368 of 1978, and Rule R125.1941(1)(f).

**Section 74-4.506 Streets, Driveways, and Parking Areas**

All streets, driveways, and parking areas in manufactured housing communities shall comply with the following design requirements:

**A. Access.**

1. The community's internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement.
2. An additional access shall be provided to a public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of a community road shall satisfy this requirement.

**B. Composition and Surfacing.** All internal roads shall be constructed of concrete or bituminous asphalt and supported by a suitable sub grade in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), pursuant to Rule R125.1922. Roads shall be maintained in a reasonably sound condition, as required under Rules R125.1924 and 1925(2)(b).

**C. Curbing.** If provided, internal road curbing shall be constructed of concrete or asphalt. Access to curbed sidewalks connecting to internal roads shall comply with Rule R125.1928 (a). (Rule R125.1923)

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- D. **Parking spaces; Streets.** All internal roads shall be two-way and have driving surfaces that are not less than the following widths:
1. Two-way, no parking 21 feet
  2. Two-way, parallel parking, 1 side 31 feet
  3. Two-way, parallel parking, 2 sides 41 feet.
- E. **Road Configurations.** An internal road that has no exit at one end shall terminate with a minimum turning radius of 50 feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area. A safe-site distance of 250 feet shall be provided at all intersections. Offsets at intersections or intersections of more than two internal roads are prohibited.
- F. **Road Widths, Street Names, Addresses & Traffic Control.**
1. All entrances to new communities or new entrances to expanded communities shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road, and shall be constructed as indicated below in subsections [2](#) through [4](#).
  2. All turning lanes shall be a minimum of 11 feet in width and 60 feet in depth, measured from the edge of the pavement of the public road into the community.
  3. The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of 60 feet.
  4. The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority having jurisdiction. The intersection of the public road and ingress and egress road shall not have squared corners.
  5. Appropriate speed and traffic control signs shall be provided on all internal roads, and a regulation stop sign shall be installed at the point of intersection with a public road, unless a traffic control device is provided.
  6. School bus stops, if provided, shall be located in an area that is approved by the school district.
  7. Improved hard-surface driveways shall be provided on the site where necessary for convenient access to service entrances of buildings, and at delivery and collection points for fuel, refuse, and other materials, and elsewhere as needed. The minimum width of driveways shall be 10 feet. The entrance to the driveway shall have the flare or radii, and horizontal alignment for safe and convenient ingress and egress.

#### Section 74-4.507 Sidewalks

- A. Common sidewalks shall be installed along one side of all internal collector roads within the community to the public right-of-way and to all service facilities including central laundry, central parking, and recreation areas.
- B. Common sidewalks shall be constructed in compliance with all of the following requirements:
1. Sidewalks shall have a minimum width of 3 feet and shall be constructed in compliance with Public Act 8 of 1973, an act that regulates barrier-free sidewalk access.



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2. All common sidewalks shall meet the standards established in Rule R125.1928.
  3. Except in a seasonal community, an individual sidewalk shall be constructed between at least one entrance, or patio, porch, or deck, if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.
- C. An individual site sidewalk with a minimum width of 3 feet shall be constructed to connect at least one entrance to the home, patio, porch, or deck and the parking spaces serving the home or a common sidewalk. These sidewalks shall meet the standards established in Rule R125.1928.

**Section 74-4.508 Parking Requirements**

- A. **Resident Parking.** A minimum of two (2) hard-surfaced parking spaces shall be provided for each manufactured home site. Parking may be either on or off the individual home site.
1. If the two resident vehicle parking spaces required by this section are provided off the home site, the parking spaces shall be adjacent to the home site and each parking space shall have a clear parking width of 10 feet and a clear length of 20 feet.
  2. If parking spaces are provided for resident vehicle parking, they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
  3. If vehicle parking is provided on the home site it shall comply with the following provisions:
    - a. The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade compliant with the standards of AASHTO.
    - b. The parking spaces may be either in tandem or side-by-side. If spaces are tandem, the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side-by-side the combined width of the two parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet.
- B. **Visitor Parking.**
1. A minimum of one visitor parking space shall be provided for each three home sites.
  2. Visitor parking shall be located within 500 feet of the sites it is intended to serve, as measured along a road or sidewalk.
  3. Individual visitor parking spaces shall have a clear width of 10 feet and a clear length of 20 feet.

**Section 74-4.509 Utilities**

The following utility standards apply to all manufactured home communities:

- A. **Connections and Lines.** All electric utilities shall be underground and installed and serviced by a licensed electrician. All local distribution lines for utilities (telephones, electric service, and cable television) shall be placed entirely underground throughout the manufactured housing community. Main lines and perimeter feed lines existing on a Section or Quarter Section Line may be above ground if they are configured or installed within the state codes.
- B. **Drainage.**

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1. All drainage outlet connections shall be subject to review and approval by the Drain Commissioner.
  2. Drainage systems shall be reviewed and approved by the Michigan Department of Environmental Quality, in accordance with MDEQ Rules R325.3341 to R325.3349, pursuant to the Act.
  3. Drain utility connections shall comply with Rule R125.1603(c).
- C. **Electricity.** Electrical systems shall be installed, maintained, operated and serviced according to the standards established in Rules R125.1603(d), R125.1603(e), R125.1603(f); R125.1708; R125.1710(2); R125.1932; R125.1933; and MDEQ Rule R325.3373(2)(c).
- D. **Fuel & Gas Heating Service.** The installation, maintenance, operation and service of manufactured housing community fuel and gas heating systems and connections shall comply with the standards contained and referenced in Rules R125.1603(b), R125.1710(1), R125.1934 through R125.1938, R125.1940(3) and MDEQ Rule R325.3373(2)(d).
- E. **Telephone Communication Lines.** All telephone systems shall be installed in accordance with standards approved by the Michigan Public Service Commission or utility provider, pursuant to Rule R125.1940(2), as applicable.
- F. **Television.** Television service installation shall comply with requirements of Rule R125.1940(1).
- G. **Water & Sewage.** All lots shall be provided with public water and sanitary sewer service, or water and sanitary services that shall be approved by the Michigan Department of Environmental Quality, pursuant to MDEQ Rules R325.3321 and R325.3331 through R325.3335. Water line connections shall meet the specifications contained in Rule R125.1603(a) and MDEQ Rule R325.3373. Water system meters shall comply with MDEQ Rule R325.3321 and Rule R125.1940a.
- H. **Utility Cabinets.** Public utility (water, sewer, electrical, etc.) cabinet design shall be approved by the City prior to development. Utility cabinets shall be designed, located, and screened in a manner which minimizes their visibility and appearance, and which will not create sight-line conflicts for motorists or pedestrians.

#### Section 74-4.510 Disposal of Garbage and Trash

Each manufactured home site shall use approved garbage/rubbish containers that meet the requirements of Part 5 of the Michigan Department of Environmental Quality Health Standards, Rules R325.3351 through R325.3354. The containers shall be kept in a sanitary condition at all times. It shall be the responsibility of the community operator to ensure that all garbage/rubbish containers do not overflow and that all areas within the community are free of garbage/rubbish.

#### Section 74-4.511 Emergency and Safety

- A. **Fire Protection.** All manufactured homes built, sold, or brought into this state shall be equipped with at least one fire extinguisher approved by the national fire protection association and one smoke detector approved by the Michigan Bureau of Construction Codes. The homeowner of a manufactured home brought into this state for use as a dwelling shall have 90 days to comply with this requirement under Public Act 133 of 1974, as amended. The manufactured housing community shall provide its residents with written notification of this requirement, which may be published in the community rules.
- B. **Disaster & Severe Weather.** Each manufactured housing community shall provide each community resident immediately upon occupancy with written information indicating whether the local government provides a severe weather warning system or designated shelters. If a warning system or shelter is provided, the information shall describe the system and nearest shelter location.

Section 74-4.512 **Required Conditions**

- A. **In-Community Home Sales.** New or pre-owned manufactured homes which are to remain on-site in the manufactured housing community may be sold by the resident, owner, or licensed retailer or broker, provided that the manufactured housing community management permits the sale, as established in Section 28a of Public Act 96 of 1987, as amended, and Rules R125.2001a, R125.2005, R125.2006 and R125.2009(e).
- B. **Installation and Anchoring.** Manufactured homes shall be installed with anchoring systems designed and constructed in compliance with the U.S. Department of Housing and Urban Development's Manufactured Home Construction and Safety Standards (24 CFR 3280.306) and approved for sale and use within Michigan by the Michigan Construction Code, pursuant to Rules R125.1605 and R125.1607. The installation of manufactured housing on each site within a community shall conform to the requirements of Rules R125.1602 and R125.1602a.
- C. **Utility Connections.** All utility connections within the community shall comply with the requirements of Rule R125.1603. No manufactured home shall be occupied for dwelling purposes unless it is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary.
- D. **Storage.**
1. A manufactured home site shall be kept free of fire hazards, including combustible materials under the home.
  2. One storage shed that complies with the Michigan Residential Code may be placed upon any individual manufactured home site for the storage of personal property, if permitted by management. Storage sheds shall be constructed with durable weather and rust-resistant materials and shall be maintained to reasonably preserve their original appearance.
  3. Storage sheds that are attached to homes shall consist of materials similar to that of the home and shall have a fire-rated wall separation assembly in accordance with the Michigan Residential Code.
  4. A detached storage shed shall be at least 10 feet from all adjacent homes.
  5. All storage sheds shall be securely anchored in accordance with the Michigan Residential Code.
  6. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
- E. **Skirting.**
1. Skirting to conceal the underbody of the home shall be installed around all manufactured homes, prior to issuance of a certificate of occupancy and shall be installed within 60 days of placement of the home on the site unless weather prevents compliance with this schedule. In the event that installation is delayed by weather, a temporary certificate of occupancy shall be issued pursuant to Section 13 of Public Act 230 of 1972, as amended.
  2. Skirting shall be vented as required by Rule R125.1604.
  3. Skirting shall be installed in a manner to resist damage under normal weather conditions and shall be properly maintained by the resident.

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4. Skirting shall be aesthetically compatible with the appearance of the manufactured home. All skirting shall meet the requirements established in the Manufactured Housing Commission Rules.

#### F. Recreational Vehicles.

1. If recreational vehicle storage is provided within the manufactured housing community, it should include, but not be limited to: class A, B, and C motor homes; fifth wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historic vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter, and surfaced in accordance with Rule R125.1922.
2. The storage area shall be limited to use by the residents and management of the manufactured housing community.

### Section 74-4.513 Licenses and Permits

- A. **Site Plan Review Required for Community.** The City shall review the preliminary plan for the manufactured housing community pursuant to Section 12 of the Act and Rules R325.3381-3385 of the Michigan Department of Environmental Quality's Mobile Home Park Health Standards.
- B. **License.** No manufactured housing community shall be operated without a license issued by the Michigan Bureau of Construction Codes, pursuant to Section 16 of the Act.
- C. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- D. **Occupancy.** Occupancy shall not occur until after local inspections, permit, and certificate of occupancy approvals, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- E. **Site-Constructed Buildings.** Site constructed buildings erected within the community, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings, shall be examined by the municipality for compliance with all appropriate inspection and permit requirements, pursuant to Public Act 230 of 1972, the Stille-DeRossett-Hale Single State Construction Code Act.
- F. **Individual Homes.** Site plan review is not required for individual homes in a manufactured housing community.

## Chapter 6 **Site Condominium Development**

### Section 74-4.601 **Condominium Subdivision Approval**

Pursuant to authority conferred by section 141 of the Condominium Act, Act 59 of 1978 (MCL 559.141), as amended, all condominium subdivision plans must be approved by the Planning Commission. The proposed condominium project shall undergo site plan review and approval pursuant to [Article 9, Chapter 2](#) of this ordinance.

### Section 74-4.602 **Definitions**

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this zoning ordinance and the subdivision and utility ordinances with the Condominium Act:

**Condominium Act.** Act 59 of 1978 (MCL 559.101 et seq.), as amended.

**Condominium subdivision.** Shall be equivalent to the term "subdivision" as used in this zoning ordinance.

**Condominium subdivision plan.** The site, survey and utility plans; floor 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.

**Condominium unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

**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.

**Contractible condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.

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

**Convertible area.** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

**Expandable condominium.** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

**Front yard setback.** The distance between the front yard area line and the condominium dwelling.

**Lot.** Equivalent to the terms "homesite" and "condominium unit" as used in this zoning ordinance.

**Master deed.** The condominium document recording the condominium project as approved by the zoning administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

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**Rear yard setback.** The distance between the rear yard area line and the condominium dwelling.

**Side yard setback.** The distance between the side yard area line and the condominium dwelling.

**Section 74-4.603 Condominium Projects**

The following regulations shall apply to all condominium projects within the City of Williamston:

- A. **Initial information:** Concurrently with notice required to be given the City of Williamston pursuant to section 71 of Public Act No. 59 of 1978, amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:
1. The name, address and telephone number of the following:
  - B. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
  - C. All engineers, attorneys, architects or registered land surveyors associated with the project.
    1. The developer or proprietor of the condominium project.
    2. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
    3. The acreage content of the land on which the condominium project will be developed.
    4. The purpose of the project (for example, residential, commercial, industrial, etc.).
    5. Approximate number of condominium units to be developed on the subject parcel.
- The information shall be furnished to the zoning administrator and shall be kept updated until such time as a certificate of occupancy has been issued.
- D. **Site plans** – New projects master deed, and engineering and inspections.
1. Prior to recording to the master deed required by section 72 of Public Act No. 59 of 1978, as amended (MCL 559.172), the condominium project shall undergo application and review procedures pursuant to article [Section 74-4.405](#) of this ordinance.
  2. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the zoning administrator, city attorney and city engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

**Section 74-4.604 Condominium Subdivision Plan; Required Content**

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

- A. A survey plan of the condominium subdivision.
- B. A floodplain plan, when appropriate.
- C. A site plan showing the location, size, shape, area and width of all condominium units.

- D. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the city for installation, repair and maintenance of all utilities.
- E. A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision.
- F. A storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities.
- G. Location and placement of street and/or pedestrian scale lighting.
- H. Sidewalk ordinance.
- I. Pedestrian ways, if included in the plan.

#### **Section 74-4.605 Site Plans; Expandable or Convertible Projects**

Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to [Article 9, Chapter 2](#) of this ordinance. The condominium project developer or proprietor shall furnish the zoning administrator with the following:

- A. One copy of the recorded master deed.
- B. One copy of all restrictive covenants.
- C. Two copies of an "as-built survey." The "as-built survey" shall be reviewed by the city engineer for compliance with city ordinances. Fees for this review shall be established by resolution of the City Council.

#### **Section 74-4.606 Monuments Required; Site Condominium Projects**

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

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- B. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- D. If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight inches.

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- F. All required monuments shall be placed flush with the ground where practicable.
- G. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other approved markers.
- H. The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on the condition that the proprietor deposits with the city clerk cash or a certified check, or irrevocable bank letter of credit running to the City of Williamston, whichever the proprietor selects, in an amount not less than \$25.00 per monument and not less than \$100.00 in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

#### Section 74-4.607 Easement of Utilities

The condominium subdivision plan shall include all necessary easements granted to the City of Williamston for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and refilling ditches and trenches necessary for the location of such public structures.

#### Section 74-4.608 Private Streets

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of [Section 74-4.412](#). In addition, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete.

#### Section 74-4.609 Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

#### Section 74-4.610 Relocation of Boundaries

The relocation of boundaries, as described in section 48 of the Condominium Act, shall conform to all setback requirements of this ordinance for the district in which the project is located, shall be approved by the zoning administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

#### Section 74-4.611 Subdivision of Condominium Units

All subdivisions of individual condominium units shall conform to the requirements of this ordinance for minimum lot width, lot area, and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

#### Section 74-4.612 Compliance With Federal, State and Local Law

All condominium projects shall comply with federal and state statutes and local ordinances. The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the freshwater system for the proposed project and with regard to the wastewater disposal system for the proposed project.

#### Section 74-4.613 Temporary Occupancy

The zoning administrator may allow occupancy of the condominium project before all improvements required by this ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for



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the installation of improvements before the expiration of the temporary occupancy permit without expense to the city.

**Section 74-4.614 Condominium Subdivision Layout, Design and Approval**

All condominium subdivision plans shall conform to the design, layout and improvement standards of [Section 74-4.412](#). Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act (MCL 560.101 et seq.).

## Chapter 7 **PUD - Planned Unit Development**

### Section 74-4.701 **Intent and Purpose**

A planned unit development is designed to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, diversity of building types, useful open space arrangements and environmental preservation, efficiency of land use and natural resources, providing effective and efficient public services and utilities, and the redesign and reuse of existing sites and buildings which cannot reasonably be accomplished through normal zoning techniques.

A planned unit development (PUD) is further intended to accommodate developments with one or more uses of land that meet the following development objectives:

- A. Result in a more efficient development pattern with shorter streets and utility networks.
- B. Preserve existing natural assets, such as stands of trees, floodplain, open space and the like.
- C. Accomplish a more desirable residential and nonresidential environment than would be possible through the strict application of minimum requirements of the zoning ordinance.
- D. Encourage the utilization of open space and the development of recreational facilities generally located within a reasonable distance of all living units.
- E. Accommodate a proposed land use pattern which is in conformance with the comprehensive land use plan of the city.
- F. Provide for supportive amenities such as recreational uses, day care centers and similar uses, which in the opinion of the Planning Commission, are in conformance with the comprehensive development plan and the objectives of the proposed development.
- G. Provide for planned professional office, research, commercial, and manufacturing working environments in conjunction with the planned residential or living environments that enhance the residential stability and economic base of the city.

### Section 74-4.702 **Uses Permitted Within a PUD**

- A. **Principal Permitted Uses.** The uses permitted within a planned unit development (PUD) shall be comprised of those principal permitted uses of the zoning district where the PUD shall be located.
- B. **Special Land Uses.**
  - 1. A use listed in Article 2, Chapter 3 as a Special Land Use within the zoning district of the proposed PUD site may be considered for inclusion within the PUD by the Planning Commission.
  - 2. Any use proposed to be included in a PUD must comply with the development standards for that specific use required in Article 2, Chapter 4 and all other applicable standards within this zoning ordinance, unless the development standard is modified by the Planning Commission in accordance with the guidelines of Article 4, Chapter 7.
  - 3. When considering granting approval for modified development standards for special land uses the Planning Commission must conclude that the proposed use shall be in compliance with the special land use standards for approval of Section 74-9.303.

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4. The granting of a Special Land Use approval for a PUD that includes uses normally requiring individual Special Land Use approval within the zoning district of the PUD site shall constitute the granting of Special Land Use approval for each individual use. No additional Special Land Use approval shall be required for a use included within the site plan of the initial PUD application.
5. Any new use proposed for a PUD that has already received Planning Commission approval and is listed in Article 2, Chapter 3 as a Special Land Use within the zoning district of the PUD shall be required to comply with the Special Land Use review and approval procedures of Article 9, Chapter 3.

#### Section 74-4.703 Site Development Standards

The following maximum and minimum standards shall apply to all uses and structures in a planned unit development:

- A. **Minimum project area.** The minimum project area allowable for a PUD shall be 20 acres. The Planning Commission, based on a written request from the applicant, may reduce the minimum project area if it believes the intent and purpose of a PUD can be met.
- B. **Location.** PUDs may be located in those geographic areas that are compatible with the recommendations of the comprehensive land use plan of the city.
- C. **Modifications to dimensional requirements and proposed site density.** An applicant may request that the Planning Commission modify existing regulations to establish lot area, lot width, setback requirements, height limits, building size limits, and such other dimensional regulations as may be necessary to implement the development objectives for the proposed site. The applicant must provide the following for the Planning Commission to consider such a request:
  1. **Parallel Plan.** An applicant must provide a plan that identifies development of the site as if it were to be designed in keeping with the established dimensional requirements of the zoning district. The minimum required information shall include, but not be limited to, proposed road right-of-ways, edge of road pavement, lot lines, building footprints, open spaces, sidewalk locations, and the identification of proposed uses. The level of detail shall be discussed and agreed upon between City staff and the applicant during the required pre-application conference of Section 74-4.704(A).
  2. **Table of Modified Dimensional Requirements.** The required preliminary site plan shall include a table that identifies the type of dimensional requirements the applicant requests to be modified. The table shall list the required standard of the zoning ordinance and the proposed new dimension. The table shall also summarize the total building square footage of each non-residential land use and the residential dwelling units per acre for the parallel plan and the proposed preliminary site plan.
  3. **Maximum Allowed Modification.** The maximum allowed increase and/or reduction of a dimensional requirement shall not be greater than 50%. The maximum allowed increase in residential density shall not be greater than twice that identified in the parallel plan.
  4. **Approval Criteria.** The Planning Commission shall conclude that the proposed modifications to dimensional requirements is in keeping with the following criteria:
    - a. The intent and purpose of a Planned Unit Development identified in Section 74-4.701.
    - b. The goals and objectives of the City's Master Plan and any other applicable City plans.

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- c. Any alteration to an existing regulation shall be noted in the public meeting record where the Special Land Use approval is considered along with factual evidence demonstrating that the public good is being served and that public health, safety, and welfare are protected.
- D. **Site perimeter.** A planned unit development shall provide for a landscape, screening, and buffering plan which creates a site perimeter that provides for a positive spatial relationship to adjacent properties. The minimum depth dimension of the site perimeter shall be 30 feet. The Planning Commission may reduce this dimension if it believes that the spirit of [Section 74-4.701](#) (intent and purpose) will be met.
- E. **Performance objectives.**
1. **Access.** Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use. Private streets may be allowed but must meet the design and construction standards of the city.
  2. **Land usage.** The approximate location of structures shown on the development's site plan shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
  3. **Privacy.** Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
  4. **Off-street parking.** Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Article 6. Common driveways, parking areas, walks, ramps and steps may be required together with appropriate lighting, in order to ensure the safety of the occupants and the general public. Screening of the perimeter and interior of parking and service areas shall be required through use of trees, shrubs, hedges, screening walls, landscaping, or other acceptable material.
  5. **Development concept.** All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way as to utilize natural topography, existing vegetation and views within and beyond the site.
  6. **Utilities.** PUDs shall meet the municipal standards for utilities for the City of Williamston. Provisions shall be made for construction of storm sewer facilities including grading, gutters, piping, and treatment of turf to handle storm water, and to prevent erosion and the formation of dust. This shall include the establishment of retention/detention basins in order to minimize storm water runoff. Retention/detention basins shall be designed to maximize environmental characteristics and can include strategies such as bioretention, native plantings, and other innovative techniques which reduce or eliminate hard surface construction.
  7. **Pedestrian circulation.** The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from vehicular movement.
  8. **Recreation areas.** Recreation facilities shall be provided throughout the development and easily accessible for all living units and building occupants.
  9. **Existing Natural Features.** The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

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### Chapter 7 PUD – Planned Unit Development

- F. **Open spaces.** The term "common open space" is defined as a parcel or parcels of land or an area of water or combination of land and water designed and intended for the use or enjoyment of the residents of the PUD or of the general public. Common open space does not include proposed street rights-of-way, open parking area, or commercial areas. Common open space may contain accessory structures and improvements necessary or desirable for religious, educational, noncommercial, recreational or cultural uses. A variety of open space and recreational areas is encouraged such as: children's informal play areas in close proximity to individual dwelling units, according to the concentration of dwellings; formal parks, picnic areas; playgrounds; and scenic open areas and communal, noncommercial, recreational facilities.
1. The area of common open space within a PUD project may not be less than 15 percent of the total land area of the project.
  2. All common open space shown on the final site plan must be reserved or dedicated by lease or conveyance of title to a corporation, association or other legal entity, or by reservation by means of a restrictive covenant. The terms of such lease or other instrument must include provisions guaranteeing the continued use of such land for the purpose intended and for continuity of proper maintenance of those portions of the open space land requiring maintenance.
- G. **Circulation facilities.** The arrangements of public and common ways for pedestrian and vehicular circulation shall be coordinated with other existing or planned streets in the area.
- H. **Landscape Plan.** The PUD landscape plan shall be professionally prepared, utilize existing significant natural features on the site, provide for property line landscape buffers, public rights-of-way buffers, foundation landscaping, and internal parking area landscaping.
- I. **Phasing.** The PUD may be developed in stages or phases, but must receive conceptual approval for future stages as part of preliminary site plan approval and must receive final site plan approval prior to construction of each stage or phase. Each phase must be capable of standing on its own in terms of services, facilities, and open space, must provide environmental protection, and health, safety, and welfare of the occupants of the PUD as well as the surrounding neighborhood.

#### Section 74-4.704 **Approval Process**

Submission, review, and approval of a planned unit development shall be subject to the following process:

- A. **Pre-application conference.** Prior to submission of an application for a planned unit development, the applicant shall meet with the zoning administrator, city engineer and other appropriate staff to outline the fundamental elements of the proposed development (location, acreage, residential density, nonresidential density, building types, specific uses, open space and natural features and proposed circulation). The applicant shall receive at the pre-application conference an explanation of ordinance requirements, procedures, and estimated time lines.
- B. **Special Land Use Approval/Preliminary Site Plan Approval.** The application for a final PUD plan for a proposed planned unit development shall meet the requirements of Article 9, Chapter 5 of the City Zoning Ordinance and shall meet the following additional requirements:
1. An application for a PUD shall receive Special Land Use approval from the Planning Commission as required by Article 9, Chapter 3.
  2. An application for a PUD shall receive Preliminary Site Plan approval from the Planning Commission as required by Article 9, Chapter 2.
  3. At the request of the applicant, a proposed PUD may be considered for Special Land Use approval and Preliminary Site Plan approval from the Planning Commission at the same meeting provided all notification and ordinance requirements are met. An applicant may not request consideration for Special Land Use approval and Preliminary Site Plan approval at the same meeting if the applicant also requests single-step site plan approval as provided for in Section 74-9.204(E).

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- C. **Final Site Plan Approval.** An application for a PUD shall receive Final Site Plan approval from the Planning Commission as required by Article 9, Chapter 2.
- D. **Extension of Approval.** An extension for a specified period of time may be granted by the Planning Commission based on a request by the applicant prior to the expiration date. Site plans for a PUD that have not commenced construction which have expired must be resubmitted to the Planning Commission for full approval. Site plans for any second or subsequent phase of a PUD which have expired must be resubmitted to the Planning Commission for final site plan approval.

### Section 74-4.705 Development Agreement Financial Guarantees and Construction

- A. **Development Agreement.** Upon approval of the PUD, the applicant shall develop with the city administration, a development agreement to ensure that all of the customary municipal improvements required by existing ordinances and regulations will be properly made and that funds will be made available by the applicant to ensure the installation of certain site improvements prior to any permits being issued. The City Council shall review and have authority to grant approval of any development agreement for a PUD.

Within the development agreement, a financial guarantee shall be required from the applicant in the form of cash deposit, certified check, bond, or other financial guarantee/instrument acceptable to the City to ensure compliance with such requirements such as infrastructure, drives, walks, parking, landscaping, or other features of the development.

- B. **Financial Guarantee Submittal.** Upon City Council approval, the financial guarantee shall be deposited with the City at the time of issuance of the permit authorizing the project or activity. The City shall release portions of the guarantee as work is completed on the project or activity and accepted by the appropriate City Official. The developer shall establish a separate escrow account with the City to cover such additional review costs as engineering, legal, or other professional assistance may be required.
- C. **Construction Schedule.** Initial construction of the first phase of the project must begin with one year of approval from the City. Each phase of the PUD shall be commenced within one year of the schedule established by the applicant at the time of approval.
- D. **Amendments.** Amendments to the approval PUD site plan which, in the opinion of the Zoning Administrator, increase the intensity of use or increase the impact on adjacent properties must be resubmitted to the Planning Commission for review and approval.

# Article 5 **General Provisions**

## Chapter 1 **General Provisions**

### Section 74-5.101 **Zoning Affects Every Structure and Use of Property**

Except as specified, no building, structure, land or premises shall be used or occupied, and no building or part of a building or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless it conforms with the regulations of the district in which it is located.

### Section 74-5.102 **Sewage and Water Requirements**

No building permit shall be issued for any building to be occupied by human beings unless provisions have been made to provide public sewer and water to the building. In the absence of public sewer or water the building official can only issue a building permit when the subject property meets state and municipal standards for water and sewage disposal systems.

### Section 74-5.103 **Surface Runoff**

No premises shall be filled or graded so as to discharge surface water runoff to abutting premises in a manner so as to cause ponding or surface accumulation of the runoff on those premises. This would include water runoff from buildings via eaves or similar apparatus.

### Section 74-5.104 **General Provisions for Residential Dwellings**

- A. **Mobile homes and trailers.** Individual mobile homes or trailers, whether attached or detached from wheels, are not considered accessory buildings to a permitted use and are allowed only in an MH district subject to the provisions of this ordinance and any applicable rules and regulations of the State of Michigan or County of Ingham relating to mobile homes and trailer occupancy.
- B. **Basement dwellings.** The use of a basement, or the basement of a partially built or planned building as a residence or dwelling unit, is prohibited in all zones. This shall not prohibit a dwelling unit located partially below ground which has access to a hallway providing two remote means of egress to ground level.
- C. **Conversion of dwellings.** The conversion of any existing building into a dwelling, or the conversion of any existing dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only as specified in the applicable district requirements.
- D. **Rear dwellings.** No building in the rear of a main building on the same lot shall be used for residential purposes, except as provided in [Section 74-2.402](#).
- E. **Occupancy.**
  - 1. Each residential dwelling unit shall be occupied by a maximum of one family.
  - 2. Each residential dwelling unit shall have a maximum occupancy of not more than 2 adult persons to each bedroom. Persons who are less than 18 years old and that are living with either 1) a parent or another person having legal custody of the person under 18 years old; or 2) the

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designee of such parent or person having custody with the written permission of such parent or legal guardian shall not be counted towards the maximum number of persons permitted per bedroom in residential dwelling units.

3. The Police Department or zoning administrator shall have the authority and the duty to inspect properties for compliance and issue citations for any violations in accordance with the processes and procedures of [Article 9, Chapter 7](#). The enforcing individual or department shall have the discretion to determine when and how such inspections are to be made, provided that its policies are reasonably calculated to ensure that this ordinance is enforced.

### Section 74-5.105 One-Family Dwelling Design Standards

All detached one-family dwelling units shall comply with the following standards:

- A. The dwelling shall comply with the minimum floor area requirements for the zone in which it is located.
- B. The dwelling shall have a minimum width across any section of 20 feet and comply in all respects with the city building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where the standards of construction are less stringent than those imposed by the city building code, then and in that event the less stringent federal or state standard or regulations shall apply.
- C. The dwelling shall be firmly attached to a permanent foundation, constructed on the site in accordance with the city building code and co-extensive with the perimeter of the building. The attachment shall also meet all applicable building codes and other state and federal regulations.
- D. The dwelling may not have exposed wheels, towing mechanism, undercarriage, or chassis.
- E. The dwelling shall be connected to a public sewer and water supply or to private facilities approved by the Ingham County Health Department.
- F. The dwelling shall contain storage area either in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. The storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than 15 percent of the minimum square footage requirement of this chapter for the zone in which the dwelling is located. In no case, however, shall more than 200 square feet of storage area (beyond space for the storage or parking of automobiles) be required by this provision.
- G. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling. Also, not less than two exterior doors, with one being in the front of the dwelling and the other being either at the rear or side of the dwelling, and with permanently attached steps or ramps connected to the exterior door areas or to porches connected to the door areas where a difference in elevation requires these steps or ramps.
- H. The compatibility of design and appearance shall be determined by the building department. A determination of compatibility shall be based upon the standards set forth in the definition of dwelling as well as the character of residential development outside of mobile home parks within 1,000 feet of the location of the proposed dwelling, should such character exist. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.



A determination of compatibility by the building department is subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen days from the receipt of notice of the building department's decision.

- I. The dwelling may contain no additions or rooms or other areas except those which are constructed with similar materials, are similar in appearance, and have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- J. The dwelling shall comply with all pertinent building and fire codes including, in the case of manufactured homes, the minimum standards for manufactured home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home construction and Safety Standards," effective June 15, 1976, as amended.
- K. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured housing park except to the extent required by the state or federal law or otherwise specifically required in the City code of ordinances pertaining to these parks.

### Section 74-5.106 **Outdoor Storage of Refuse**

- A. **Open Storage Prohibited.** The outdoor storage, collection, keeping, or placing of garbage, junk, refuse, discarded material, building materials, or unprotected metals is prohibited in all zoning districts unless in covered and screened refuse containers.
- B. **Loose Materials for Curbside Pickup.** Placement of loosely stacked, uncovered refuse (except organic materials and items susceptible to blowing and drifting) for curbside pickup may be allowed provided such refuse is scheduled for removal within 24 hours.
- C. **Building Materials.** Building materials may be stored temporarily on a construction site while construction is actually in progress, subject to the requirements of [Section 74-5.116](#).
- D. **Bulky Materials.** Other types of materials too large or bulky to be conveniently placed in a container may be temporarily stored in an outdoor location for not more than three continuous days while awaiting pickup by a refuse collector or hauler.
- E. **Inoperable or Unlicensed Motor Vehicles.** Motor vehicles which are inoperable or not currently licensed shall be deemed to be junk or refuse, and shall not be stored in any residential zone except within the confines of an enclosed building.

### Section 74-5.107 **Building Mechanical Equipment**

For all uses, except residential uses, heating, ventilation and air conditioning mechanical equipment located on the exterior of the building shall be screened from adjacent public or private streets and adjacent properties. If the equipment is mounted on the building, it shall be screened in a manner that is architecturally compatible with the building design. If the equipment is ground mounted, it shall be screened in a similar manner and/or with evergreen plant materials. The method of screening shall be approved by the Planning Commission or official approving the site plan. Other types of mechanical equipment located on the exterior of the building, such as dust collectors, hoppers, stacks, etc., that cannot practicably be screened, shall be designed, located and/or painted to minimize the adverse visual impact.

### Section 74-5.108 **Screening of Dumpsters**

For all lots in the general business district abutting on one or more sides a residential district, all areas of trash storage and disposal visible from the residential district, including dumpsters, must be screened by a six-foot screen fence, but in no case less than six inches in height over the top of the trash or dumpster.

## Article 5 **General Provisions**

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#### Section 74-5.109 **Abandoned Buildings and Structures**

Any building, lot or structure, once abandoned, shall come under the provisions of this ordinance and other city codes for buildings and structures. Once abandoned, to obtain a certificate of occupancy for use in the future, the building, lot or structure must meet all applicable city codes. See also: *Buildings and building regulations, chapter 14 of the Code of Ordinances.*

#### Section 74-5.110 **Dumping**

- A. Dumping of soil, sand or clay materials which substantially alter the existing topography shall not be allowed on any lot or parcel without approval of the Planning Commission and subject to the requirements set forth by the Planning Commission.
- B. Dumping of hazardous waste materials and/or nuclear wastes shall not be allowed within the city, except as permitted by current federal and state regulations.
- C. The use of land or water resources for the dumping of or disposal of scrap iron, metal, rubber, plaster, refuse, junk, and slag is prohibited.

#### Section 74-5.111 **Restoring Unsafe Buildings**

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the zoning administrator. Any such strengthening or restoring shall be in accordance with the building code of the city.

#### Section 74-5.112 **Mixed Occupancy**

Before issuing a permit for the use of any building or lot:

- A. Intended for a combination of dwelling and commercial or dwelling and industrial use;
- B. Which would result in an increased number of dwelling units within a building partly occupied by business or industrial user; or
- C. Which would result in an increased area devoted to business or industrial use, within a building partly occupied as a dwelling;

the zoning administrator shall refer the plans to the fire chief and health department for their review of any fire or health hazards which exist or may be expected to exist. Additional provisions or changes identified by the fire chief and health department in the interest of safety or health shall be complied with before issuance of a permit.

#### Section 74-5.113 **Essential Services**

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

#### Section 74-5.114 **Streets**

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

### Section 74-5.115 **Private Roads**

A private road which serves more than one separately owned parcel or more than one dwelling unit shall only be constructed under the following conditions, as a special use requiring prior approval of the Planning Commission:

- A. **Easement.** The owner(s) of property over which the private road is to be constructed shall be required to record an easement having a width of at least 66 feet for roadway purposes, dedicating the use of the same for ingress and egress from a public street for the benefit of the owner and users of the property or properties involved.
- B. **Maintenance Agreement.** A roadway maintenance agreement, easement agreement, and deed restrictions shall be recorded in the county register of deeds office for Ingham County, Michigan, providing for the perpetual private (nonpublic) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. The easement agreement shall include a provision which provides that owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with the normal ingress and egress and use of the road by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, emergency vehicles and others bound to or returning from any of the properties having a right to use the private road.
- C. **Lot Requirements.** All lots served by a private road must meet the zoning ordinance district requirements in which they exist. Setbacks shall be measured from the edge of the private road right-of-way.
- D. **Street Name and Signs.** The private road shall have a name and street sign consistent with the Ingham County road commission standards. A location map of the private road and street names shall be submitted to the City police department, Ingham County sheriff department, and any emergency service organization serving the City of Williamston.
- E. **Special Use Permit Required.** Prior to the commencement of any such private road development, the developer shall submit in writing to the Planning Commission all of the foregoing required documents, construction plans, and private road location with respect to nearby public roads and the parcels proposed to be served by the private road for the Planning Commission's review with respect to the granting or denial of the special use application. The Planning Commission shall conduct a special use hearing in accordance with this zoning ordinance. The Planning Commission shall consider the factors contained in the zoning ordinance concerning the issuance of a special use permit for the private road in question.

### Section 74-5.116 **Temporary Use Permit**

The zoning administrator may issue temporary use permits for the following uses after determining that these uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second temporary use permit may be issued by the zoning administrator at the end of a time limit if the applicant shows good cause. The zoning administrator may attach the conditions and requirements deemed necessary to meet the intent of the provisions of this section. A third temporary use permit may only be authorized by the Planning Commission.

- A. **Temporary Storage in Connection with a Construction Project.** The storage of building supplies and machinery; temporary storage buildings; the assembly of materials associated with a customary trade; and contractor, architect, and identification signs in connection with a construction project may be authorized by the zoning administrator for a period of up to 12 months.
- B. **Seasonal Uses.** The zoning administrator may authorize a temporary permit for up to 30 days for seasonal or unusual nonrecurring temporary uses not addressed in [Section 74-2.445](#).

## Article 5 **General Provisions**

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#### Section 74-5.117 **Excavation of Holes**

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

Cross references: Streets, sidewalks and other public places, chapter 50 of the Code of Ordinances.

#### Section 74-5.118 **Buildings to be Moved**

Any building or structure which has been wholly or partially erected on any premises located within or outside the city shall not be moved and/or be placed upon any premises in the city unless there is full compliance with city ordinances. Any such building or structure shall fully conform to all provisions of this ordinance and applicable housing codes, and be compatible with the general character and design of surrounding properties. Such compatibility shall first be determined by the zoning administrator after reviewing the structure and site. The zoning administrator's determination may be appealed to the Planning Commission within 15 days of receipt of the determination. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within 2,000 feet, in the same zoning district. The application for a permit to move a building shall require a fee, which shall be determined by the City Council.

#### Section 74-5.119 **Performance Guaranty**

Whenever a performance guaranty is required by this ordinance, the performance guaranty shall meet the following requirements:

- A. **Performance guaranty.** The performance guaranty may be in the form of a cash deposit, irrevocable letter of credit, certified check, cash escrow, or similar instrument acceptable to the City. If the applicant posts a letter of credit, the credit shall require only that the City present the credit with a sight draft and an affidavit signed by the City Attorney attesting to the City's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the City whenever the City Attorney presents an affidavit to the agent attesting to the City's right to receive funds whether or not the applicant protests that right.
- B. **Submittal.** The performance guaranty shall be submitted at the time of issuance of the permit authorizing the activity or project. The performance guaranty shall be in a form found acceptable to the City.
- C. **Amount.** The amount of the performance guaranty shall be sufficient to cover the estimated cost of the improvements associated with a project for which approval is sought. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements.
- D. **Refund.** The entire performance guaranty, including interest accrued, shall be returned to the applicant upon satisfactory and timely completion of the required improvements. The applicant may request that the performance guaranty be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.
- E. **Improvements not Completed.** Whenever required improvements are not installed or maintained in accordance with the standards set forth in this Ordinance and an approved site plan, the City may

complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the City shall notify the owner, site plan review applicant, and/or other firm or individual responsible for completion of the required improvements.

## Section 74-5.120 **Recreational Vehicle Storage**

- A. **Recreational Vehicles Not Owned by the Occupant or Owner of the Premises.** No person shall park and/or store a recreational vehicle, snowmobile, camper enclosure, utility trailer, boat or similar vehicle or equipment not owned by the occupant or owner of the premises for a period exceeding 72 hours on lands not approved for such parking or storage, except that the building department may grant a temporary permit allowing the parking of a recreational vehicle on private property not to exceed a period of two weeks.
- B. **Recreational Vehicles Owned by the Occupant or Owner of the Premises.** All recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats, and similar vehicles or equipment owned by city residents stored in residential districts on their individual lots or premises shall not be stored within any front yard or any required side yard and shall further conform to the requirements in [Article 5, Chapter 3](#) applicable to accessory buildings, insofar as distances from main buildings, lot lines, and rights-of-way are concerned.
- C. **Standards for Storage.** In addition, the parking and storage of recreational vehicles, snowmobiles, camper enclosures, utility trailers, boats and similar vehicles or equipment in residential districts shall be subject to the following restrictions:
1. All such units parked or stored outside of a completely enclosed building shall be kept in a state of proper repair and secured to prevent unauthorized entry.
  2. The parking and storage of such units shall be limited to a lot or parcel upon which an occupied dwelling is located.
  3. No such unit shall be connected to electricity, gas, water or sanitary sewer facilities, except that a temporary electrical connection may be made for the purpose of recharging batteries.
  4. No such unit shall at any time be used for living or housekeeping purposes while on the premises.
  5. No person shall park or store any such unit upon any public property, including public streets, stub streets, rights-of-way, bike paths and planting areas between pathways and streets, except as allowed in item 6, following.
  6. Notwithstanding any provisions to the contrary, such a unit may be temporarily parked or stored within any front yard or on a public street for a period not to exceed two consecutive weeks at any one time and not to exceed a total of 6 weeks during any calendar year for the purpose of loading, unloading, trip preparation or minor, routine maintenance and repair, except that at no time may any unmounted camper enclosure or any snowmobile or boat not mounted on a utility trailer be parked or stored within any front yard, required side yard or public street.

## Chapter 2 **Building Design Standards**

### Section 74-5.201 **Purpose**

The following standards establish design principles that apply to non-residential and mixed-use buildings in the PO-1, C-1, C-2, C-3, and C-4 districts. These standards are established to emphasize the importance of the design of the building site, including structures, plantings, signs, street hardware and other objects observed by the public.

### Section 74-5.202 **Applicability**

These standards apply to new construction as well as additions or modifications to existing buildings that exceed 50 percent of the floor area or 50 percent of the exterior wall surface area of the existing building. Any project that requires appearance standards review shall be reviewed as a site plan following the site plan review procedures and submittal requirements of [Article 9, Chapter 2](#).

### Section 74-5.203 **Factors for Evaluation**

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

- A. Conformance to ordinances.
- B. Logic of design.
- C. Exterior space utilization.
- D. Architectural character.
- E. Attractiveness.
- F. Material selection.
- G. Harmony and compatibility.
- H. Circulation, both vehicular (including off-street parking), non-motorized, and pedestrian.
- I. Maintenance aspects.

### Section 74-5.204 **Relationship of Building to Site**

- A. In all districts the site shall be planned to accomplish a desirable transition with the streetscape and adjacent commercial or industrial buildings, to provide for safe pedestrian movement. In the PO-1, C-2, C-3, and C-4 districts the site shall also be designed to provide for safe vehicular movement, adequate off-street parking, and landscape planting.
- B. Without restricting the permissible limits of the zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- C. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- D. Relationship of buildings and site to adjoining area, considering the following:

1. The proposed building(s) shall be generally compatible with the architectural style of adjoining buildings. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
2. Attractive landscape design transition to adjoining properties shall be provided.
3. Harmony in texture, lines, and masses with existing buildings in the vicinity of the site is required. This harmony may be accomplished by using similar placement, orientation, and size for building openings such as doors and windows, and by incorporating horizontal building lines such as belt lines, sign bands, and cornice lines as existing buildings. Monotony shall be avoided.

## Section 74-5.205 **Building Design**

### A. **Architectural Style**

1. In the PO-1 C-2, C-3, and C-4 Districts. Architectural style is not restricted. The appearance of a project shall be based on the quality of its design and relationship to surroundings.
2. In the C-1 District. While architectural style is not restricted it should reflect the historic character of existing development in the C-1 district. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

### B. **Scale.** Buildings shall have good scale and be in harmonious conformance with permanent neighborhood development.

### C. **Building materials.**

1. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
2. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
3. Materials shall be of durable quality.
4. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
5. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
6. Colors shall be harmonious and shall use only compatible accents.
7. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
8. Exterior lighting may be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

## Article 5 **General Provisions**

### Chapter 2 **Building Design Standards**

9. Refuse and waste removal areas, service yards, storage yards, and exterior work shall be screened from view from public ways, using materials as stated in criteria for dumpster screening in [Section 74-5.108](#).
10. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and use of site shall be used to provide visual interest. In multiple building projects, variable use of site or individual buildings may be used to prevent a monotonous appearance.

#### Section 74-5.206 **Signs**

Signs shall meet the requirements of [Article 8](#) in addition to the following:

- A. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- B. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- C. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- D. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- E. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- F. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

#### Section 74-5.207 **Miscellaneous Structures and Street Hardware**

- A. Miscellaneous structures and street hardware shall be designed to be a part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be in proportional size to the main building, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- B. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.
- C. Maintenance; planning and design factors.
  1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
  2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
  3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.



**Section 74-5.208 Landscape and Site Treatment in the C-3 and C-4 District**

Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilization structures.

- A. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modifications to topography will be permitted where it contributes to good appearance.
- B. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- C. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and viewsheds, and provide shade.
- D. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- E. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- F. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- G. Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings.
- H. Where building sites limit planting, the placement of trees in planting islands in paved areas is encouraged.
- I. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- J. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

**Section 74-5.209 Exterior lighting**

In addition to meeting the exterior lighting requirements of [Article 5, Chapter 4](#), exterior lighting shall enhance the building design. Light fixtures shall be of a design and size compatible with the building and adjoining areas, and lighting shall be restrained in design and not create excessive brightness.

## Chapter 3 **Accessory Structures**

### Section 74-5.301 **General Standards Applicable to All Accessory Structures**

- A. **Principal Building Required.** Accessory structures or buildings may only be constructed on a lot that contains a principal building. No accessory structure or building may be constructed on a lot that does not have a principal building.
- B. **Appearance.** The exterior façade materials and architectural design of all accessory structures shall have a residential character. The overall appearance of the structure shall be in accordance with the purpose of the district where it is located.
- C. **Temporary Accessory Structures.** Temporary accessory structures that do not require permanent attachment to the ground but have similar characteristics as an accessory structure such as moveable carports shall comply with the setback requirements for detached accessory structures.

### Section 74-5.302 **Attached Accessory Buildings or Accessory Structures in All Zoning Districts**

- A. **Lot Coverage and Setback.** Where the accessory structure is attached to a main building, it shall be considered a part of the main building and shall be subject to the area, lot coverage and setback regulations of this ordinance applicable to main buildings.
- B. **Determination of Attachment.** For the purpose of determining lot coverage and setback, an accessory structure located within 10 feet of a main building shall be considered "attached."
- C. **Height.** Unless specifically herein noted otherwise, the maximum height for attached accessory structures shall be the maximum height permitted in the zoning district or the height of the principal structure, whichever is less.
- D. **Attached Decks.**
  - 1. The outer perimeter of an attached deck may not be located closer than 15 feet to a rear property line.
  - 2. The surface of any attached deck that extends more than 8 feet from the face of the building to which it is attached may not be higher than the first floor elevation of the principal structure.
- E. **Attached Garages.** The following restrictions apply to garage doors to ensure that garages do not dominate the streetscape of any street in the City:
  - 1. Proportion of Front Façade. Garage doors for an attached garage may not comprise more than 60% of the width of any building façade that faces a street.
  - 2. Garage Protrusion in the R-1C and R-2 Districts. Garage doors may not protrude more than 5 feet closer to the street than the front building façade in the R-1C and R-2 Districts. Garages that are accessory to attached or multiple family dwelling units are regulated in Section 74-2.425, Section 74-2.426, and Section 74-2.428, depending upon the type of attached or multiple family development.
- F. **Front Porches.** Unenclosed front porches and stoops that have a depth of at least 6 feet may encroach into a required front yard setback area, but in no case may be located closer than 20 feet from the front property line in the R-1S district or closer than 12.5 feet in the R-1C district. For the

purposes of this provision, unenclosed shall mean having no windows or screens, and with railings that are not higher than 42 inches above the surface of the porch (excluding support structures for a roofed porch).

**Section 74-5.303 Detached Accessory Buildings or Accessory Structures in Residential Districts**

- A. **Area.** The total square footage of all accessory buildings shall not exceed the smaller of the following:
1. The floor area of the ground or first floor of a two-story residence, or 50 percent of the square footage of a single story building,
  2. 25 percent of the area of the rear yard.

Notwithstanding the above area limitations, a special use permit shall be required if the total area of accessory buildings is larger than 864 square feet.

- B. **Height.** Detached accessory buildings or accessory structures shall not exceed 14 feet in height.
- C. **Location.** Accessory structures shall not be located in a front yard or required side yard.
- D. **Setbacks.** Detached accessory structures in the rear yard shall have a minimum setback of 3 feet from any property line, and a setback of 10 feet from any other building.
- E. **Accessory Structures on Corner Lots.** When the rear lot line of a corner lot abuts the side lot line of an adjoining lot in a residential district, no accessory building or structure shall be within eight feet of the abutting lot line, nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in no case shall the setback be less than 25 feet.
- F. **Satellite Antenna Systems** shall not exceed 40 inches in diameter, shall not exceed 46 inches in height if freestanding, shall not exceed 46 inches above the peak of the roof if attached to a building, and shall not require another separate structure on the same lot.
- G. **Use of Private Garages.** A private garage or a portion thereof may be rented or leased, for not more than two noncommercial motor vehicles, to nonresidents of the dwelling on the lot.

**Section 74-5.304 Detached Accessory Buildings or Accessory Structures in Nonresidential Districts**

- A. **Location.** No accessory building shall be placed in any front yard or closer than ten feet to any other building.
- B. **Height.** Accessory structures in nonresidential districts may be constructed to the maximum height requirement for principal structures in the district, subject to planning commission review and approval for structures that exceed 16 feet in height.
- C. **Setback.** An accessory building or structure located in a rear yard shall not be closer than ten feet to any lot line.

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- D. **Area.** As long as accessory buildings meet all yard setback requirements, there are no maximum building size restrictions on an accessory building in the I-1 or I-2 district.

#### Section 74-5.305 Walls and Fences

Walls and fences are subject to the following:

A. **Residential Districts.**

1. Front Yards. Decorative fences not exceed three feet in height may be located one foot from the front property line within a front yard. The height of such decorative fence shall be measured from established sidewalk grade. In those instances where no sidewalks exist, the height of such ornamental fence shall be measured from the curb grade.
2. Rear or Side Yards. Walls or fences in residential districts not exceed six feet in height may be constructed within a required rear or side yard, e.g., along the property line. Fence materials shall be specifically designed for such purposes.
3. Materials. Barbed wire and other similar hazardous materials shall be prohibited from all residential fences.

B. **Industrial Districts.** Fences are permitted in the I-1 and I-2 districts as follows:

1. Front Yards. Decorative fences not exceeding three feet in height are allowed within the required front yard.
2. Rear and Side Yards. Walls or fences not exceeding eight feet in height are permitted in side yards, rear yards and non-required front yards.

C. **Commercial and Office Districts.** Fences are permitted in the PO-1, C-1, C-2, C-3, and C-4 districts as follows:

1. Front Yards. Decorative fences not exceeding three feet in height are allowed within the front yard.
2. Rear and Side Yards. Walls or fences up to 6 feet in height are permitted in side and rear yards. All fences in commercial and office districts shall be decorative in nature, and barbed wire and other hazardous materials are prohibited.

D. **General Requirements.** All fences shall comply with the following general requirements:

1. Materials and Construction.
  - a. *Fences.* Fences shall be securely constructed in conformance with this Ordinance and all applicable building codes, and shall consist of materials that are found by the zoning administrator to be durable and weather-resistant. Masonry piers may be used as part of a fence installation with the approval of the zoning administrator.
  - b. *Walls.* Any wall used for screening or decorative purposes shall be constructed of masonry material (e.g., brick, decorative stone) that is architecturally compatible with the materials used on the facade of the principal structure on the site. Concrete block may only be used for screening walls in the rear yard of parcels zoned C-4, I-1, or I-2.

Walls shall be erected on a concrete foundation, which shall have a minimum depth of 42 inches below grade (or as approved by the Zoning administrator). The foundation shall not be

less than four inches wider than the wall to be erected and shall not extend more than four inches above grade.

2. Maintenance. Walls and fences shall be maintained in good condition. Rotten, crumbled, or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated so as to prolong the life of the structure.
3. Prohibited Obstructions.
  - a. *Clear Vision Area.* Fences shall not be erected within the public right-of-way or in any corner clear vision area as described in [Section 74-3.204](#).
  - b. *Obstruction of Adjacent Uses Prohibited.* No wall or fence shall be erected where it will prevent or unreasonably obstruct the use of any adjacent parcel, nor shall a wall or fence be erected where it would prevent or unreasonably obstruct the safe use of an existing driveway or other means of access to any adjacent parcel. In enforcing this provision, the City may require a wall or fence to be set back a minimum distance from a driveway or property line.
4. Orientation of finished side. Where a fence has a single finished or decorative side, it shall be oriented to face outward towards adjacent parcels or street rights-of-way (away from the interior of the lot to which the fence is associated).
5. Site drainage and utilities. Fences shall not be erected in a manner that obstructs the free flow of surface water or causes damage to underground utilities.
6. Location. Fences shall be located completely within the boundaries of the lot to which they are associated.
7. Removal of illegal or damaged fences. Damaged or illegal fences shall be immediately repaired or removed by the property owner. Upon identification of a damaged or illegal fence, the zoning administrator shall order the property owner to remove such fences or make necessary repairs within 20 days.

If the property owner fails to take such actions within 20 days, the City may act to remove such fences at the expense of the property owner. The City may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

### Section 74-5.306 **Private Swimming Pools**

- A. For permanent aboveground or belowground swimming pools, and for portable pools with a diameter exceeding 24 feet or an area exceeding 200 square feet, a permit must be obtained for its alteration, erection and construction. The application for such permit shall include the name of the owner, the manner of supervision of the pool, a plot plan showing the dimensions and site location of the pool plus nearby buildings, fences, gates, septic tanks, tile fields, public utilities and easements. The application for a belowground pool shall be accompanied by plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping and valve layout. Any other information affecting construction and safety features deemed necessary by the city or the county health department shall also be submitted.
- B. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- C. Minimum side yard setback shall comply with required side yard spaces specified for the zoning district wherein the pool is located. Furthermore, the pool fence must not be built within the required front yard of a required corner lot side yard. Rear or side yard setback shall not be less than ten feet

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between the pool outside wall and the side or rear property line, or less than five feet between pool wall and any building on the lot.

- D. All swimming pools shall be completely enclosed by a chainlink fence or a fence of comparable safety not less than six feet nor more than eight feet in height, and set at a distance of not less than six feet from the outside perimeter of the pool wall, except for swimming pools above grade (i.e., portable) which have a side wall with a smooth surface of not less than four feet in height and with all means of access being secured, raised and/or locked to prevent unauthorized use. Except that if a building is located on a lot not leaving any means of public access, a fence shall not be required on any such side. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamperproof lock when the pool is not in use, provided that if the entire premises is enclosed by fence or wall, the fence requirement may be waived by zoning officer, after due inspection and approval.
- E. All electrical installations or wiring in connection with belowground swimming pools shall conform to the provisions of the National Electrical Code or equivalent. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall makesatisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

## Chapter 4 **Exterior Lighting**

### Section 74-5.401 **Purpose**

The purpose of this chapter is to preserve, protect, and enhance the lawful nighttime use and enjoyment of all properties in the City through the use of appropriate lighting practices and systems. Exterior lighting shall be designed, installed and maintained to control glare and light trespass, minimize obtrusive light, conserve energy and resources, maintain safety, security and productivity, and prevent the degradation of the nighttime visual environment. It is the further intent of this chapter to encourage the use of innovative lighting designs and decorative light fixtures that enhance the character of the community while preserving the nighttime visual environment.

### Section 74-5.402 **General Provisions**

The design and illumination standards of this chapter shall apply to all exterior lighting sources and other light sources visible from the public right-of-way, road easement, or adjacent parcels, except where specifically exempted herein.

- A. **Shielding.** Exterior lighting shall be fully shielded and directed downward at a 90 degree angle. Oblique lenses (such as many wall-pack fixtures) are prohibited. All fixtures shall incorporate full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution. Only flat lenses are permitted on light fixtures; sag or protruding lenses are prohibited. See [Figure 4](#).

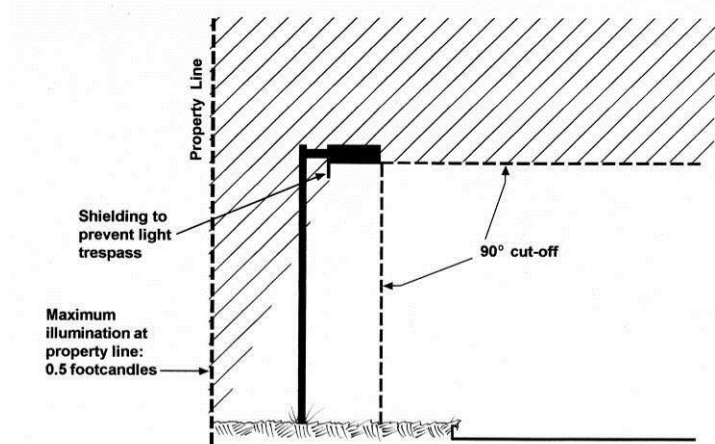


Figure 4. **Lighting Fixture Orientation and Shielding**

- B. **Intensity.** The following light intensity requirements shall apply on all sites within the City.
1. **Maximum Intensity – Within the Site.** The intensity of light within a site shall not exceed 10 footcandles. Exception: the maximum intensity permitted in areas of intensive vehicular use, such as the area underneath gas station pump canopies, in the immediate vicinity of ATM facilities, or outdoor sales areas shall be 20 foot candles.
  2. **Maximum Intensity at Street Right-of-Way.** The maximum light intensity permitted at a street right-of-way line shall be one (1) footcandle, or the average light intensity generated by public street lighting at the property line (up to a limit of 5 foot candles), whichever is greater.
  3. **Maximum Intensity at Property Lines.** The maximum light intensity permitted at any property line other than a street right-of-way shall be 0.5 foot candles.
- C. **Glare and light trespass.** Exterior lighting sources shall be designed, constructed, located and maintained in a manner that does not cause off-site glare on neighboring properties or street rights-of-way. The light emitting element of any light fixture shall not be directly visible from a neighboring property, as this is the primary cause of glare.
- D. **Lamps.**

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### Chapter 4 Exterior Lighting

1. **Wattage.** Lamps with a maximum wattage of 250 watts per fixture are permitted for use in the City to maintain a unified lighting standard and to minimize light pollution. The Planning Commission may permit the use of lamps with wattages up to 400 watts if the applicant can demonstrate that the higher wattage fixture is necessary to provide adequate lighting on the site and that the light fixture is in compliance with all other requirements of this chapter. The exemption for higher wattage lamps shall not be granted if the same lighting effect can be reasonably accomplished on the site by incorporating additional 250 watt fixtures into the site design.
  2. **Low traffic areas.** Low-pressure sodium lamps are recommended for security lighting purposes in areas of low vehicular and pedestrian traffic.
  3. **High traffic areas.** Due to their superior color rendering characteristics, high pressure sodium or metal halide lamps should be used in parking lots and other areas of high pedestrian and vehicular traffic use.
  4. **LED Lighting.** LED fixtures may be used for any outdoor lighting application. Any LED fixture used for parking lot or street lighting purposes shall comply with applicable Illuminating Engineering Society of North America standards.
- E. **Animated lighting.** Permanent exterior lighting shall not be of a flashing, moving, animated, or intermittent type.
- F. **Hours of operation.** All exterior lighting in non-residential districts shall incorporate automatic timers and shall be turned off between the hours of midnight and sunrise, except for lighting necessary for security purposes or accessory to a use that continues after midnight.
- G. **Measurement.** Light intensity shall be measured in footcandles on the horizontal plane at grade level within the site, and on the vertical plane at the property or street-right-of-way boundaries of the site at a height of five feet (5') above grade level.

#### Section 74-5.403 Standards by Type of Fixture

- A. **Freestanding pole and building mounted lighting.** The maximum height of such fixtures is 20 feet. Where a pole or building mounted fixture is located within 50 feet of a residentially zoned or used property, the maximum pole height shall be 15 feet.
- B. **Decorative light fixtures.** The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures, provided that such fixtures will enhance the aesthetics of the site and will not cause undue off-site glare or light pollution. Such fixtures may utilize LED, incandescent, tungsten-halogen, metal halide or high-pressure sodium lamps with a maximum wattage of one-hundred watts (100w) per fixture.

#### Section 74-5.404 Exempt Lighting

The following exterior lighting types are exempt from the requirements of this Article, except that the zoning administrator may take steps to minimize glare, light trespass or light pollution impacts where determined to be necessary to protect the health, safety and welfare of the public:

- A. Holiday decorations.
- B. Pedestrian walkway lighting.
- C. Building Up-Lighting, provided that the light emitting element of the fixture is shielded from direct view from any vehicle or pedestrian travel or use area, and that the fixture is directed at a vertical building surface.



- D. Single-Family Residential lighting with fixtures rated at 250 watts or less..
- E. Instances where federal or state laws, rules or regulations take precedence over the provisions of this chapter.
- F. Temporary emergency lighting.

**Section 74-5.405 Exceptions**

It is recognized by the City that there are certain uses or circumstances not otherwise addressed in this chapter, such as sports stadiums, streetlighting, or lighting for monuments and flags, that may have special exterior lighting requirements. The reviewing authority may waive or modify specific provisions of this chapter for a particular use or circumstance upon determining that all of the following conditions have been satisfied. The Planning Commission shall be the deciding body in all cases where site plan or special use approval is required, while the zoning administrator shall decide in all other cases.

- A. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
- B. The minimum possible light intensity is used that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation, and to minimizing light pollution, off-site glare and light trespass on to neighboring properties or street rights-of-way.
- C. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs or other passive means.

Additional conditions or limitations may be imposed by the reviewing authority to protect the public health, safety or welfare, or to fulfill the purpose of this chapter.

## Chapter 5 **Sustainable Energy Generation**

### Section 74-5.501 **Wind Energy Systems**

- A. **Purpose.** It is the purpose of this Section to promote the safe, effective, and efficient use of wind energy systems to reduce or replace on-site consumption of utility supplied electricity. It is the purpose of this Section to standardize and streamline the review and permitting process for small wind energy systems.
- B. **Findings.** The City has found that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil-fuel inputs. Wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the City's energy supply portfolio.
- C. **Definitions.** The terms used in this section have the following meanings:

*Height.* The vertical distance from grade level adjacent to the base of the structure to the center of the hub for a horizontal axis wind turbine or the highest point of a vertical-axis wind turbine.

*Roof-Mounted Energy System.* A type of small wind energy conversion system that is mounted on a roof with a height not greater than 15 feet above the ridge line of a pitched roof or parapet of a flat roof.

*Small Wind Energy System.* A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to reduce on-site consumption of utility power.

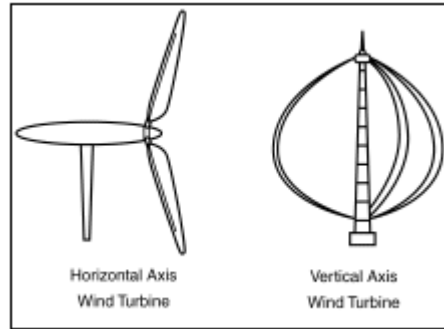
*Tower Mounted Wind Energy System.* A wind energy conversion system that is mounted on a freestanding or guyed tower attached to the ground, and not attached to any other permanent or temporary structure.

*Utility Wind Energy System.* A wind energy conversion system consisting of a wind turbine, tower or axis, blades or blade system, and associated control or conversion electronics primarily intended to provide wholesale or retail energy to the electric utility grid.

*Wind Energy System.* Any wind energy conversion device including all associated control or conversion electronics.

D. **Where Permitted.**

1. Small Wind Energy Systems. Roof mounted systems are permitted by right in any zoning district, and tower mounted systems are permitted by right in any zoning district except the C-1 district, provided that all of the dimension and design requirements of this Section are met.
2. Utility Wind Energy Systems may be permitted in the RR, I-1, or I-2 districts, provided that the requirements of this Chapter are met.



**Figure 5. Horizontal and Vertical Axis Systems**

**E. Review Procedures and Standards.**

1. Small Wind Energy Systems.

- a. *Submittal Requirements.* Applications for small wind energy systems shall be reviewed administratively by the zoning administrator. The applicant shall submit a plan complying with the requirements of [Article 9, Chapter 2](#) for a sketch plan.
- b. *Height Modification.* If the applicant requests a height modification, the application shall be reviewed by the Planning Commission following a public hearing held in accordance with the requirements of [Article 9, Chapter 2](#).

2. Utility Wind Energy Systems. The review process for any utility wind energy system shall follow the special land use review process set forth in [Article 9, Chapter 2](#).

**F. General Standards.** The following requirements are applicable to all wind energy systems.

- 1. Noise. A wind energy system shall not generate a noise level of 55 dB(A), measured at the property line, for more than three minutes in any hour of the day. EXCEPTION: if the constant ambient sound pressure level exceeds 55 dB(A), measured at the base of the wind energy system, a decibel level of the ambient dB(A) plus 5 dB(A) shall not be exceeded for more than three minutes in any hour of the day.
- 2. Shadow Flicker. Shadow flicker is a term used to describe what happens when rotating wind turbine blades pass between the viewer and the sun, causing an intermittent shadow. The application for a wind energy system shall include a shadow flicker analysis demonstrating locations where shadow flicker will occur at sunrise and sunset, along with measures the applicant will take to eliminate or mitigate the effects of shadow flicker on adjacent or nearby affected properties.
- 3. Lighting. No wind energy system shall be artificially lighted unless required by the Federal Aviation Administration.
- 4. Appearance, Color, and Finish. The wind energy system shall be maintained in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit. All wind energy systems shall be finished in a non-reflective matte finished color.
- 5. Signs. All signs other than the manufacturer or installer's identification, appropriate warning signs, or owner identification signs are prohibited.
- 6. Electrical Wires. All electrical wires associated with a wind energy system other than wire necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and grounding wires shall be located underground.
- 7. Compliance with Electrical Code. Building permit applications for wind energy systems shall be accompanied by line drawings of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
- 8. System Access. The tower shall be designed and installed such that step bolts, ladders, or other means of access readily accessible to the public are located at least 8 feet above grade level.
- 9. Wind Access. The City makes no assurance of wind access other than the provisions of this Section. The applicant may provide evidence of covenants, easement or similar documentation for abutting property owners providing access to wind for the operation of a wind energy system.

**Article 5 General Provisions**  
**Chapter 5 Sustainable Energy Generation**

G. **Tower-Mounted Small Wind Energy Systems.** The following standards are applicable to tower-mounted small wind energy systems:

**Table 4. Tower-Mounted Small Wind Energy System Regulations**

<b>Residentially Zoned or Used Parcels</b>	<b>Non-Residentially Zoned and Used Parcels</b>
<b>Minimum Parcel Area</b>	
0.3 acres (13,068 sq. ft.)	0.3 acres (13,068 sq. ft.)
<b>Maximum Height</b>	
<p>The maximum height is:</p> <ul style="list-style-type: none"> <li>▪ 40 feet plus the area of the parcel in acres multiplied by 12.5, rounded down to the nearest integer, or</li> <li>▪ 80 feet,</li> </ul> <p>whichever is lower.</p>	<p>The maximum height is:</p> <ul style="list-style-type: none"> <li>▪ One foot of height for each 2.5 feet of setback from the base of the tower to the nearest principal building, or</li> <li>▪ 100 feet,</li> </ul> <p>whichever is lower.</p>
<b>Setback Requirements</b>	
<ul style="list-style-type: none"> <li>▪ The minimum setback from any property line shall be 1.2 times the height of the wind turbine</li> <li>▪ The minimum setback from any road or overhead utility right-of-way or easement shall be equal to the height of the turbine unless written permission is granted by the governmental agency or other entity with jurisdiction over the right-of-way or easement.</li> <li>▪ Tower-mounted wind energy systems may not be located in the front yard of any lot unless the principal building is set back 200 feet or more. In such a case, a tower-mounted system may be located in the front yard provided that a minimum 150-foot front yard setback between the tower and the front property line is maintained.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The minimum setback from any property line shall be 1.2 times the height of the wind turbine.</li> <li>- The minimum setback from any road or overhead utility right-of-way or easement shall be equal to the height of the turbine unless written permission is granted by the governmental agency or other entity with jurisdiction over the right-of-way or easement.</li> <li>- Tower-mounted wind energy systems may not be located in the front yard of any lot unless the principal building is set back 200 feet or more. In such a case, a tower-mounted system may be located in the front yard provided that a minimum 150-foot front yard setback between the tower and the front property line is maintained.</li> </ul>

H. **Roof-Mounted Small Wind Energy Systems.** The following standards are applicable to roof-mounted small wind energy systems:

**Table 5. Roof-Mounted Small Wind Energy System Regulations**

Residentially Zoned or Used Parcels	Non-Residentially Zoned and Used Parcels
<b>Minimum Parcel Area</b>	
No minimum parcel area.	No minimum parcel area.
<b>Maximum Height</b>	
The maximum height is 10 feet above the highest point of the roof.	The maximum height is: <ul style="list-style-type: none"> <li>▪ 15 feet above the top of roof elevation of the building if the building is located within 250 feet of a residential dwelling, or</li> <li>▪ 150% of the building height (if farther than 250 feet from a residential building),</li> </ul> whichever is lower.
<b>Setback Requirements</b>	
Roof-mounted wind energy systems shall be set back a minimum of 20 feet from the property line, or the height of the system above the top of roof elevation multiplied by 1.25, whichever is greater.	Roof-mounted wind energy systems shall be set back a minimum of 20 feet from the property line, or the height of the system above the top of roof elevation multiplied by 1.25, whichever is greater.

- I. **Utility Wind Energy Systems.** The following standards are applicable to utility wind energy systems:
1. Minimum Site Area. Utility wind energy systems may only be developed on a zoning lot with an area of 40 acres or greater.
  2. Setbacks. Any utility wind energy system shall be set back a distance equal to 1.25 times the height of the tower from any property line, road right-of-way, or overhead utilityline.
  3. Towers. Utility wind energy systems shall use tubular monopole towers, and shall not contain lettering, company insignia, advertising, or graphics on the tower or turbine that are visible beyond the property boundaries.
  4. Environmental Impact. The applicant shall submit an environmental impact analysis prepared by a qualified third party assessing any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, wildlife, and antiquities. The applicant shall take appropriate measures, if possible, to minimize, eliminate or mitigate adverse impacts identified in the analysis. If the adverse impacts cannot be sufficiently mitigated or eliminated, the City shall deny the request for a special land use permit for the utility wind energy system.

**Article 5 General Provisions**  
**Chapter 5 Sustainable Energy Generation**

5. Community Impact. The applicant shall be responsible for repairing any public roads or other public infrastructure damaged or otherwise worn beyond typical usage by the construction of the utility wind energy system.
6. Decommissioning. The applicant shall submit a decommissioning plan, including the following items of information:
  - a. The anticipated life of the project.
  - b. The estimated decommissioning costs and net salvage value in present dollars.
  - c. The method of ensuring funds will be available for decommissioning and removal of towers, and restoration of the site to a pre-construction condition.
  - d. Anticipated manner in which the project will be decommissioned and the site restored.
7. Complaint Resolution. The applicant shall develop a process to resolve any potential complaints from nearby residents concerning the construction and operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting upon a complaint. The process shall not preclude any governmental body from acting on a complaint. The applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

The complaint resolution process shall be approved by the Planning Commission.

**Section 74-5.502 Solar Energy Systems**

**A. Definitions.**

1. *Solar Energy System*. A solar photovoltaic cell, panel, or array that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.
2. *Solar Storage Battery*. A device that stores energy from the sun and makes it available in an electrical form.

**B. Rooftop Solar Energy Systems.** Rooftop and building mounted solar energy systems are permitted in all zoning districts., subject to the following regulations:

1. Roof mounted systems shall not extend more than 4 feet above the surface to which it is affixed.
2. No solar energy system may protrude beyond the edge of the roof.
3. A building permit shall be required for installation of rooftop and building mounted systems.

**C. Ground Mounted Solar Energy Systems on lots with a principal structure.** Ground mounted and freestanding solar energy systems are permitted in all zoning districts when located on a lot with a principal structure, subject to the following regulations:

1. Location. The solar energy system shall meet the required front yard setback requirement for the district in which it is located, and be set back a minimum of 5 feet from any side or rear property line.
2. Height.
  - a. The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.

- b. If the solar energy system is located in the front yard between the required front setback line and front building wall of the principal building, the maximum height for the system shall be 42 inches (3.5 feet). Landscaping that is sufficient to buffer the equipment from view from nearby dwelling units or streets but that will not obstruct the energy collecting surface from solar energy shall be provided.
  3. **Building Permit.** A building permit shall be required for any ground mounted solar energy system.
  4. **Area.** No more than 20% of the total lot area may be covered by a ground mounted solar energy system.
- D. **Ground Mounted Solar Energy Systems on lots without a principal structure.** Ground mounted and freestanding solar energy systems when located on a lot without a principal structure may be permitted as a special land use in the R-1, R-2, R-3, PO-1, C-1, C-2, C-3, and C-4 Zoning Districts providing that the following provisions and conditions are met:
1. **Review and Approval Procedure.** The proposed ground mounted and freestanding solar energy system shall undergo the special land use review and approval procedure outlined in Article 9 Chapter 3 in this Ordinance.
  2. **Adjacent Principal Structure.** A ground mounted and freestanding solar energy system may be allowed to be located on a lot without a principal structure provided there is a contiguous lot with a principal structure under the same ownership. The ground mounted and freestanding solar energy system shall be used only to provide electrical energy to the principal structure located on the contiguous lot that is under the same ownership.
  3. **Location.** The solar energy system shall meet all the required setback requirements of a principal structure for the district in which it is located.
  4. **Height.** The height of the solar energy system and any mounts shall not exceed 10 feet when oriented at maximum tilt.
  5. **Area.** The total surface area of a ground mounted solar energy system shall not exceed  $\frac{1}{2}$  of the maximum lot coverage requirements of the district in which it is located. The Planning Commission shall have the option to reduce the maximum allowed surface area of the solar energy system to a size that does not exceed the energy consumption needs of the associated principal structure in order to ensure the mass and scale of the system is compatible with adjacent uses and is not obtrusive to the area.
  6. **Building Permit.** A building permit shall be required for any ground mounted solar energy system.
  7. **Buffer.** Landscaping that is sufficient to buffer the equipment from view from nearby dwelling units or streets, but that will not obstruct the energy collecting surface from solar energy shall be provided.
- E. **Batteries.** When batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- F. **Removal.** If a solar energy system ceases to perform its intended function for more than 12 consecutive months, the property owner shall remove the collector, mount, and associated equipment and facilities no later than 90 days after the end of the 12 month period.

## Chapter 6 **Performance Standards**

The following performance standards are established in order to preserve the environmental health, safety and welfare of the City. No activity, operation or use of land, building or equipment shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely affects the surrounding area.

Before the issuance of any building or occupancy permit, the applicant shall execute an agreement, in a form satisfactory to the city, stating that the use of the property will meet the following performance standards and that any violation of these standards in subsequent operations will be corrected. The costs of inspection by experts to determine compliance shall be borne by the applicant.

The following standards are deemed the minimum requirements to be maintained.

### Section 74-5.601 **Airborne Emissions**

It shall be unlawful for any person, firm, or corporation to emit or create any smoke or air contaminant in violation of applicable air quality standards adopted by the Federal Clean Air Act and the Michigan Department of Environmental Quality.

### Section 74-5.602 **Odors**

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. Such odors shall be prohibited when perceptible at any point along the property line.

### Section 74-5.603 **Gases**

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive is prohibited.

### Section 74-5.604 **Noise and Vibration**

- A. **Noise** which is objectionable due to intensity, frequency, or duration shall be muffled, attenuated, or otherwise controlled, subject to the following:
1. Objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be controlled so as not to become a nuisance to adjacent uses.
  2. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.
  3. The emission of measurable noises from the premises shall not exceed 55 decibels (dbA) as measured at the boundary or property lines or within a residential dwelling unit located in a mixed-use building, except that where normal street traffic noises exceed 55 decibels (dbA) during such periods, the measurable noise emanating from the premises may equal, but not exceed, the ambient traffic noise measured at the property line.
  4. Objectionable sounds of an intermittent nature or sounds characterized by high frequencies, even if falling below the decibel limits of subsection [3](#) preceding this subsection 4, shall be so controlled so as not to become a nuisance to adjacent uses. This shall particularly apply to loading and unloading areas in commercial or industrial districts adjacent to residential districts.



- 5. Construction activity creating noise exceeding 55 decibels (dbA) as measured at the boundary or property lines is allowed only during the hours of 7 am to dusk unless otherwise approved by the City.
  
- B. **Vibration.** No use shall generate any ground transmitted vibration in excess of the limits set forth below. Vibration shall be measured at the nearest adjacent lot line. The vibration maximums set forth below are stated in terms of particle velocity, which may be measured with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following standards shall apply:

<b>Particle Velocity in Inches-Per-Second</b>	
<u>Frequency in Cycles per Second</u>	<u>Displacement in Inches</u>
0 to 9.99	0.0010
10 to 19.99	0.0008
20 to 29.99	0.0006
30 to 39.99	0.0004
40 and over	0.0002

If requested by the enforcement official the petitioner shall provide evidence of compliance with the above noted vibration calculations.

Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

**Section 74-5.605 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference**

No use shall create any electrical disturbance that adversely affects any operations of equipment other than those of the creator of such disturbance, or cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

**Section 74-5.606 Hazardous Substances**

- A. Any person, firm, corporation or other legal entity operating a business of conducting an activity that uses, stores, or generates hazardous substances shall obtain the necessary permits and/or licenses from the appropriate Federal, State or local authority having jurisdiction. The City shall be informed of any and all inspections conducted by a Federal, State or local authority in connection with a permit and/or license.
  
- B. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores, or generates hazardous substances shall complete and file a hazardous materials survey on a form supplied by the City in conjunction with the following:
  1. Upon submission of a site plan.
  2. Upon any change of use or occupancy of a structure or premise.
  3. Upon any change of the manner in which such substances are used, handled, stored, and/or in the event of a change in the type of substances to be used, handled or stored.

**Article 5 General Provisions**  
**Chapter 6 Performance Standards**

**Section 74-5.607 Glare and Radioactive Materials**

- A. **Glare from any process**, such as or similar to arc welding or acetylene torch cutting, which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lotlines.
- B. **Radioactive materials and wastes**, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- C. Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.

**Section 74-5.608 Fire and Explosive Hazards**

The storage and handling of flammable liquids, liquified petroleum gases and explosives shall comply with the state rules and regulations as established by Public Act No. 207 of 1941 (MCL 29.1 et seq.).

**Section 74-5.609 Waste and Rubbish Dumping**

No garbage, sewage, filth, refuse, waste, trash, debris or rubbish, including cans, bottles, wastepaper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers or piled, placed, stored or dumped on any land within the City in such a manner as to constitute a nuisance or create a hazard to health, safety, morals and general welfare of the citizens of the City.

**Section 74-5.610 Liquid or Solid Waste**

No industrial operations shall directly discharge industrial waste of any kind into any river, stream, reservoir, pond, or lake. All methods of sewage and industrial waste treatment and disposal shall be approved by the city and state health departments or Department of Natural Resources.

**Section 74-5.611 Appearance**

No storage of waste from off-site outside a building, and no loose blowing papers will be permitted at any time. All noxious activities shall be screened by an eight-foot solid fence, or by berm with plantings.

# Article 6 **Parking**

## Chapter 1 **Generally**

### Section 74-6.101 **Applicability and Scope**

- A. For all buildings and uses established after the effective date of this Ordinance, adequate off-street parking areas shall be provided (or demonstrated to be available) as required in this Article before a final Certificate of Occupancy will be issued.
- B. Whenever the use of a building, structure, or lot is changed, the property owner shall demonstrate that adequate parking areas are available for the new use, regardless of any prior approvals or variances.
- C. If the intensity of a use increases but the use remains unchanged, such as through the addition of dwelling units, square footage, seating, or similar means, the property owner shall demonstrate that adequate parking areas are available for the new use, regardless of any prior approvals or variances.
- D. Application for parking lot construction. Any person desiring to establish or substantially modify an off-street parking area shall submit plans to the zoning administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Any new curb cuts, entrances, exits, drainage, and design must have the written approval of the city engineer and chief of police and shall be presented for site plan approval by the Planning Commission.

### Section 74-6.102 **General Parking Provisions**

- A. **Proximity of Parking Facilities.** Private off-street parking lots shall be located within 600 feet of the building they are intended to serve. The distance shall be measured from the nearest point of the parking lot to the nearest point of the building such facility is required to serve, measured along dedicated pedestrian routes such as sidewalks or pathways. Where a road crossing is required to travel from the parking lot to the building, the designated pedestrian path shall cross roads only at designated pedestrian crosswalks.
- B. **Uses Not Listed.** In the case of a use which is not specifically mentioned in this Article, the zoning administrator shall determine the applicable provisions based on a similar type of use which is mentioned and/or based on documentation provided by the applicant or landowner.
- C. **Commercial Use of Parking Areas.** The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles shall be prohibited in any off-street parking area. Emergency service or repair required to start vehicles shall be permitted.
- D. **Off-Site Parking.** It shall be unlawful to park or store any motor vehicle on another's private property without the written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.

**Article 6 Parking**  
**Chapter 1 Generally**

**Section 74-6.103 Shared Parking**

Common, shared parking facilities and interconnected private off-street parking areas are encouraged in the City.

- A. **Cross Access Required.** Wherever feasible, cross-access connections between adjacent parking lots (or a reserved connection when no adjacent parking lot exists but can reasonably be expected to be constructed at a future date) are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easements shall be without limitation and shall be recorded with the Ingham County Register of Deeds.
- B. **Shared Parking.** Off-street parking for separate buildings or uses may be provided collectively via a shared parking area. The total number of spaces provided collectively shall not be less than the sum of spaces calculated according to the following procedure:
  1. Multiply the minimum parking required for each use, as set forth in [Section 74-6.204](#) by the appropriate percentage indicated in [Table 6](#), Shared Parking Factors for each of the six designated time periods.
  2. Add together the resulting figures for each of the six columns. The minimum collective parking requirement shall be the highest sum among the six columns.
  3. If a particular land use proposing to make use of collective parking facilities (e.g., religious institution, municipal use) does not conform to the general classifications in the Shared Parking Factors table (as determined by the zoning administrator), the applicant shall submit sufficient data to indicate the principal operating hours of the proposed use. Based upon this documentation, the zoning administrator shall determine the appropriate collective parking requirement (if any) for the proposed use.

**Table 6. Shared Parking Factors**

Shared Parking Factors						
	Weekdays			Weekends		
	1 AM – 7 AM	7 AM – 7 PM	7 PM – 1 AM	1 AM – 7 AM	7 AM – 7 PM	7 PM – 1 AM
<b>Residential</b>	95%	25%	95%	95%	75%	95%
<b>Commercial</b>	0%	95%	75%	0%	90%	75%
<b>Office/Service</b>	5%	95%	5%	0%	10%	0%

- C. **Location.** Each use served by shared off-street parking shall have direct access to the parking area without requiring a pedestrian to cross a public or private street at grade level.
- D. **Distance from Building.** The collective off-street parking area shall not be located farther than three hundred (300) feet from any building or use being served. For the purposes of this regulation, a collective parking area shall be considered conforming if at least 20% of a contiguous parking area is located within 300 feet of the building(s) being served.
- E. **Easement Required.** Written easements which provide for continued use and maintenance of the shared parking area, as well as cross-access without limitation, shall be submitted to the City for approval before recording with the Ingham County Register of Deeds.

**Section 74-6.104 Off-Street Parking in Residential Districts**

- A. Within a residential district, parking shall be limited to passenger vehicles, appropriately-located recreational vehicles consistent with the standards of [Section 74-5.120](#), and trucks with a load capacity of 2 1/2 tons or less.
- B. No off-street parking facility designed to serve any off-site user shall be allowed on a parcel occupied by a single-family residence.
- C. For any off-street parking area located in a residential district, no part of such parking area (except access drives) shall extend into the required front yard or street side yard for the district in which it is located.
- D. All off-street parking areas in residential districts shall be landscaped, screened, surfaced, and drained as provided in [Section 74-7.306](#). Any unpaved area not dedicated to required streetfrontage landscaping, parking lot landscaping, or parking lot buffer shall be planted in turf grass or other living ground cover.
- E. All off-street parking areas in residential districts shall be at least 42 feet in width.
- F. All off-street parking areas in residential districts shall be used solely for the parking of passenger automobiles, and no commercial repair work or sales or service of any kind shall be conducted on such parking lot, and no sign, other than "entrance" and "exit," and condition of use signage, shall be maintained.
- G. Each entrance to and exit from any such parking lot shall be set back at least 20 feet from any adjacent residential property, and the location and design of entrances, exits, surfacing, landscaping, marking, and lighting shall be subject to the approval of the chief of police and the zoning administrator to ensure adequate safety and protection of the adjacent residential area.
- H. For single-family residential uses, no parking area shall be permitted in any required front yard area, except in a defined driveway leading to a garage or parking area. No driveway or parking area shall occupy more than 40 percent of a required front yard.

## Chapter 2 **Parking Requirements**

### Section 74-6.201 **General Standards**

- A. **Floor Area.** Where floor area is the unit for determining the required number of parking spaces, said unit shall mean gross floor area.
- B. **Usable Floor Area.** Usable floor area shall mean the floor area used for service to the public and shall not include floor area used for storage or processing and packaging of merchandise where it is undertaken in a room in which service to the public is not involved. When usable floor area is not known at the time of site plan submittal, 80 percent of the total floor area shall be used for usable floor area for parking computations.
- C. **Fractional Spaces.** When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one half (1/2) may be disregarded, while a fraction of one half (1/2) or more shall be counted as one space.
- D. **Employee Parking.** Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time during the largest typical daily workshift.
- E. **Places of Assembly.** For religious institutions, sports arenas, or similar places of assembly in which those in attendance occupy benches, pews, or similar seating, each twenty-four (24”) inches of such seating shall be counted as one seat.
- F. **Persons.** Any parking standard calculated on the basis of ‘persons’, ‘students’, or a similar group shall be based upon the maximum permitted occupancy of the structure or facility.

### Section 74-6.202 **Modification of Parking Requirements**

The Planning Commission may modify the numerical requirements for off-street parking based on evidence submitted by the applicant that another standard would be more reasonable because of the level of current or future traffic. Such evidence shall include data from a recently published parking generation study, a recent survey of existing similar uses conducted by an architect, engineer, planner, or other similar professional or other similar documented research. The Planning Commission may condition the approval of a modification of the parking requirements that binds such approval to the specific use in question.

### Section 74-6.203 **Uses Not Listed**

For uses not specifically listed in [Section 74-6.204](#), the default parking requirement for that type of use shall apply (if one exists), unless the zoning administrator determines that the standard for another use is more appropriate.

### Section 74-6.204 **Off-Street Parking Requirements**

- A. **Minimum Requirements.** The following [Table 7](#) identifies the minimum off-street parking requirements applicable to uses in the City. Most uses will fall under the default parking requirement, unless a different specific parking standard is identified for that use.

**Table 7. Minimum Off-Street Parking Requirements**

USE	MINIMUM REQUIRED OFF-STREET PARKING SPACES
<b>RESIDENTIAL USES</b>	
<i>Default Parking Requirement</i>	<i>2 spaces per dwelling unit</i>
Mixed Use Dwelling Unit	1 space per 1.5 bedrooms
Multiple Family or Townhouse	1.1 spaces per bedroom
<b>LODGING USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per room</i>
<b>OFFICE and SERVICE USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per 350 sq. ft. of floor area</i>
Health or Exercise Club or Spa (large or small)	1 space per 1.25 persons permitted at maximum occupancy
<b>COMMERCIAL USES</b>	
<i>Default Parking Standard</i>	<i>1 space per 350 sq. ft. of floor area.</i>
Bar, Tavern or Alcohol Service Establishment	1 space per 2.25 persons permitted at maximum occupancy
Drive-in or drive-through facility	<ul style="list-style-type: none"> <li>• 3 stacking spaces per general use service window or station, or</li> <li>• 8 stacking spaces per restaurant service window</li> </ul>
Places of assembly <sup>1</sup>	1 space per 3 persons permitted at maximum occupancy
Restaurant	1 space per 2.25 persons permitted at maximum occupancy
Retail sales and service establishments	1 space per 350 sq. ft. of floor area
<b>INDUSTRIAL USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per 550 sq. ft. of shop or manufacturing floor area + 1 space per 350 sq. ft. of office area</i>
Mini-Warehouse	3 spaces
Storage/Distribution	1 space per 2,000 sq. ft. of floor area + 1 space per 350 sq. ft. of office area
<b>COMMUNITY, EDUCATION and INSTITUTION USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per 3 persons permitted at maximum occupancy</i>
Assisted Living or Nursing Home	1 space per 0.5 residents or beds + 1 space per employee at maximum shift
Child Care Center	0.25 spaces per resident or client at maximum occupancy
State Licensed Residential Facility	0.25 spaces per resident or client at maximum occupancy
<b>RECREATION USES</b>	
<i>Default Parking Requirement</i>	<i>1 space per 3 persons permitted or anticipated at maximum occupancy</i>
Private Recreation (small indoor)	1 space per 300 sq. ft. of floor area
Private Recreation (large indoor)	1 space per 600 sq. ft. of floor area
<b>ANIMAL and AGRICULTURE USES</b>	
<i>Default Parking Standard</i>	<i>No minimum parking requirement (animal and agriculture uses are exempt from the maximum parking restriction of <a href="#">Section 74-6.204.C</a>)</i>
Retail sales associated with an animal or agricultural use	1 space per 300 sq. ft. of retail sales area

B. **Minimum Requirements in the C-1 District.** The minimum parking requirement for any use in the C-1 district shall be 50% of the minimum requirement listed in [Table 7](#). A change of use or occupancy in an existing building in the C-1 to a similar or less intensive use shall not require the provision of additional parking spaces.

<sup>1</sup> Places of assembly are commercial uses where parking demand is generated by occupancy rather than floor area. Examples include movie and live action theatres, banquet halls, fraternal organizations, etc.

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- C. **Maximum Requirements.** Excessive off-street parking negatively impacts the aesthetic quality of the City, generates higher storm water runoff volumes, and can induce car trips leading to increased traffic congestion. To minimize the impacts of excessive parking provision, the maximum amount of off-street parking permitted for any use shall not exceed 200% of the minimum requirement listed in [Table 7](#). Additional parking above the maximum parking limit shall require a parking modification (see [Section 74-6.202](#)).
- D. **Modification of Standards.** The Planning Commission may modify the parking standards based on evidence submitted by the applicant justifying an alternate parking requirement (see [Section 74-6.202](#)).

**Section 74-6.205 Community Parking**

It is the intent of this Section to encourage pedestrian activity in the City, reduce the financial responsibility for local business owners, stimulate the local economy, and preserve the City's existing parking lots and spaces. Therefore, the requirements and parameters for community parking are as follows:

- A. All existing and new buildings and additions to buildings in any commercial zone within a 600-foot radius of a City or municipally owned parking lot, privately owned parking lot that has a public parking agreement with the City, or on-street parking space, shall be considered as participating in community parking.
- B. Any permitted principal use, or use permitted after special approval, in a commercial zone that is on a site located within a 600-foot radius of a City or municipally owned parking lot, privately owned parking lot with a public parking agreement with the City, or an on-street parking space, shall be exempt from providing the required number of parking spaces per Table 7 in Section 74-6.204.
- C. All upper floor residential dwelling units shall be subject to parking requirements as noted in Table 7 in Section 74-6.204. However, the City shall encourage shared parking agreements whenever feasible, in such cases, upper floor residential dwelling units shall be subject to shared parking factors described in Table 6 of Section 74-6.103.
- D. The City Planning Commission may modify the amount of required parking, as per Section 74-6.202, but may not exceed the maximum parking requirements as described in Section 6.204.C.

**Section 74-6.206 Bicycle Parking**

Bicycle parking areas, including racks, are required in conjunction with off-street parking lots that are larger than 10 spaces. One bicycle parking space shall be provided for every 10 required vehicle parking spaces (or fraction thereof). Shelters, bicycle lockers, or other methods of protecting the parked bicycles from the elements are encouraged. Bicycle parking areas may be located anywhere on the site, including inside the building, and need not be located within the boundaries of the vehicle parking lot, but shall be conveniently located proximate to building entrances.

**Section 74-6.207 Loading Spaces**

- A. In all districts, for every building, or part thereof, hereafter erected and occupied by any use requiring the regular receipt or distribution of materials or merchandise, there shall be provided and maintained on the same premises adequate off-street loading and unloading space in relation to floor area as follows:

Up to 20,000 square feet:	One space
20,000 to 49,999 square feet:	Two spaces
50,000 to 100,000 square feet:	Three spaces
Each additional 100,000 square feet or fraction thereof:	One space
- B. Each loading space shall be at least 10 feet in width and 50 feet in length, and have a clearance of 15 feet above grade.



- C. Loading spaces may occupy all or any part of any required side or rear yard. No loading space may be located in any required or non-required front yard.
- D. 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.
- E. No required loading space may be counted toward any other parking requirement.

## Chapter 3 **Parking Design Standards**

### Section 74-6.301 **Parking Lot Layout**

- A. **Parking Space and Maneuvering Lane Dimensions.** The design and construction of off-street parking areas shall conform to the following requirements:

**Table 8. Parking Design Standards**

Parking Pattern (degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (parallel)	11 feet (one way) 22 feet (two way)	8 feet	22 feet
1° - 70° (angled)	15 feet (one way)	9 feet	18 feet
71° - 90°	11 feet (one way) 22 feet (two way)	9 feet <sup>2</sup>	18 feet

- B. **Parking Setback.** Except for access drives and shared parking facilities, no off-street parking area shall be located closer than five feet to any lot line, provided that the minimum landscaping and screening requirements of Section 74-6.301.C are met on the site. If the requirements of Section 74-6.301.C necessitate a deeper setback for the parking area, the landscaping and screening requirements shall control.
- C. **Parking Lot Landscaping.** Landscaping shall be located within parking lots to improve the appearance and screen lot edges, reinforce circulation routes, define pleasing pedestrian routes through the parking lot, and maximize shade and stormwater benefits. All off-street parking areas shall include internal landscaping as follows:
1. **Landscaping Ratio.** Off-street parking areas containing greater than ten (10) spaces shall incorporate at least thirty (30) square feet of interior landscaping per parking space. Interior parking lot landscaping shall include the following:
    - a. Internal islands and medians.
    - b. Landscaped areas surrounded on three sides by a parking area (i.e., peninsulas or fingers).
    - c. Landscapes areas at the corners of a parking area and bordered by parking on at least two sides.
  2. **Internal Landscape Area Requirements.**
    - a. Landscaped areas in parking lots shall be no less than nine feet in any single dimension and no less than 144 square feet in area.
    - b. Landscaped areas in or adjacent to parking lots shall be protected with curbing to prevent encroachment of vehicles. Curbs shall be a minimum of six inches in height and shall be continuous around the parking area, except for curb cuts required for integrated on-site stormwater management or pedestrian accessibility.
  3. **Required Plantings.**
    - a. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plant materials other than turf grass or ground cover shall not be placed closer than two feet to the curbed edge of any interior parking lot landscape area. Trees shall be set back a minimum of four feet from the curbed edge of any interior parking lot landscape area.

- b. A minimum of one deciduous shade tree shall be planted within the parking lot for every ten vehicle parking spaces in the lot.
- c. Plantings within parking lots shall comply with the requirements for clear vision area set forth in Section 74-3.204. The landscape plan shall indicate the types, sizes, and quantities of all plant material proposed for interior parking lot landscape areas.
- D. **Maneuvering Aisles.** Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.
- E. **Perimeter Barrier Required.** There shall be a curb or wheel stop provided along the perimeter of a parking lot. The curb or wheel stop shall be at least six inches in height and designed to prevent any portion of a vehicle from encroaching upon a sidewalk, right-of-way, landscaped area, or adjoining property. Curbs shall be continuous except as part of an overall stormwater management design incorporating bioswales and/or rain gardens.
- F. **Maximum Contiguous Spaces.** Not more than 20 contiguous spaces may be provided in an uninterrupted row. Longer rows shall provide landscaped breaks (e.g., islands or bioswales) with shade trees. Such breaks shall have a minimum area of 144 square feet and shall contain at least one shade tree.
- G. **Consolidated Landscape Areas.** Parking spaces and rows shall be organized to provide consolidated landscape areas and opportunities for on-site stormwater management. The use of bioswales and/or rain gardens is encouraged.
- H. **Pedestrian Circulation.** The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided, distinguished by textured paving or pavement striping and integrated into the sidewalk network.

### Section 74-6.302    **Stacking Spaces**

- A. Required stacking spaces shall have a minimum width of 8 feet and a minimum length of 16 feet.
- B. No stacking space may include the use of any public space, street, alley or sidewalk.
- C. Stacking spaces shall not obstruct any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- D. Drive-through lanes shall have a minimum centerline radius of 25 feet.
- E. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.

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<sup>2</sup> Any parking space abutting a landscaped area on the driver's or passenger's side of the vehicle shall provide an additional 18 inches of width to allow for access without damage to the landscaped area.

**Section 74-6.303 Barrier Free Parking**

- A. Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules (Michigan Public Act No. 1 of 1966, as amended), the adopted City Building Code, and the Federal Americans with Disabilities Act.
- B. Each barrier-free parking space shall have no more than a nominal 3% grade and shall be not less than 8 feet in width and be adjacent to an access aisle not less than 5 feet in width. Required van-accessible barrier-free spaces must be 8 feet in width and be adjacent to an access aisle not less than 8 feet in width.
- C. For every 25 spaces provided in a parking lot, at least one (1) space must be designed and designated for barrier-free access, with a minimum of one (1) barrier-free space provided per parking lot.
- D. For every 8 barrier-free spaces provided in a parking lot, at least one (1) space must be designed and designated as a van-accessible barrier-free space, with a minimum of one (1) van-accessible barrier-free space provided per parking lot.
- E. For parking lots containing more than 200 parking spaces, a reduced number of barrier-free spaces may be permitted based on current State and/or Federal standards for barrier-free accessibility.

**Section 74-6.304 Surfacing Requirements**

- A. Except for single-family dwellings, off-street parking and loading areas, including access drives, shall be surfaced with asphalt, bituminous or concrete pavement, and shall be graded and drained to dispose of all surface water on-site.
- B. All off-street parking areas are encouraged to use light-colored materials such as concrete, white asphalt, or light-colored pavers to reduce surface temperatures and to reduce the heat island effect. Permeable or porous paving methods are also encouraged, including open joined pavers, porous concrete/asphalt, or other methods.
- C. Where appropriate, on-site storm water management shall be provided to 1) capture and hold water during storms to be released later at an agricultural rate, and 2) to screen pollutants so they do not enter streams, wetlands, or the Red Cedar River.

# Article 7 **Landscaping and Screening**

## Chapter 1 **General Landscaping Provisions**

### Section 74-7.101 **Intent**

Landscaping enhances the visual image of the City, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, non-residential uses. These provisions are intended to set minimum standards for the design and use of landscaping and screening, and for the protection and enhancement of the City's environment.

More specifically, the intent of these provisions is to:

- A. Establish aesthetically pleasing, functionally appropriate, and sustainable landscape design for the long-term enhancement of the appearance of development in the community.
- B. Safeguard the public health, safety and welfare, and preserve and enhance aesthetic qualities that contribute to community character.
- C. Protect and preserve the appearance, character, and value of the City's residential neighborhoods that abut non-residential areas, parking areas, and other intensive use areas.
- D. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights of way.
- E. Increase soil water retention and natural stormwater filtering, thereby helping to prevent flooding and improve water quality.

### Section 74-7.102 **Scope**

- A. No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article.
- B. A certificate of occupancy shall not be issued unless the provisions set forth in this article have been met or a performance guaranty has been posted in accordance with the provisions set forth in [Section 74-5.119](#).
- C. Following the issuance of a certificate of occupancy, any required landscaping shall thereafter be reasonably maintained consistent with the intent of the approved landscaping design plan.
- D. The requirements in this Article shall not apply to single family detached homes, unless otherwise specifically noted.

### Section 74-7.103 **Minimum Requirements**

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the City from agreeing to more extensive landscaping. Any landscape plan submitted for

review and approval shall clearly indicate the location, number, size, and type of all species of plant materials proposed to meet the requirements of this Article. A summary table shall be provided as part of the landscape plan, listing the required landscaping for the project and clearly indicating how each requirement is satisfied by the plan.

### Section 74-7.104 **Landscaping Design Standards**

- A. **Design Creativity.** Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the City to create a coordinated landscaping appearance on adjoining properties.
- B. **Visibility.** Landscaping and screening materials shall be laid out in conformance with the requirements for Clear Vision Areas as stated in [Section 74-3.204](#) and shall not obstruct the visibility of motorists or pedestrians.
- C. **Plantings near Public Infrastructure.** In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground or aboveground utility lines, public roads, or other public facilities, including fire hydrants. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees (measured from center of trunk) shall be set back from overhead utility lines by a distance equal to the expected mature height of the tree.
- D. **Protection from Vehicles.** Wherever landscaping is proposed adjacent to a paved area traversed by motor vehicles, a six-inch concrete curb (or similar measures) shall be provided to protect plants from damage by vehicles. Except for stormwater management features such as bioswales, landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

### Section 74-7.105 **Installation**

All landscaping shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved landscape plan, and the following:

- A. **Deadline for Installation.** Landscaping along the perimeter of a site shall be installed prior to construction, except where such landscaping would be destroyed during construction.  
  
Installation of all required landscaping shall be completed prior to or at the time of completion of building construction, except when building construction is completed during the off-season when plants cannot be installed, in which case the owner shall provide a performance guaranty to ensure installation of required landscaping in the next planting season.
- B. **Extension.** The City may extend the deadline to allow installation of required plant materials by the end of the next planting season upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.
- C. **Performance guaranty.** Installation and maintenance bonds may be required. Refer to [Section 74-5.119](#).
- D. **Mulch.** Trees, shrubs, hedges, vines, and live groundcovers (except turf grasses) shall be generously mulched at the time of planting.
- E. **Topsoil.** A minimum four (4) inches of topsoil shall be provided for all lawn areas, groundcovers, and planting beds.

## Article 7 Landscaping and Screening

### Chapter 1 General Landscaping Provisions

#### Section 74-7.106 Irrigation

To assist in maintaining plant materials in a healthy condition, all landscaped areas (including lawns) shall be provided with an automatic underground or drip irrigation system. All automatic irrigation systems shall be designed to minimize water usage, and shall be shut off during water emergencies, periods of protracted rainfall, or water rationing periods.

The zoning administrator may approve an alternative form of irrigation for a particular site, or may waive the irrigation requirement upon determining that underground irrigation is not necessary to maintain site landscaping in good condition due to the characteristics of the proposed plant materials.

#### Section 74-7.107 Maintenance

The owner of the property shall be responsible for all maintenance of site landscaping, as follows:

- A. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from debris and refuse.
- B. Pruning shall be minimal at the time of installation, only to remove dead or diseased branches. Subsequent pruning shall assure proper maturation of plants to achieve their approved purpose.
- C. All dead, damaged, or diseased plant material shall be removed immediately upon notice from the City and replaced within six (6) months or in the next planting season, whichever occurs first. For purposes of this Section, the planting season for deciduous plants shall be between March 1 and June 1 and from October 1 until the prepared soil becomes frozen. The planting season for evergreen plants shall be between March 1 and June 1. Plant material installed to replace dead or diseased material shall be as close as practical to the size of the material it is intended to replace.
- D. The approved landscape plan shall be considered a permanent record and integral part of any site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to or removal of plant materials or non-compliance with the maintenance requirements of this Section will place the parcel in non-conformity with the approved landscape plan and be a violation of this Ordinance.
- E. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

#### Section 74-7.108 Performance guaranty

Whenever a site plan requires any type of landscaping, the applicant may be required to post a performance guaranty prior to the issuance of a Certificate of Occupancy to ensure the completion of landscaping (including irrigation) if the landscaping is not 100% complete when any Certificate of Occupancy is requested. See [Section 74-5.119](#) relating to performance guarantees.

#### Section 74-7.109 Maintenance Bond

A maintenance bond in the sum of 25% of estimated cost of landscaping (including irrigation) must be posted prior to the issuance of any Certificate of Occupancy. The maintenance bond is held for a period of two years, at the end of which time the City shall inspect the landscaping. Once any issues identified during the inspection are addressed, the unused balance of the maintenance bond will be released. Refer to [Section 74-5.119](#) for maintenance bond requirements and procedures.

#### Section 74-7.110 Modification of Landscape Requirements

The Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and Ordinance in general. The applicant shall submit a



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**Chapter 1 General Landscaping Provisions**

written request identifying the relevant landscape standard, the proposed landscaping, how the proposed landscaping deviates from the landscaping standard, and why the modification is justified.

When considering a landscape requirements modification request, the Planning Commission shall consider whether any or all of the following conditions exist:

- A. The site is an existing developed site and cannot reasonably accommodate one or more of the landscape requirements of this Article. In such a case, the Planning Commission shall modify the landscaping requirements to best meet the intent of this Article given the constraints of the existing site.
- B. The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas, or other existing conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design. The Planning Commission shall require the preservation of these natural features as a condition of site plan approval.
- C. Existing vegetation that will be preserved would achieve the same effect as the required landscaping.
- D. The arrangement, design and orientation of buildings on the site maximize privacy and isolate adjacent and nearby land uses from any potential negative impacts of the project.
- E. Parking, vehicular circulation, or land uses are such that required landscaping would not enhance the site or result in the desired screening effect.
- F. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the specific requirements of the Ordinance.
- G. The modified landscape plan will protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.
- H. The modified landscape plan will be compatible with and sensitive to the immediate environment of the site and neighborhood relative to design, scale, bulk, character, layout, and visual integrity.

## Chapter 2 **Site Landscaping Requirements**

This chapter establishes general site landscaping requirements that are applicable in the City. Refer to [Chapter 3](#) below for buffering and screening landscaping requirements that may be required between incompatible adjacent land uses.

### **Section 74-7.201 General Site Landscaping**

Any unpaved portion of a site (except for single-family homes and mobile home parks) shall be planted with grass, ground cover, shrubbery, or other suitable live plant material and maintained in a neat condition. Larger plant materials shall be set back from property lines and curbs as specified in [Section 74-7.402](#).

On non-residential sites, a minimum of one (1) tree per 3,000 square feet (or fraction thereof) of unpaved open area shall be provided, in addition to any other landscaping requirements of this Article. Required trees may be planted at uniform intervals, at random, or in groupings.

For multiple-family residential developments, a minimum of two (2) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit, in addition to any other landscaping requirements of this Article. Required trees may be planted at uniform intervals, at random, or in groupings.

### **Section 74-7.202 Street Frontage Landscaping**

- A. **Street Trees.** At least one deciduous canopy tree shall be planted for each 60 feet of road frontage. Required street trees may be planted at regular intervals or in clusters, and may be planted in a tree lawn (the area in between the sidewalk and the curb or edge of pavement) or in tree grates where no tree lawn exists between the curb and the sidewalk.

Existing trees in good condition and of a desirable species located in or near the right-of-way shall be preserved when feasible. Such preserved trees shall count towards the street tree planting requirement.

- B. **Groundcover in Tree Lawn.** Tree lawns located in the public right-of-way located shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the right-of-way were part of the required site landscaping.
- C. **Recommended Street Trees.** The following [Table 9](#) lists recommended trees for applications based on the size and character of the planting area. Trees not included in the following [Table 9](#) are not recommended for use as street trees.

**Table 9. Recommended Street Trees based on Planting Conditions**

<b>Limited Width Tree Lawn 4' – 6' Wide (based on urban tolerance/canopy size)</b>	
<b>Common Name</b>	<b>Botanical Name</b>
Red Maple	Acer rubrum
Serviceberry	Amelanchier species
River Birch	Betula nigra (tree form)
Columnar European Hornbeam	Carpinus betulus 'Fastigiata'
American Hornbeam	Carpinus caroliniana
Hackberry	Celtis occidentalis
Maidenhair Tree	Ginkgo biloba (Fastigate)
Thornless Honeylocust	Gleditsia triacanthos inermis
Callery Pear	Pyrus calleryana
American Linden	Tilia americana

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Littleleaf Linden	Tilia cordata
Silver Linden	Tilia tomentosa

**Standard Width Tree Lawn 6' or Greater  
 (based on canopy size)**

<b>Common Name</b>	<b>Botanical Name</b>
Red Maple	Acer rubrum
Sugar Maple	Acer saccharum
Red Horsechestnut	Aesculus x carnea
Bottlebrush Buckeye	Aesculus parviflora
Serviceberry	Amelanchier species
Columnar European Hornbeam	Carpinus betulus 'Fastigiata'
Hackberry	Celtis occidentalis
Katsuratree	Cercidiphyllum japonicum
Hardy Rubber Tree	Eucommia ulmoides
European Beech	Fagus sylvatica
Yellowwood	Cladrastis lutea
Maidenhair Tree	Ginkgo biloba
Thornless Honeylocust	Gleditsia triacanthos inermis
Goldenraintree	Koelrueteria paniculata
Goldenchain Tree	Laburnum x watereri 'Vossi'
American Sweetgum	Liquidambar styraciflua
Tuliptree	Liriodendron tulipifera
Saucer Magnolia	Magnolia soulangiana
Dawn Redwood	Metasequoia glyptostroboides
Black Gum	Nyssa sylvatica
London Planetree	Platanus x acerifolia 'Bloodgood'
Sycamore, American Planetree	Platanus occidentalis
White Oak	Quercus alba
Swamp White Oak	Quercus bicolor
Northern Red Oak	Quercus borealis (Q. rubra)
Scarlet Oak	Quercus coccinea
Shingle Oak	Quercus imbricaria
Bur Oak	Quercus macrocarpa
Pin Oak	Quercus palustris
English Oak	Quercus robur
Baldcypress	Taxodium distichum
American Linden	Tilia americana
Littleleaf Linden	Tilia cordata
Silver Linden	Tilia tomentosa
Hybrid Elm	Ulmus species
Japanese Zelkova	Zelkova serrata

**Downtown Sidewalk Tree Grates  
 (based on urban tolerance/canopy size)**

<b>Common Name</b>	<b>Botanical Name</b>
Red Maple	Acer rubrum
Columnar European Hornbeam	Carpinus betulus 'Fastigiata'
Hackberry	Celtis occidentalis
Katsuratree	Cercidiphyllum japonicum
Hackberry	Celtis occidentalis
Maidenhair Tree	Ginkgo biloba (Fastigate)

**Article 7 Landscaping and Screening**  
**Chapter 2 Site Landscaping Requirements**

Thornless Honeylocust	Gleditsia triacanthos inermis
Callery Pear	Pyrus calleryana
American Linden	Tilia americana
Littleleaf Linden	Tilia cordata
Silver Linden	Tilia tomentosa

**Section 74-7.203 Landscaping of Divider Medians**

Where traffic on driveways, maneuvering lanes, entrance roads, or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each twenty-five (25) linear feet (or fraction thereof) of median. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed fifty (50) feet. Trees shall be set back a minimum of four feet from the curbed edge of any landscaped median.

**Section 74-7.204 Reserved**

**Section 74-7.205 Other Landscaping**

Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

## Chapter 3 **Buffer and Screening Requirements**

This chapter identifies buffering and screening requirements. Buffers and screens are required to mitigate potential negative off-site impacts, and are typically required along property lines to provide a transition between incompatible land uses. Development sites must also include general landscaping. Refer to [Chapter 2](#) above for those standards.

### Section 74-7.301 **Intent**

Buffers and screening, whether consisting of landscaping, walls, or fences, shall be required to mitigate any potential negative impacts and/or nuisances (such as noise, glare, dirt, and litter) that a proposed land use may have on neighboring land uses, or to obscure unsightly items or areas from view off the site.

### Section 74-7.302 **Buffers in Single-Family and Two-Family Residential Districts**

No buffer is required on parcels zoned R, R-1, or R-2, except as required elsewhere in the Ordinance.

### Section 74-7.303 **Buffers in Multiple-Family Residential Districts**

In the R-3 district, a screening buffer shall be required whenever the rear façade of a building faces a property line abutting a single family residential district. In such cases, the following buffer shall be required:

- A. The required greenbelt shall be a minimum 15 feet wide.
- B. The required greenbelt shall include a minimum of two (2) deciduous shade trees, one (1) evergreen tree, one (1) ornamental tree, and eight (8) shrubs for every thirty (30) feet of greenbelt length. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- C. Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except for mulched areas around individual trees or shrubs.
- D. Breaks in the greenbelt for driveways or pedestrian paths may be permitted, provided that such breaks do not comprise more than 10% of the greenbelt length.

### Section 74-7.304 **Buffers in Office or Commercial Districts**

In any office or commercial zoning district, an evergreen screening buffer shall be required wherever such district abuts directly upon land zoned for residential purposes. No buffer shall be required where a public road separates the zoning districts.

- A. The required buffer shall be a minimum 15 feet wide.
- B. The required buffer shall consist of a staggered double row of closely spaced evergreens (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier at least six feet in height within three years of installation.
- C. The entire area of the buffer shall be planted with grass or ground cover, except for mulched areas around individual trees or shrubs.
- D. A masonry wall or solid wood fence six (6) feet in height may be integrated into the buffer at the discretion of the site owner. If a wall or fence is used, the buffer may be reduced to eight (8) feet in width. If the wall option is chosen, one deciduous canopy tree shall be planted along the wall for each 30 linear feet or fraction thereof of required wall.

## Article 7 Landscaping and Screening

### Chapter 3 Buffer and Screening Requirements

#### Section 74-7.305 Buffers in Industrial Districts

In the I-1 and I-2 zoning districts, a landscaped screening buffer shall be required on all sides of a parcel that directly abut land in any non-industrial zoning district, or land that is used for any non-industrial purpose. No buffer shall be required where a public road separates the zoning districts, but a buffer shall be required adjacent to a railroad where the land on the opposite side of the railroad is zoned or used for residential purposes.

- A. The required buffer shall be a minimum 25 feet wide.
- B. The required buffer shall include a minimum of two (2) deciduous shade trees, three (3) evergreen trees, one (1) ornamental tree, and fifteen (15) shrubs for every fifty (50) feet of buffer length. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.
- C. The entire area of the buffer shall be planted with grass or ground cover, except for mulched areas around individual trees or shrubs. A paved pedestrian path may be incorporated into the buffer.
- D. A masonry wall six (6) feet in height may be integrated into the buffer at the discretion of the site owner. If a wall is used, the buffer may be reduced to twelve (12) feet in width and only the deciduous tree plantings from item B above are required.

#### Section 74-7.306 Buffers for Parking Areas

Any parking area containing 10 or more spaces, whether privately or publicly owned, with direct frontage on a public street shall provide the following screening:

- A. Perimeter buffering shall be provided along the edge of any parking area located within 50 feet of a public street. The buffer shall have a minimum width of 6 feet, and shall contain one deciduous shade tree per 25 linear feet or fraction thereof, one ornamental tree for every 40 linear feet or fraction thereof, and a continuous hedge of deciduous or upright evergreen shrubs planted not more than 36 inches on center.
- B. For parking areas with frontage along Grand River Avenue between the Deer Creek Bridge and Mullet Street, or Putnam Street between the Red Cedar River Bridge and Railroad Street, the parking area is encouraged to be separated from the sidewalk by a decorative screen, consisting of brick pillars separated by black metal fencing, placed along the sidewalk edge of the required planting strip. The spacing and height of the pillars and fencing should be consistent with existing screens in the downtown area, as determined by City staff or Planning Commission.
- C. In all instances, the Clear Vision Area provisions of [Section 74-3.204](#) shall be observed for all parking area buffers.

#### Section 74-7.307 Loading, Storage, and Service Area Screening

Loading areas and vehicle service areas in any district that are visible from a residential district or a street shall be screened from the adjacent residential uses and from any public street. Such screening shall consist of one of the following four options: 1) a masonry wall six feet in height, 2) a completely obscuring evergreen hedge six feet in height, 3) a building wing wall, or 4) other means acceptable to the Planning Commission.

#### Section 74-7.308 Mechanical Equipment Screening

Mechanical equipment located in any zoning district (such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment) shall be screened on at least three (3) sides by evergreen or deciduous shrubs or trees. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

**Section 74-7.309 Other Required Screening**

In any instance where the Ordinance calls for landscaped screening other than one of the specific buffers described in this Chapter, such screening shall consist of a landscaped buffer yard, or a narrower buffer yard with a wall. The requirements for the two screening options are as follows:

**Table 10. Buffer Yard Screening Options**

	<b>Width</b>	<b>Deciduous Trees (per 100 linear</b>	<b>Ornamental Trees (per 100 linear feet)</b>	<b>Evergreen Trees (per 100 linear feet)</b>	<b>Shrubs (per 100 linear feet)</b>
Landscaping Only	15 feet	2	1.5	5	8
Wall plus Landscaping	8 feet	3	1.5	0	0

Note that all required buffering landscaping may be clustered, and need not be spaced at regular intervals.

## Chapter 4 **Standards for Landscape Materials**

Unless otherwise specified, all landscape materials shall comply with the following standards:

### Section 74-7.401 **Generally**

All plant material shall be nursery grown in a northern climate; hardy to the climate of Michigan; appropriate for the soil, climatic, and environmental conditions of the site; and resistant to disease and insect attack. Species native to central Michigan are encouraged.

All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the City.

Landscape materials used to satisfy the requirements of this Article shall be common to the area and suitable for their intended use. Artificial plant material is prohibited and shall not be used to meet the requirements of this Article.

### Section 74-7.402 **Spacing**

Spacing of plantings required under this Article shall be as follows:

- A. Plant materials (except turfgrass or groundcovers) shall not be placed closer than four feet from a fence line or property line.
- B. Deciduous trees and all shrubs shall not be planted within 4 feet, and evergreen trees shall not be planted within 8 feet, of any curb (including the edge of interior parking lot landscape areas) or public walkway.
- C. Trees and shrubs shall not be planted within 10 feet of a fire hydrant.
- D. Where plantings are planted in two or more rows, planting shall be staggered in rows.
- E. Where shrub plantings are required to form a continuous hedge or used for screening purposes, the plants shall not be spaced more than 36 inches on center at planting, and shall have a minimum height and spread of 30 inches at planting. Shrubs that will not attain sufficient width to form a complete hedge spaced 36 inches on center shall be planted at a spacing that will allow them to form a complete hedge within 2 years of planting.

### Section 74-7.403 **Plant Material Specifications**

To ensure adequate variety, to avoid monotony and uniformity within a site, and to preserve the diversity and health of the City's natural landscapes, required landscape plantings shall not include more than twenty percent (20%) of any single plant species. The following minimum specifications shall apply to all landscape plantings proposed to meet the requirements of this Ordinance:

- A. **Deciduous Shade Trees.** Deciduous shade trees shall be a minimum of three (3) inches in caliper measured twelve (12) inches above grade, with the first branch a minimum of four (4) feet above grade when planted.
- B. **Deciduous Ornamental Trees.** Deciduous ornamental trees shall be a minimum of two (2) inches in caliper measured twelve (12) inches above grade, with a minimum height of six (6) feet above grade when planted.



- C. **Evergreen Trees.** Evergreen trees shall be a minimum of six (6) feet in height at planting, with a minimum spread of two and one-half (2.5) feet.
- D. **Shrubs.** Shrubs intended for use in a screening hedge shall have a minimum height and spread of thirty (30) inches when planted. All other shrubs shall be a minimum 3-gallon container size when planted.
- E. **Groundcovers.** Groundcovers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- F. **Turf Grass.** Lawn areas shall be planted using species normally grown as permanent lawns in central Michigan. Grass may be sodded or hydro-seeded, provided that adequate measures are taken to minimize soil erosion. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases.
- G. **Modifications.** The zoning administrator may approve modifications from the above specifications for appropriate landscape materials that do not meet the above minimum size requirements or are not readily available at landscape supply yards in the required size. If smaller materials are approved, the difference for the smaller materials shall be compensated with additional material being provided. In approving such a modification, the zoning administrator shall determine that the substituted plant material size will meet the intent of this Article, and that providing a landscape material that meets the above size requirements is impractical or not feasible.

**Section 74-7.404 Undesirable Plantings**

The use of landscape plantings that are invasive to natural habitats, that cause disruption to storm drainage, or that are susceptible to pests or disease is not encouraged. The following landscape plantings exhibit such characteristics, and therefore their use is not encouraged in the City:

**Table 11. Undesirable Plantings**

Common Name	Scientific Name
Box elder	<i>Acer negundo</i>
Norway maple	<i>Acer platanoides</i>
Silver maple	<i>Acer saccharinum</i>
Tree of heaven	<i>Ailanthus altissima</i>
European barberry	<i>Berberis vulgaris</i>
Northern catalpa	<i>Catalpa speciosa</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Ash	<i>Fraxinus</i> spp.
Common privet	<i>Ligustrum</i> spp.
Honeysuckle	<i>Lonicera</i> spp.
Mulberry	<i>Morus</i> spp.
Poplar	<i>Populus</i> spp.
Buckthorn	<i>Rhamnus</i> spp.
Willow	<i>Salix</i> spp.

**Section 74-7.405 Existing Vegetation**

Healthy existing trees on a site may be used to satisfy any of the requirements of this Article, provided such substitution is in keeping with the spirit and intent of this Article and subject to the following:

- A. Site plans shall show all existing trees which are located on the portions of the site and on portions of adjacent sites within 20 feet of the site that will be built upon or otherwise altered, and which are six (6) inches or greater in caliper, measured 4.5 feet above grade. Trees shall be labeled "To Be

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Removed" or "To Be Saved" on the site plan, with tree species and caliper noted for both types of tree. Only trees six (6) inches or greater in caliper may be used to satisfy any landscaping requirement of this Ordinance.

- B. The Planning Commission may require City inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials.
- C. Throughout construction, protective fencing shall be placed at the critical root zone of existing trees marked on the site plan as "To Be Saved" and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No person shall conduct activity within the critical root zone of any tree designated for preservation, including but not limited to the storage or placing of solvents, building materials, construction equipment, soil deposits, or the parking of any vehicles.
- D. In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged, or destroyed during construction, said plant material shall be replaced with an equivalent species to the damaged or removed tree. Replacement trees shall be provided at the ratio of one (1) replacement tree for each six (6) caliper-inches measured one foot above grade level (or fraction thereof) of tree that is cut down, damaged, or destroyed, unless otherwise approved by the City based on consideration of the site and building configuration, available planting space, and similar considerations.



# Article 8 Signs

Note: Refer to [Article 12, Chapter 2](#) on for definitions of terms used in this Article.

## Section 74-8.101 Purpose

The sign regulations in this Article are intended to balance the public and private interests. The purpose of this Article is to promote a safe, well-maintained, vibrant, and attractive community by permitting signs in the City that meet the needs for signs to inform, direct, identify, advertise, advocate, promote, endorse, and otherwise communicate information. These sign standards are based on the premise that unrestricted signage does not benefit the community or individual property owners, and may be detrimental to the public health, safety, and welfare. To that end, the regulations of this Article allow for a variety of sign types and sizes.

It is further the intent of this Article to:

- A. **Community Aesthetic Quality and Character.** To protect and enhance the physical appearance of the City (including the preservation of its historic and cultural resources, scenic areas and viewsheds, and the dark night sky) and property values by preventing blight, visual clutter, excessive lighting, and out-of-scale signage that degrade the aesthetic views and/or property values of the community. Also, to promote signage that contributes to the streetscape element and aids in creating a “sense of place.”
- B. **Free Speech.** To ensure that the constitutionally guaranteed right of free speech is protected and to encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are seen.
- C. **Public Safety.** To promote the free flow of motorized and non-motorized traffic and protect motorists, passengers, and pedestrians from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, or illegible signage that results in confusion and hindrance of vision. Also, to protect and enhance pedestrian and vehicular traffic safety by prohibiting or removing signs that are structurally unsafe or poorly maintained.
- D. **Economic Development.** To protect and enhance economic development and vitality by assuring aesthetic appeal for residents and visitors.
- E. **Effective Communication.** To enhance the effectiveness of communication of permitted signs and directional and warning signs.
- F. **Removal of Illegal and Nonconforming Signs.** To seek the removal of illegal signs and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this
- G. Article.
- H. **Ease of Administration.** To have standards and administrative review procedures that are simple for property owners, tenants, and sign installers to follow. Signs that are lawfully erected and maintained under the provisions of this Article are consistent with customary usage.

The standards in this ordinance are deemed the minimum necessary to achieve the above stated purposes.

## Section 74-8.102 General Requirements

- A. **Permit Required.** Unless specifically indicated otherwise, a sign may not be constructed or erected unless a permit has been issued by the zoning administrator. All signs shall comply with the state construction code. An application for a sign permit shall include the following information:

1. Name, address, telephone number of the applicant.
2. A map of the property showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and approximate location of the proposed sign(s).
3. An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
4. In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
5. The proposed dates of construction and completion of the sign.
6. Other information or data as may be required by the zoning administrator.
7. In the case of a temporary sign, the length of time the proposed sign will be on the site.

The Zoning Administrator shall approve, disapprove, or approve subject to conditions the request for a sign permit based upon the standards of this Article.

- B. **Accessory to Principal Use.** All signs shall be accessory to the primary use of the lot where the sign is located and shall comply with the applicable design standards set forth herein, with the exception of an off-premise sign permitted in this Ordinance or any sign that is permitted without a sign permit by Section 74-8.104.
- C. **Signs in Public Rights-of-Way.** Signs are prohibited from locating in or overhanging all public rights-of-way and dedicated public easements except as otherwise provided for signs in the C-1 central business district, and signs erected by the City for public purposes are permitted with road agency approval.
- D. **Corner Clearance.** Signs shall be located outside of any clear vision area as described in Section 74-3.204 of this Ordinance.
- E. **Measurement of Sign Area.** For the purposes of determining compliance with the sign area requirements of this Article, sign area is calculated as follows:
1. Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed but includes any sign tower.
  2. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet or thirty (30) degrees from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.
  3. In the case of a sphere, the total surface area of the sphere shall be divided by four to determine the maximum permitted sign area.
- F. **Illumination.** Sign illumination shall comply with the following standards:
1. External illumination of signs and awnings. External illumination of signs and awnings shall be limited to fully- shielded light fixtures per sign face that use a maximum one hundred fifty (150) watt equivalent metal halide, tungsten-halogen, fluorescent, light emitting diode (LED), or incandescent lamps. Such fixtures shall be mounted above the sign face with all light directed downward and concentrated on the area of the sign to prevent glare upon the street or adjacent property.

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2. Internal illumination of signs and awnings. Internal illumination of signs and awning signs is prohibited in the C-1 district. Internal illumination of signs and awning signs is permitted in other zoning districts where more than fifty percent (50%) of the illuminated sign area is covered by semi-opaque colors and materials that have a color value and saturation of fifty percent (50%) or higher. Internal illumination of awnings shall be limited to one (1) fixture, provided that the fixture is recessed and the awning material is opaque except for any permitted sign copy area.
  3. Animated Lighting Effects. The use of light emitting elements including but not limited to light bulbs, fixtures, LEDs, or fiber optic lighting to create a flashing, scrolling, scintillating, intermittent, or other animated effect on any sign visible from the exterior of the building is prohibited.
- G. **Readerboard Signs.** Readerboard signs are signs that include a changeable copy area, either through physical means such as moveable letters or numbers, or electronic means through lighting or other effects. Readerboard signs are subject to the following regulations:
1. Change cycle. The message displayed on signs with an electronic readerboard area may change a maximum of once every ten seconds. No message or image on an electronic readerboard sign may flash, scroll, scintillate, move, or use similar methods to attract attention.
  2. Changeable copy area. The maximum changeable copy area for any site is forty (40) square feet, or the maximum permitted sign area, whichever is less.
  3. Hours of operation in residential districts. To preserve the character and repose of adjacent residential areas, all electronic readerboards shall discontinue display from 10:00 p.m. to 6:00 a.m. in residential districts or within 150 feet of residential districts.
- H. **Substitution.** Notwithstanding anything herein to the contrary, noncommercial copy may be substituted for commercial copy on any lawful sign structure, and any sign permitted by this Article may contain a non-commercial message.
- I. **Obstruction** Prohibited. No sign shall be placed so as to obstruct any fire escape, required exitway, window, or door opening used as a means of passage or as access for firefighting purposes.
- J. **Construction.** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No advertising sign or billboard permit shall be issued until the building and zoning inspectors are satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation.
- K. **Maintenance.** All signs, sign frames, sign copy area, panels, structural elements, lamps and electrical hardware shall be maintained in good repair and working order, so as to present a neat and orderly appearance. Non-galvanized or corrosion-resistant materials shall be painted when necessary to prevent corrosion.

### Section 74-8.103 Prohibited Signs

The following signs are prohibited in all zoning districts:

- A. **Obscene Material.** Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency, as determined by Federal law, State law, or applicable case law.
- B. **Hazard Generating Signs.** The placement, size, content, coloring or manner of illumination of signs shall not create traffic or pedestrian hazards. No sign shall make use of the words "stop," "look," "danger" or other word, phrase or symbol in a manner that is confusing or misleading. No sign or flashing light shall be erected or maintained in any manner which, by reason of its size, location, context, coloring or manner of illumination, shall constitute a traffic hazard or which shall interfere

with the visibility of any traffic control device. Traffic directional signs in a private parking area are exempted from this provision.

- C. **Traffic Sign Mimicry.** Signs are prohibited that are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- D. **Obstruction.** Signs that obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- E. **Mechanical or Kinetic Signs.** Signs having visible moving parts; mechanical movement or other apparent visible movement achieved by electrical or mechanical means or action of normal wind currents; or containing or consisting of banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs other than holiday decorations, or similar devices are prohibited. Upon site plan review, the Planning Commission may approve specific modifications of this provision.
- F. **Portable Signs.** Freestanding exterior signs that are not anchored or secured to a building or the ground and signs that are part of a structure designed to be moved from one location to another with a change in message are prohibited, except as specifically indicated in [Section 74-8.104](#) or [Section 74-8.105](#).
- G. **Roof Signs** in any zoning district other than the I-1 or I-2 district.
- H. **Signs not expressly permitted** by this Article are prohibited.

**Section 74-8.104 Signs Allowed in All Zoning Districts Without a Permit**

The following non-illuminated signs are permitted accessory to a permitted use in any zoning district without obtaining a building permit prior to installation.

- A. **Temporary Noncommercial Signs.** Temporary noncommercial signs shall be subject to the following:
  - 1. Temporary noncommercial signs shall only be ground or wall signs. The total area of a sign on a single lot shall not exceed twenty-four (24) square feet and the maximum sign height of each sign shall be six (6) feet.
  - 2. Temporary noncommercial signs shall be located solely on private property outside of any street right-of-way or corner clearance area, with written permission from the property owner. A minimum setback from a polling place on an election day may be enforced pursuant to Federal, State, County, or local law.
  - 3. Temporary noncommercial signs shall be removed if they are not properly maintained in accordance with this Ordinance.
- B. **Address signs.** Address numbers legible from the street and one nameplate sign not exceeding two (2) square feet in area indicating name of occupant(s) is permitted per lot, which are permitted for the purpose of site identification for the public and emergency response personnel. Additionally, multiple family developments with two (2) or more multiple family apartment buildings may have one building mounted sign per building with a maximum area of 10 square feet indicating address and unit numbers, which are permitted for the purpose of site identification for the public and emergency response personnel.
- C. **Window Signs.** Window signs located inside or outside a window are permitted. No window sign shall advertise products or services not provided or for sale on the premises. Window signs and advertising not-for-profit and civic functions shall be permitted. The use of light emitting elements including but not limited to light bulbs, fixtures, LEDs, or fiber optic lighting to create a flashing, scrolling, scintillating, intermittent, or other animated effect on any window sign visible from the exterior of the building is prohibited. Window signs must comply with Section 74-8.103 regarding prohibited signs.
- D. **Traffic Control Signs.** Traffic control signs within parking lot areas when such signs conform to the design standards of the Michigan Manual of Uniform Traffic Control Devices, including any signs that

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are required to be displayed such as those to identify barrier free accessible spaces.

- E. **Sign Copy Changes.** Changes to sign copy within an approved changeable sign copy area.
- F. **Temporary On-Premise Commercial Signs.** Temporary on-premise commercial signs shall be subject to the following:
  - 1. Temporary on-premise commercial signs shall be limited to one (1) ground or wall sign on a single lot. The total sign area of all temporary on-premise commercial signs on a single lot shall not exceed ten (10) square-feet in the R-1, R-2, R-3, and MH residential districts for parcels with less than 2.5 acres; 16 sq. ft. in the R-1, R-2, R-3, and MH residential districts for vacant parcels with 2.5 acres or more; and twenty-four (24) square-feet in any other zoning district. The maximum height of any on-premise commercial sign shall not exceed six feet (6) in any zoning district.
  - 2. Temporary on-premise commercial signs shall be located solely on private property outside of any street right-of-way or corner clearance area with written permission from the property owner.
  - 3. A temporary on-premise commercial sign may be erected at the time a lawful, conforming on-premise commercial activity is permitted and shall be removed within ten (10) days following completion or discontinuation of the on-premise commercial activity to which the sign pertains by the property owner, agent or persons or bodies responsible for creating the sign or placing the sign on the property.
  - 4. A temporary on-premise commercial sign up to 100 sq. ft. in area with a maximum height of fifteen (15) feet, may be erected on property adjacent to the I-96 interstate highway after approval from the Zoning Administrator. The approved temporary on-premise commercial sign shall be placed along the property line adjacent to the I-96 interstate highway.
- G. **Historic Places Signs.** Signs denoting places on an official state historical registry or the National Register of Historic Places shall be permitted within all use districts at any location on the site, subject to the clear vision area requirements of Section 74-3.204.
- H. **Public Directional Signs.** All directional signs for orientation of the general public, when erected by the City, County, State, or other public or exempt agency shall be permitted in all districts.
- I. **Seasonal Decorations** that do not convey a commercial message or are not intended to promote commercial activity are not be considered signage and shall not require a permit.
- J. **Murals** are a design or representation painted or drawn on the exterior surface of a structure that, in the opinion of the zoning administrator, do not meet the definition of a sign. Such murals are exempt from any sign area requirements of this ordinance and shall not be included in calculations for allowable sign area. Murals that are determined to be signs shall be included in the calculations for allowable building mounted sign area.
- K. **No Trespassing Signs.** To promote public safety by discouraging trespassing, one (1) "No Trespassing" sign or similar notice may be posted for every 150 feet of lot frontage on each side of a lot, provided that each sign is no more than two (2) square-feet in area and located entirely upon private property.
- L. **Incidental Signs.** Incidental signs not larger than three (3) square feet and not legible from off-site.

### Section 74-8.105 Signs Allowed With a Permit

The following signs may be permitted in certain zoning districts as shown in the following [Table 12](#), subject to the approval of a building permit and compliance with the quantity and area requirements of [Table 13](#), and the sign design limitations applicable to each type of sign.

Note that the total area requirements of [Table 13](#) apply only to signs that are allowed with a permit. Signs allowed without a permit are not subject to the total quantity and area limitations of [Table 13](#).



Table 12. Type of Sign Permitted by Zoning District

TYPE of SIGN	RR	R-1/MH	R-2	R-3	PO-1	C-1	C-2	C-3	C-4	I-1	I-2	SIGN DESIGN STANDARDS
	<b>Key:</b> ■: Permitted for all uses      ○: Permitted for some uses. Refer to sign design standards.      [blank]: not permitted											
Building Mounted Sign	○	○	○	○	■	■	■	■	■	■	■	<a href="#">Section 74-8.106.A</a>
Monument Ground Sign	○	○	○	○	■	■	■	■	■	■	■	<a href="#">Section 74-8.106.B</a>
Entrance Sign	○	○	○	○								<a href="#">Section 74-8.106.C</a>
On-Site Directional Sign					■	■	■	■	■	■	■	<a href="#">Section 74-8.106.D</a>
A-Frame Sign					■	■	■	■	■			<a href="#">Section 74-8.106.E</a>
Building Directory Sign					■	■	■	■	■	■	■	<a href="#">Section 74-8.106.F</a>
Temporary or Special Event Sign	■	■	■	■	■	■	■	■	■	■	■	<a href="#">Section 74-8.106.G</a>

Table 13. Total Ground and Building Mounted Sign Quantity and Area Requirements by Zoning District

SIGN DIMENSION REQUIREMENT	RR	R-1/MH	R-2	R-3	PO-1	C-1	C-2	C-3	C-4	I-1	I-2	COMMENTS
	Maximum number of signs allowed per street frontage. <sup>A</sup>	1	1	1	1	2	3	3	3	3	2	
Maximum total sign area per street frontage (in square feet)	30	30	30	30	<a href="#">D</a>	<a href="#">B</a>	<a href="#">B</a>	<a href="#">B</a>	<a href="#">B</a>	<a href="#">C</a>	<a href="#">C</a>	

Footnotes to [Table 13](#):

- A. **Maximum Number of Ground and Building Mounted Signs.** The maximum number of signs per street frontage includes ground and building mounted signs. The maximum number of signs allowed per street frontage may be assigned to a side of the property or building without street frontage, but in no case shall the total number of signs on one side of the property or building be greater than the maximum allowed per street frontage.
- B. **Maximum Sign Area in Commercial Districts.** The total area permitted for building mounted and ground signs in commercial districts is 15% of the signable area of the building.
- C. **Maximum Sign Area in Industrial Districts.**
  1. **Front Yards.** The total area of signs permitted shall not exceed one square foot for each linear foot of lot frontage at the front lot line or 3 square foot per linear foot of building frontage along the front facade, whichever is greater.
  2. **Side Street Yards.** For sites with more than one road frontage, an additional 0.5 square feet per linear foot of lot frontage on the side street lot line or 1.5 square feet of per linear foot of building façade frontage facing the side street, whichever is greater, is permitted.
  3. **Absolute Maximum Sign Area.** The total sign area on any site in an industrial district shall not exceed 750 square feet, or the maximum permitted by the preceding subsections [1](#) and [2](#), whichever is less.

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- D. **Maximum Sign Area and Number of Ground Signs in the PO-1 District.** For the maximum permitted sign area for ground signs, see Table 14 of Section 74-8.106.B.1. For the maximum number of ground signs permitted, see Section 74-8.106.B.3. Building mounted signs shall adhere to the provisions set forth in Section 74-8.106.A.1.

### Section 74-8.106 Sign Design Standards

- A. **Building Mounted Signs.** Building mounted signs, including wall, awning, and projecting signs shall comply with the following requirements, in addition to the maximum total sign area per street frontage requirement of [Table 13](#).
1. District-Specific Requirements.
    - a. *In RR, R-1, R-2, R-3, and MH Districts.* Nonresidential uses may have one building mounted sign with a maximum area of 8 square feet. Manufactured housing parks, multiple family, and townhouse uses in the MH, R-2, and R-3 districts may have one building mounted sign with a maximum area of 10 square feet per street façade.
    - b. *In PO-1 Districts.* The maximum building sign area shall be 0.5 square feet per linear foot of building frontage or 0.25 square feet for each linear foot of lot frontage, whichever is greater. In such cases of two building mounted signs on the same street frontage, the maximum permitted building sign area of both signs combined shall not exceed the greater of 0.5 square feet per linear foot of building frontage or 0.25 square feet for each linear foot of lot frontage.
    - c. *In C-1, C-2, C-3, and C-4 Districts.*
      - i. Wall signs on a street facing façade shall be located below the bottom of any second story window. No sign shall obscure significant architectural features of the building to which it is attached.
      - ii. Projecting or awning signs that are constructed as an integral part of the building may encroach up to 4 feet into a setback or right-of-way area.
    - d. *In I-1 and I-2 Districts.* Roof signs that attach to or project from the surface or roof of the building are permitted.
  2. Materials. All building mounted signs shall comply with the following requirements:
    - a. Building mounted signs shall be professionally constructed using high-quality materials such as metal, stone, hard wood, brass, or aluminum. The use of exposed neon tubing in conjunction with other types of materials to emphasize a name, logo, or other message is permitted, however, internal neon lighting or any other use of neon tubing is prohibited.
    - b. Internally lit plastic letters or plastic box signs are prohibited in the C-1 district.
    - c. To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.
  3. Multi-Tenant Signage. A building with two (2) or more non-residential tenants may exceed the number of building mounted signs allowed per building as provided for in [Table 13](#), provided the following requirements are satisfied:
    - a. One building mounted sign is permitted per tenant subject to the following size requirements:
      - i. For a tenant occupying 1,200 square feet of floor area or less, a maximum of 24 square feet.
      - ii. For a tenant occupying over 1,200 square feet of floor area, the size is limited to a maximum of one square foot of sign area per 50 square feet of area occupied by the

tenant or 40 square feet, whichever is less.

- b. Tenants located in buildings that front on a public road but are accessed by parking in the rear shall be entitled to one additional sign each. Similarly, for individual tenants located in corner units with multiple public entry points, one (1) additional sign may be permitted.
  - c. The tenant sign shall not project higher than the roof and shall satisfy all other requirements for Building Mounted Signs as stated herein.
  - d. A non-residential multi-tenant center installing signs for individual tenants shall not exceed the greater of the building mounted signage allowed in Section 74-8.105 and Section 74-8.106(3).
  - e. The non-residential multi-tenant center shall be entitled to a ground sign, per the requirements for ground signs as stated herein. One (1) ground sign per street frontage shall be permitted for the multi-tenant facility. The maximum sign area permitted shall be based on the requirements of [Table 13](#). Individual businesses within the multi-tenant center shall not be entitled to additional, separate ground signs.
4. Wall Signs. No surface of a wall sign may project beyond or overhang any wall or permanent architectural feature by more than one (1) foot.
  5. Awning Signs. Sign lettering or logos may comprise up to 35% of the total exterior surface of an awning. Awnings with back-lit graphics or other kinds of internal illumination are prohibited.
  6. Projecting Signs.
    - a. Projecting signs shall be secured to the building by metal anchors, bolts, supports, rods or braces.
    - b. Projecting signs are limited to 20 square feet of sign area per sign face.
    - c. A minimum vertical clearance of 8 feet shall be provided between the lowest point of the sign and the sidewalk.
    - d. Projecting signs may not be mounted above a second-floor window on multi-story buildings.

## Article 8 Signs

- B. **Ground Signs.** Ground signs shall comply with the following requirements, in addition to the maximum total sign area per street frontage requirement of [Table 13](#).
1. **Height, Area, and Setback.** Ground signs shall comply with the height, area, and setback requirements of the following [Table 14](#).

**Table 14. Ground Sign Dimension and Setback Requirements**

Zoning District <sup>4</sup>	Maximum		Minimum Setback Requirements
	Sign Height	Sign Area	
RR R-1 R-2 R-3 MH	6 ft.	30 sq. ft.	<ul style="list-style-type: none"> <li>• 15 feet from the existing or planned right-of-way</li> <li>• 15 feet from the side property line</li> </ul>
PO-1	6 ft.	40 sq. ft.	<ul style="list-style-type: none"> <li>• 10 feet from the front property line</li> <li>• 10 feet from a side property line</li> </ul>
C-1	6 ft.	See <a href="#">Table 13</a>	<ul style="list-style-type: none"> <li>• 5 feet from the existing or planned right-of-way</li> <li>• 10 feet from a side property line</li> </ul>
C-2 C-3 C-4	10 ft.	See <a href="#">Table 13</a>	<ul style="list-style-type: none"> <li>• 5 feet from the existing or planned right-of-way</li> <li>• 10 feet from a side property line</li> </ul>
I-1 I-2	12 ft.	See <a href="#">Table 13</a>	<ul style="list-style-type: none"> <li>• ½ of the front setback requirement for the zoning district. Refer to <a href="#">Section 74-3.102</a>.</li> <li>• Must comply with the side and rear setback requirement applicable to principal buildings in the zoning district. Refer to <a href="#">Section 74-3.102</a>.</li> </ul>

2. **Monument Base Required.** All ground signs in the City shall be low-level monument style ground signs. Pole signs are not permitted. The ground sign shall be provided with a base that is at least 80% of the width of the sign. An exception to the monument base requirement may be provided if the ground sign is supported by two decorative posts on each side of the sign, and the vertical distance between the average grade at the sign location to the lowest point of the sign is no greater than three (3) feet; in such cases, the permitted maximum sign height shall be measured from the average grade at the sign location to the highest point of the sign.
3. **Number of Signs.** One ground sign shall be permitted per lot or parcel. Lots that have more than 100 feet of frontage on each of two (2) or more public streets shall be permitted one ground sign for each street frontage.
4. **Corner Clear Vision Area.** All ground signs shall be located outside of corner clearance areas pursuant to [Section 74-3.204](#).
5. **Materials.** Natural materials such as stone, decorative masonry, wood, or metal are preferred sign construction materials.
6. **Landscaping.** Low level landscaping shall be provided around the base of the sign, but shall not obscure any part of the sign message.
7. **Drive-Through Signs.** To allow for the safe and efficient movement of traffic through a drive-through site, any use that includes a permitted drive-through is permitted to have signs that relate to the drive-through facility, such as menu order board signs or information signs. The

<sup>4</sup> The monument ground sign regulations are applicable to residential developments (i.e. site condominiums, subdivisions, manufactured housing parks, and multiple family residential developments) and non-residential uses in the RR, R-1, R-2, R-3, and MH Districts pursuant to Section 74-8.106(C).

drive-through signs may have a maximum height of six (6) feet and maximum area of 32 square feet per drive-through use, and shall not be included in the computation of total sign area or quantity for the parcel includes such boards are legible from a point of observation off the premises. All freestanding drive-through signs shall be monument-style signs.

**C. Monument Signs in the RR, R-1, R-2, R-3, and MH Districts.**

1. One entrance sign is permitted per entrance into a residential development (i.e. site condominium, subdivision, manufactured housing park, and multiple-family residential development) or non-residential use. For the purpose of this section, an entrance is defined as the intersection of a local street or principal driveway entrance with a local, major, or collector street, as shown on the Zoning Map. The maximum area and minimum setbacks of the entrance sign shall comply with the requirements of Section 74-8.106.B.1.
2. Entrance signs are exempt from the quantity and area limits of [Table 13](#) in [Section 74-8.105](#).
3. Entrance signs shall comply with the design and materials requirements applicable to ground signs listed in [Section 74-8.106.B](#).

**D. On-Site Directional Signs.** To allow for the safe and efficient movement of traffic through a site, signs providing traffic or property use direction may be provided behind the front of the building so as to be visible on the property by patrons or customers. The total area of directional signs on any site shall not exceed 40 square feet of sign face, and no individual directional sign shall exceed ten (10) square feet of sign area. Additional entry and exit signs of one (1) square foot shall be allowed provided the signs are two (2) feet from any front lot line and 20 feet from any side or rear lot line of an adjacent residential district. On-site directional signs shall not be counted towards the maximum quantity and area limits of [Table 13](#) in [Section 74-8.105](#).

**E. A-Frame Signs.** The intent of these regulations is to allow for esthetically pleasing signs, with a focus on pedestrian traffic and a small-town atmosphere. To ensure safety and avoid clutter, a-frame signs must be properly sized, located, and maintained. Even though a-frame signs may in some instances be located in public space, the sign owner bears all liability for related injury or damages.

1. Permit Required. A sign permit shall be obtained from the City of Williamston prior to erecting or using an a-frame sign. The owner of any existing a-frame sign that was used prior to the effective date of this ordinance shall be required to obtain a valid sign permit within 45 days of the effective date of this ordinance. Failure to obtain a permit shall be enforceable under the terms of the Zoning Ordinance.
2. Number of Signs. Each place of business located in a zoning district where A-frame signs are permitted may have one a-frame sign, as defined herein.
3. Exempt from Zoning District Maximum Quantity and Area. The a-frame sign and its area shall not be counted against the total sign area requirement identified in [Table 13](#) in [Section 74-8.105](#).
4. Sign Dimensions. Any a-frame sign, as assembled and normally used, shall not exceed the following physical dimensions:
  - a. *Height:* Four (4) feet, measured from the sidewalk grade to the highest point of the sign.
  - b. *Width of sign face:* Twenty-eight (28) inches, including any structural support.
  - c. *Distance between sign faces:* Two (2) feet at the widest point.
5. Sign Placement. Any a-frame sign must be located so as not to impede pedestrian or vehicular traffic, including the doors of vehicles parked along the curb. A-frame signs must be placed in

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front of the advertised business. A-frame signs located outside the C-1 district must be located on private property.

6. Display Hours. A-frame signs may only be on display during the hours a business is open to the public. All non-permanent signs, displays, or other materials must be stored indoors when the business is not open to the public.
  7. Sign Elements. No a-frame sign may include moving, spinning, or swinging elements. No a-frame sign may be electrified or artificially illuminated. No a-frame sign may include text elements such as 'stop', 'slow', 'warning', 'danger', or other words or phrases that could cause confusion with public traffic signs or signals. Profane or offensive language shall be prohibited.
  8. Public Safety and Owner Liability. All a-frame signs shall be constructed of durable materials and maintained in a safe structural condition at all times. No loose or flimsy materials shall be permitted on a a-frame sign. The owner and/or exhibitor of an a-frame sign assumes all liability for damage or injury caused by the sign.
  9. Maintenance. The repainting of any portion of an a-frame sign, the periodic changing of the message of a a-frame sign, and/or regular maintenance of a a-frame sign due to ordinary wear shall be permitted without an additional permit.
  10. Permit. An application for an a-frame sign permit must be submitted to the City. Written permission to place the sign must be granted by the landowner, and such permission must accompany the application for the City permit.
  11. Enforcement. If the City determines that there has been violation of this section, written notice of the violation shall be conveyed to the appropriate party. If, however, the zoning administrator or his/her designee determines the sign to be unsafe, immediate removal by the City is permitted. Any violations of this section are subject to the enforcement remedies and penalties provided in the Zoning Ordinance and/or by State law.
- F. **Building Directory Signs.** Where a single building on a single lot is occupied by more than one (1) business, dwelling or other use, and one or more of the uses or dwellings lacks a direct entrance from the exterior of the building, an additional wall sign may be located at the exterior entrances to the building, subject to the following:
1. The sign shall be separate from any other permitted signs.
  2. The maximum area of each sign shall be six (6) square feet.
  3. Such signs shall be constructed out of durable, high quality materials.
  4. Such signs are exempt from the quantity and area limits of [Table 13](#) in [Section 74-8.105](#).

G. **Temporary Signs.** Temporary signs, other than those listed elsewhere in this Article, shall be subject to the following:

1. Number of permitted signs. A maximum of one (1) such sign per street frontage per lot and one (1) sign per public entrance to the building shall be permitted per lot.
2. Maximum sign area and height in residential zoning districts. Ground mounted or freestanding signs shall not exceed 6 feet in height and 16 square feet in area. Building mounted temporary signs shall not exceed ten percent (10%) of the signable area of the building space occupied by the use associated with the sign.
3. Maximum sign area and height in nonresidential zoning districts. Ground mounted signs shall not exceed 8 feet in height and 36 square feet in area. Building mounted temporary signs shall not exceed ten percent (10%) of the signable area of the building space occupied by the use associated with the sign. Banner signs may have a maximum area of 100 square feet.
4. Sign removal. A removal agreement or security bond to guarantee removal of such signs may be required. Signs must be removed upon expiration of the sign permit.
5. Display period. Such signs shall be temporarily displayed for the specific time period defined on the approved permit. One permit may be issued for multiple display periods over one calendar year. The total display period for such signs on a single lot or for a single use shall not exceed sixty (60) days per calendar year.
6. Exempt from Maximum Quantity and Area Requirement. Temporary signs are exempt from the quantity and area limits of [Table 13](#) in [Section 74-8.105](#).

### Section 74-8.107 **Nonconforming Signs**

Nonconforming signs shall be permitted to continue as such until removed or altered, provided that such signs are maintained in accordance with the following requirements:

- A. **Nonconforming Signs.** Signs lawfully erected prior to the effective date of this article which do not meet the standards thereof may be maintained except as hereafter provided.
- B. **Maintenance.** Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in [Section 74-8.102.K](#), above.
- C. **Replacement.** Nonconforming signs may be maintained or replaced with a new nonconforming sign, provided that the degree of nonconformity is not increased and the clear vision area provisions of [Section 74-3.204](#) are satisfied.
- D. **Expiration of Nonconforming Sign Protection.** After a period of thirty (30) days from the removal of a nonconforming sign face, any new sign erected, regardless of shape, size, type, or location, shall only be erected in full conformance with this article, even if the sign support structure remains.
- E. **Changes in Location or Use.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, as a result of its location or its advertisement of a commercial activity no longer taking place on the site, such sign must be removed or made to conform to this article.

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### Section 74-8.108 Signs for Nonconforming Uses

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

- A. One-half square foot of sign area for each linear foot of building frontage or one-fourth square foot of sign area for each linear foot of lot frontage, whichever is greater, not to exceed a maximum of 25 square feet in area.
- B. The maximum sign area permitted for the zoning district in which the sign is located.

### Section 74-8.109 Violations and Remedies

- A. **Nuisance Per Se.** Any sign erected, altered, or converted subsequent to the passage of this article and in violation of any of the provisions thereof is hereby declared to be a nuisance perse.
- B. **Written Notice of Violation.** Upon discovery of a violation of this article, the zoning administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the city assessor. Such notice shall state the defects found upon inspection of the sign, order the sign to be brought into compliance with this article or removed, and establish a time period for correcting the violation.

The zoning administrator or representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.

- C. **City Action to Remedy Violating Signs.** Following expiration of the time period for correcting a sign violation, the City may act to remove the violating sign. Specifically:
  1. Obsolete or Abandoned Signs. Any sign that identifies a business that has permanently ceased operations or that identifies a commercial activity or event that has already occurred shall be considered abandoned and shall be removed by the owner, agent, or person having use of the building or structure as a result of the sign's advertisement of a commercial activity no longer taking place on the site. Signs associated with seasonal businesses need not be removed during seasons in which the business is not in operation.

Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business within 30 days of the premises being vacated. The City may remove the signs after a 10-day notice has been given to the property owner to remove the signs and the cost of removal will be charged to the property owner.

However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

2. Damaged Signs. Signs determined to be in a damaged condition by the zoning administrator shall be repaired, replaced or removed to the satisfaction of the building official by the owner, operator or person having beneficial use of the property upon which the sign is located. If such action is not taken by the owner within ten (10) days, such signs may be repaired or removed by the City at the expense of the owner of the property upon which the sign is located. The City may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.
3. Nonconforming signs. The elimination of nonconforming signs in the City is hereby declared to be for a public purpose and for a public use. The City Council shall have the authority to institute and



## Article 8 Signs

prosecute proceedings for the condemnation of nonconforming signs determined to be in violation of the requirements for such signs specified in Section 74-8.107 (Nonconforming Signs). For the purpose of removal, the City Council may, at its discretion, acquire and remove nonconforming signs by purchase, condemnation or otherwise with the cost paid from general funds.

3. Temporary signs. Any temporary sign or sign allowed without a permit (see Section 74-8.104) that is erected or displayed within a street right-of-way or corner clearance area, or any temporary sign erected without a valid permit or after the expiration of a permit, may be removed by the City without notice.
4. Unsafe signs. Signs determined to be unsafe by the zoning administrator shall be immediately removed or repaired to the satisfaction of the zoning administrator by the owner, operator or person having beneficial use of the property upon which the sign is located. If such action is not taken by the owner within twenty-four (24) hours, such signs may be removed by the City at the expense of the owner of the property upon which the sign is located. The City may then place a lien on the property, adding necessary removal expenses to the tax bill for the property.

### Section 74-8.110 Severability

All sections of this Article shall be deemed to be severable. Should any action, paragraph, or provision hereof be held by courts to be unconstitutional or invalid, such holding shall not affect the validity of this Article as a whole or any part thereof, other than the part so held to be unconstitutional or invalid.

# Article 9 **Administrative Procedures**

## Chapter 1 **Permits**

### Section 74-9.101 **Permit Required**

All excavation or construction of any building, structure or parking area, or structural changes in any existing building or structure, or modification of the use or dimension of any lot requires a permit issued from the zoning administrator.

In instances where a use of property located within a particular district is not identified as a permitted use or as a use allowed by special permit within that district, an eligible applicant may request either a change in the zoning of that property to a zoning district where that use is permitted or allowed by special permit or a text amendment to the ordinance include that specified use or uses within a particular district.

### Section 74-9.102 **Zoning Permits**

- A. **When Required.** No person shall commence excavation for, or construction of, any building, structure, or parking area, or make structural changes in any existing building or structure or change the use or dimension of any lot, without first obtaining a zoning permit from the zoning administrator.

No permit shall be issued for the construction, alteration, or remodeling of any building or structure, until an application has been submitted, in accordance with provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance.

An extension of a zoning permit shall be allowed by authorization of the zoning administrator, after reasonable cause for an extension is shown by the applicant. No more than one extension, not to exceed 180 calendar days, may be allowed.

- B. **Plot Plan Required.** A plot plan may be required by the zoning administrator with an application for a zoning permit for any use or activity that does not require site plan review (see [Article 9, Chapter 2](#)) or special land use review (see [Article 9, Chapter 3](#)). When a plot plan is required it shall include the following information:
1. The actual shape, location and dimensions of the lot.
  2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
  3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
  4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
  5. Any other information deemed necessary by the zoning administrator.

- C. **Permit Expiration.** A permit issued under this section shall be valid for a period of one year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the zoning administrator shall notify the applicant, in writing, of the expiration or revocation of said permit.

### Section 74-9.103 **Certificate of Occupancy**

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

- A. **Certificates not to be issued.** No certificate of occupancy pursuant to the building code of the City shall be issued for any building or structure, or part of a building or structure, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- B. **Certificates required.** No building or structure, or part of a building or structure, which is erected or altered shall be occupied or used or such action caused to be done unless and until a certificate of occupancy shall have been issued for such building or structure.
- C. **Certificates including zoning.** Certificates of occupancy as required by the building code for new buildings or structures, or parts, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- D. **Certificates for existing buildings.** Certificates of occupancy shall be issued for existing buildings, structures, or parts, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts, or such use of land, are in conformity with the provisions of this Ordinance.
- E. **Temporary certificates.** Nothing in this Ordinance shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in the process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months, no more than five days after the completion of the building, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this Ordinance.
- F. **Records of certificates.** A record of all certificates issued shall be kept on file in the office of the zoning administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- G. **Certificates for dwelling accessory buildings.** Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
- H. **Applications for certificates.**
  - 1. Application for certificates of occupancy shall be made in writing to the zoning administrator on forms furnished by the city; and such certificates shall be issued within ten days after receipt of such application if it is found that the building or structure, or part of such building or structure, or the use of land is in accordance with the provisions of this Ordinance.
  - 2. If such certificate is refused for cause, the applicant shall be notified in writing of such refusal and the cause within the ten-day period.

### Section 74-9.104 **Uses Subject to Performance Standards**

- A. **Application.** An application for a building permit and a certificate of occupancy for a use subject to performance standards shall be submitted to the zoning administrator, who may refer it to the

## Article 9 **Administrative Procedures**

### Chapter 1 **Permits**

Planning Commission with recommendations. The applicant shall also submit a plan of the proposed construction or development, including a general description of proposed types of machinery, operations and products. No applicant shall be required to reveal any secret process.

- B. **Previous permits.** Previous to issuance of a building permit and certificate of occupancy, the applicant shall furnish an affidavit acknowledging his understanding of the applicable performance standards and an agreement to conform to such standards.
- C. **Expert opinion.** In case of reasonable doubt as to the likelihood of or ability to conform, the Planning Commission may require the applicant to furnish, at his expense, an opinion from a qualified expert who shall be mutually acceptable to the Commission and to the applicant.
- D. **Decision of the Planning Commission.** At the next regular meeting of the Planning Commission, but in no case more than 30 days after receipt of required information, the Commission shall decide whether the proposed use will conform to the applicable performance standards and on such basis shall authorize or refuse to authorize the issuance of the permit. Such decision shall be in the form of a written report.
- E. **Continued enforcement.** The zoning administrator shall investigate any alleged violation of performance standards on the part of any use coming under the provisions of this Ordinance; and if there are reasonable grounds to believe that a violation exists, he shall investigate the violation and if a violation exists shall notify the City Council of the occurrence or existence of a violation.

#### Section 74-9.105 **Fees**

Fees for inspection and the issuance of permits or certificates or copies required or issued under the provisions of this Ordinance may be collected by the zoning administrator in advance of issuance. The amount of such fees shall be established by resolution of the City Council and should cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

## Chapter 2 **Site Plan Review**

### Section 74-9.201 **Purpose**

The procedures, standards and required information in this Chapter are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these site plan review requirements to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

### Section 74-9.202 **Type of Site Plan Review Required**

Four levels of site plan review are established by this Ordinance: site plan review not required, administrative review, sketch plan review, and site plan review.

The submittal requirements for each kind of review are listed in [Table 16](#) in [Section 74-9.208](#).

- A. **Site Plan Review Not Required.** Site plan review is not required for the construction of single family dwellings and small accessory structures and other activities and improvements that will not generate material off-site impacts. However, any activity or use that is exempt from site plan review may still be subject to the requirements of [Article 9, Chapter 1](#), Permits.
- B. **Administrative Review** is required for certain small scale projects that do not impact neighboring properties.
  1. **Authority.** The zoning administrator shall have the authority to approve, approve subject to conditions, or deny any plan requiring administrative review. The zoning administrator shall from time to time provide the Planning Commission with a summary of administrative review decisions made pursuant to this section.
  2. **Request for Planning Commission Review.** The zoning administrator or the applicant shall have the option to request Planning Commission consideration of plans eligible for administrative review.
  3. **Appeals** of administrative site plan decisions made by the zoning administrator shall be made to the Planning Commission. In such cases, the Planning Commission shall review the plan in accordance with the site plan review procedures set forth in [Section 74-9.204](#).
- C. **Sketch Plan Review** is a Planning Commission review process for smaller scale projects and expansions or changes in use for existing sites. Less detailed information is required for sketch plan review compared to site plan review, and the level of information required is intended to be only that necessary to verify compliance with applicable Ordinance standards.

The application requirements and review procedures for sketch plan review are the same as those established for site plan review in [Section 74-9.204](#).

- D. **Site Plan Review** is required for larger and more intense projects, including most new developments, major expansions, and redevelopment. Site plan review procedures and requirements are listed in [Section 74-9.204](#).

The following [Table 15](#) summarizes what kind of site plan review is required for various development activities.

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**Table 15. Type of Site Plan Review Required**

DEVELOPMENT ACTIVITY	Not Required	Administrative Review	Sketch Plan	Site Plan Review
<b>BUILDING IMPROVEMENTS</b>				
Accessory structures in any district, up to 200 sq. ft. in area	●			
Accessory structures in any non-single family residential district, 200 sq. ft. in area or greater. Administrative review shall be required if the zoning administrator determines the accessory building will not have detrimental impacts on the surrounding neighborhood. Otherwise, sketch plan review shall be required.		●	●	
Construction of a new 3-4 unit multiple family structure on a single lot, or conversion of an existing structure to a 3-4 unit multiple family apartment house			●	
Construction of any non-residential structure, multiple-family structure with 5 or more units, or manufactured housing community				●
Demolition of less than 50% of the existing footprint area of a building and reconstruction without expanding the building footprint by more than 10%		●		
Demolition of less than 50% of the existing footprint area of a building and reconstruction that expands the building footprint by more than 10%			●	
Demolition and reconstruction of more than 50% of the existing footprint area of a building				●
Modifications to a building façade or architectural features that will not materially alter physical features of the building or increase height		●		
Modifications to a building façade or architectural features that will materially alter physical features of the building or increase height			●	
One or two family dwelling and accessory structures on a single lot	●			
<b>INCREASE IN FLOOR AREA</b>				
<i>Increases in floor area to existing multiple-family or non-residential buildings based on the cumulative total of expansions in the previous 5 years shall be reviewed as follows. Note that associated site improvements that are required due to the increase in floor area such as parking or landscaping may require a different level of review.</i>				
An increase of up to 10% of the existing floor area for an industrial or office building and up to 10% or 2,500 sq. ft., whichever is less for a retail building provided that the proposed addition: <ul style="list-style-type: none"> <li>● is located on a rear or side façade</li> <li>● will not be visible from a major or minor thoroughfare</li> <li>● will not negatively impact surrounding property in the opinion of the zoning administrator</li> </ul>		●		
An increase of up to 10% of the existing floor area for an industrial or office building and up to 10% or 2,500 sq. ft., whichever is less for a retail building whenever one or more of the following is true: <ul style="list-style-type: none"> <li>● the addition is located on a front façade</li> <li>● the addition will be visible from a major or minor thoroughfare</li> <li>● the addition may negatively impact surrounding property in the opinion of the zoning administrator</li> </ul>			●	
An increase of up to 15% of the existing floor area for an industrial or office building			●	
An increase of up to 15% of the existing floor area, or 5,000 sq. ft., whichever is less for a retail building			●	
An increase of more than 15% of the existing floor area for an industrial or office building and more than 15% or 5,000 sq. ft., whichever is less for a retail building				●

DEVELOPMENT ACTIVITY	Not Required	Administrative Review	Sketch Plan	Site Plan Review
<b>SITE IMPROVEMENTS OTHER THAN BUILDINGS</b>				
Changes to a site required by City for safety considerations		•		
Improvements in outdoor recreation facilities and parks		•		
Improvements to a site that has previously received site plan approval (e.g. entrance features, walls, landscaping, sidewalks, bike paths, fences, exterior lighting, relocation of driveways, road improvements, etc.)		•		
Increase in parking and loading areas of less than 10% of the existing area or 6,000 square feet without any building changes, whichever is less		•		
Increase in parking and loading areas of more than 10% of the existing area or 6,000 square feet without any building changes, whichever is less			•	
Landscape changes to similar species consistent with the standards of this Ordinance that do not reduce the total amount of landscaping on the site		•		
Minor changes during construction due to unanticipated site constraints, or to improve safety, protect natural features or comply with unanticipated requirements of outside agencies		•		
Parking lot improvements, alterations to the internal layout, resurfacing or re-striping, or the installation of pavement and curbs to off-street parking lots		•		
Utility system improvements and modifications to upgrade a building to improve barrier-free design or to comply with the Americans with Disabilities Act or similar regulations	•			
<b>USE – CHANGES IN and ESTABLISHMENT OF</b>				
Accessory open air businesses		•		
Change in use to a similar or less intense use, provided that significant changes in the existing site design, facilities, structures or amenities are not required		•		
Change in use to a similar or less intense use, when significant changes in the existing site design, facilities, structures or amenities are required			•	
Establishment of a conditional land use				•
Family child day care homes, as licensed by the State of Michigan	•			
Re-occupancy of a building that has been unoccupied for more than 30 days		•		
Substitution of a nonconforming use for a more conforming use, or a change in the use of a nonconforming site			•	
<b>GENERAL</b>				
Any activity that, in the opinion of the zoning administrator, is not exempted from site plan review or that does not qualify for administrative or sketch plan review				•
Projects and activities of a similar character and intensity to other projects and activities with the same required review procedure, as determined by the zoning administrator	•	•	•	•

### Section 74-9.203 Pre-application Conference

At the request of the applicant for site plan review, the city shall conduct a preapplication conference before a committee composed of the city manager, the zoning administrator and up to three representatives from the Planning Commission. The purpose of this conference is to allow discussion with the city to better inform the applicant of the acceptability of any proposed plans or use prior to incurring extensive engineering and other costs which might be necessary for preliminary plan review and final site plan approval. A request for this conference shall be in writing and shall contain whatever information the applicant deems necessary so that

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full disclosure and discussion of the proposed plan may be held. The committee's decision shall have no binding effect on the Planning Commission or City Council but be designed simply to advise the applicant of the feasibility of the proposal.

#### Section 74-9.204 Site and Sketch Plan Review Procedure

- A. **Application.** The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the City. The site plan shall be prepared in accordance with the provisions of this Article, including all appropriate information required by [Section 74-9.208](#). A site plan that does not meet the stipulated requirements for either preliminary or final site plan approval shall be considered incomplete and shall not be eligible for consideration by the Planning Commission.
- B. **Technical review.** Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate City officials and staff for review and comment. If deemed necessary the plans shall also be submitted to applicable outside agencies and designated City consultants for review and comment.
- C. **Preliminary Site Plan Review.** The Planning Commission shall review the site plan, together with any reports and recommendations from staff, consultants and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of [Section 74-9.205](#) (Standards for Site Plan Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
  1. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.
  2. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan shall be denied. If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.
  3. **Approval.** Upon determination that a site plan is in compliance with the requirements of this Ordinance and other applicable ordinances and laws, the site plan shall be approved.
  4. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to one or more conditions necessary to address minor modifications to the site plan, ensure that public services and facilities can accommodate the proposed use, protect significant natural features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
- D. **Final Site Plan Review.** The procedures for final site plan review are as follows:
  1. **Planning Commission Review.** The Planning Commission shall review the final site plan, including items of information required by [Section 74-9.208](#) for a final site plan and any requested reports and recommendations from City staff, consultants, and other reviewing agencies. The Planning Commission shall then make a determination based on the requirements of this Ordinance, the standards of [Section 74-9.205](#) (Standards for Site Plan Approval), and the following considerations:



- a. The proposed final site plan is consistent with the approved preliminary site plan in terms of building location and architecture, amount and quality of landscaping, and site details including but not limited to lighting, parking, signs and circulation layout.
  - b. All conditions imposed during preliminary plan approval are met.
  - c. The engineering requirements applicable at final site plan approval are met.
2. Planning Commission Decision. The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny a final site plan in the same manner as a preliminary site plan.
- E. **Single-step site plan approval**. Nothing in this ordinance shall prohibit the Planning Commission from granting final site plan approval without first granting a preliminary site plan approval if the plans are in compliance with the requirements of this Ordinance for a final site plan.
- F. **Outside agency permits or approvals**. The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside state and county agencies. All federal, state and local laws and ordinances shall be met and no unresolved negative comments issued by any governmental agency or public utility shall exist prior to the issuance of a certificate of occupancy.
- G. **Records Copy of Approved Plans**. Two copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the city records for future review and/or enforcement. Each copy shall be signed and dated by the chairman of the Planning Commission for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the city records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.
- H. **Appeal**. The decision of the Planning Commission may be appealed to the City Council by the applicant. A request for appeal must be made in writing to the zoning administrator within ten days from final action taken on the site plan review and appearance standards approval.

### **Section 74-9.205 Criteria for Review**

In reviewing an application for any type of site plan and approving, disapproving, or modifying the plan, the reviewing authority for the type of review required shall be governed by the following general standards:

- A. There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic. The Planning Commission may request, at their discretion, that a traffic study be conducted by an independent source, paid for by the developer, and the results submitted to the Planning Commission prior to final site approval.
- B. The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.
- C. As many natural features of the landscape shall be retained as possible where they furnish a barrier screen, or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.

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- D. Any adverse effects of the proposed development and activities emanating therefrom which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.
- E. The layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
- F. The site plan must comply with all provisions of the zoning ordinance and the Subdivision Control ordinance, as applicable. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

#### Section 74-9.206 Conformance with Approved Site Plan/Design Appearance

- A. **Suspension by Zoning Administrator.** Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which has received the approval of the Planning Commission. If construction and development does not conform with the approved plan or design appearance, the approval of the site plan or design appearance shall be suspended by the zoning administrator by written notice of the revocation being posted upon the premises involved and mailed to the last known address of the owner.

Upon suspension of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has approved a modification in the site plan or design appearance in accordance with [Section 74-9.207.D](#).

- B. **Rescinding Site Plan Approval.** Approval of a site plan may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:
  - 1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in [Article 9, Chapter 6](#) of this Ordinance (Public Hearing Procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
  - 2. **Determination.** Subsequent to the hearing, the decision of the Commission with regard to the rescission shall be made and written notification provided to the property owner or his or her designated agent.

#### Section 74-9.207 General Provisions

- A. **Expiration of site plans.**
  - 1. Preliminary site plans shall expire 365 days after the date of approval, unless the final site plan for the project has been submitted to the zoning administrator for review.
  - 2. Final site plans shall expire 365 days after the date of final approval, unless building permits have been issued or construction has commenced. The date of final approval is established by the most recent date stamp on the final plans.
  - 3. If building permits have been issued or construction has commenced, final site plan approval shall continue for a period of five (5) years from the date thereof. If such construction lapses for more than 180 continuous days, said approval shall immediately expire.

4. Upon written request received by the City prior to the expiration date, the Planning Commission may grant up to 2 one-year extensions to any approved site plan, either preliminary or final, provided that the approved site plan conforms to current Zoning Ordinance standards.
- B. **Resubmission.** A site plan that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.
  - C. **Approval Subject to Variances.** If the Planning Commission approves a site plan contingent upon approval of one or more variances from specific requirements of this Ordinance, the applicant shall initiate such a request to the Zoning Board of Appeals. The zoning administrator shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the Zoning Board of Appeals. Zoning Board of Appeals consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission. This shall not preclude the applicant from seeking a dimensional variance from the Zoning Board of Appeals prior to obtaining site plan approval.
  - D. **Revisions to Approved Site Plans.** Minor revisions to an approved site plan may be administratively reviewed by the zoning administrator, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan that are not considered by the zoning administrator to be minor shall be reviewed by the Planning Commission as an amended site plan, following the procedures of [Section 74-9.204](#) and the criteria of [Section 74-9.205](#).
  - E. **Performance Bond.** The Planning Commission shall have the right and authority to require the developer to file with the zoning administrator at the time of application for a building permit, a performance agreement in a form approved by the zoning administrator to ensure the development of the site in accordance with the approved site plan/design appearance, conditioned upon the proper construction and development. This agreement shall continue for the duration of the construction and development of the site. Refer to [Section 74-5.119](#) for performance guaranty requirements and procedures.

**Section 74-9.208 Required Information**

The information listed in [Table 16](#) is required for all site plan applications, except where the zoning administrator or the Planning Commission determines that certain information is not necessary or applicable to the particular site plan application.

**Table 16. Site Plan Required Information**

SITE PLAN REQUIRED INFORMATION	Preliminary Site Plan	Final Site Plan	Sketch Plan	Administrative Review
<b>DESCRIPTIVE INFORMATION</b>				
Name, address, email (if available), telephone and facsimile numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the site plan, and the property location (address, lot number, tax identification number).	•	•	•	•
Total area of land in acres or square-feet.	•	•	•	
Existing and proposed use(s) of the site	•	•	•	•

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<b>SITE PLAN REQUIRED INFORMATION</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>	<b>Sketch Plan</b>	<b>Administrative Review</b>
Zoning classification of the property and surrounding parcels (including parcels separated by a street right-of-way).	•	•	•	
Legal description of the property.	•	•		
Architect's, engineer's, surveyor's, or landscape architect's seal.	•	•	•	
<b>SITE PLAN DATA AND NOTES</b>				
Site plans shall be drawn to an engineer's scale of not less than one inch equals fifty feet (1" = 50'). A general plan sheet drawn at scale of not less than one inch equals two hundred feet (1" = 200') shall be provided if the project covers more than one plan sheet at 1" = 50'.	•	•	•	
Title block, including the scale, north arrow, revision date, name of the City, and a location map drawn at one inch equals 2,000 feet (1" = 2,000') showing surrounding land, water features and streets within one (1) mile of the site boundaries.	•	•	•	
Size and dimensions of proposed buildings, including gross and usable floor area, number of stories, overall height and number of units in each building, if applicable.	•	•	•	
Detailed parking (including accessible and van accessible parking), residential density and lot coverage calculations.	•	•	•	
Construction type and use group of all buildings as defined by the Michigan Building Code. If two or more uses not in the same occupancy classification are proposed, indicate if the structure is being designed for separated or non-separated uses.	•	•	•	
<b>EXISTING CONDITIONS</b>				
Location of soil types and existing drainage courses, floodplains, lakes, streams, drains and wetlands, with surface drainage flow directions, including high points, low points and swales.	•	•	•	
Existing topography on site and 50 feet beyond the site boundaries at two-foot contour intervals.	•	•	•	
Slopes greater than 20% with a 10' or greater elevation change.	•	•	•	
Buildings located within 100 feet of any property line.	•	•	•	
Dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	•	•	•	
Existing tree survey including the location of all trees 6" or greater diameter at breast height. The tree survey shall include a key showing the tag number, size, species, and condition of all trees located on the site.	•	•	•	•
Existing site features, including significant natural, historical, cultural and architectural features, buildings and structures, driveway openings, fences, walls, signs and other improvements. The site plan shall clearly note which features will be removed, altered or preserved and provide information regarding the method of preservation or alteration.	•	•	•	
Existing and proposed right-of-way lines and the centerline of adjacent roads.	•	•	•	
Driveways, sidewalks, paths, public transit routes, streets and curb cuts on the applicant's parcel and all abutting parcels (including across street rights-of-way).	•	•	•	
<b>SITE PLAN DETAILS</b>				
Location, outside dimensions, setback distances and proposed uses of all site improvements.	•	•	•	•
Gross and usable building floor areas.	•	•	•	•
Existing and proposed easements and rights-of-way (locations and descriptions) for utilities, access and drainage.	•	•	•	

SITE PLAN REQUIRED INFORMATION	Preliminary Site Plan	Final Site Plan	Sketch Plan	Administrative Review
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamp types and methods of shielding.		•	•	
A photometric grid overlaid on the site plan indicating light intensity throughout the site in foot-candles. All light intensities shown on the plan shall reflect overlapping illumination zones created by proposed fixtures.		•	•	
Specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.		•		
Waste receptacle locations and methods of screening.	•	•	•	
Transformer pad location and method of screening, if applicable.		•	•	
Outdoor sales, display or storage locations and method of screening, if applicable.	•	•	•	
Locations, sizes, heights, types and methods of illumination of all proposed signs.	•	•	•	
BUILDING AND ARCHITECTURAL DETAILS				
General architectural drawings sufficient to convey the intended look and appearance of the building, and to indicate the type and color of building materials, detailing, and other architectural features.	•			
Detailed building façade elevations, drawn to an appropriate scale and indicating type and color of building materials, roof design, projections, canopies, awnings, window openings, entrance features, doors, overhangs, other architectural features and any building-mounted mechanical equipment, such as air-conditioning and heating units.		•		
Building floor plans with all exits clearly delineated.		•		
Entrance details, including signs and details of signs.	•	•	•	
Carport locations and details, if applicable.	•	•		
ACCESS AND CIRCULATION				
Names of abutting streets, and the width, depth, type and curbing for all streets, parking lots, sidewalks and other paved surfaces.	•	•		
Loading and unloading areas.	•	•		
Designation of fire lanes and signs stating “no parking” and “fire lane.”	•	•	•	
Locations and dimensions of access points, including deceleration or passing lanes and distances between adjacent or opposing driveways and street intersections.	•	•		
Location and dimensions of existing and proposed interior sidewalks and sidewalks or paths within public rights-of-way.	•	•	•	
Parking space and maneuvering aisle dimensions (including accessible parking space and access aisle dimensions), pavement markings, traffic control signage, designation of fire lanes and location and dimension of loading areas.	•	•	•	
Proposed accessible routes from accessible parking spaces to accessible building entrances, with sufficient grade information along the route to verify compliance with the Michigan Building Code.	•	•	•	
Accessible routes and ramp slopes by indicating point elevations at the perimeter of such areas.	•	•	•	
Details along the proposed accessible route(s), including accessible parking signs, curb ramps, ramps, and maneuvering clearances of accessible building entrances/doors, as applicable.		•	•	
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<b>SITE PLAN REQUIRED INFORMATION</b>	<b>Preliminary Site Plan</b>	<b>Final Site Plan</b>	<b>Sketch Plan</b>	<b>Administrative Review</b>
Landscape plan, including location, size, quantity and type of proposed shrubs, trees, ground cover (including grass) and other live plant materials, and the location, size and type of any existing plant materials that will be preserved. All landscape plans shall be signed and sealed by a registered landscape architect.	•	•	•	
Planting list for proposed landscape materials with quantity, caliper-size and height of material, botanical and common names, and standards of installation.	•	•	•	
Location, dimensions, construction materials, cross-section and slope ratio for any required or proposed berms or greenbelts.	•	•		
Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.	•	•		
Complete irrigation system design.		•		
A basic annual landscape maintenance program.		•		
<b>UTILITIES, DRAINAGE AND THE ENVIRONMENT</b>				
Grading plan, with existing and proposed topography at a minimum of two-foot (2') contour levels, drainage patterns and a general description of grades within 100 feet of the site to indicate stormwater runoff.	•	•		•
General location of sanitary sewers and building leads upon which no structures or earth berms shall be located.	•			
Detailed location of sanitary sewers and building leads		•		
Water mains, hydrants and building services and sizes.		•	•	
General stormwater runoff calculations and approximate size and location of retention basins	•			
Detailed storm sewers, site grading, drainage, detention basins, and/or other pertinent facilities.		•	•	
<b>ADDITIONAL REQUIRED INFORMATION</b>				
Propane tank locations and methods of screening, any overhead utilities, or any outside storage of materials, chemicals, gases, liquids, etc., if applicable.	•	•	•	
Other information as requested by the zoning administrator, Planning Commission, or city consultants to verify that the site and project are developed or improved in accordance with the spirit and intent of this Ordinance and the City's Master Plan. Such information may include traffic impact studies, market analyses and evaluations of the demand on public facilities and services.	•	•	•	•
The zoning administrator or the Planning Commission may also require that information listed in this table be submitted even if the table indicates that the information is not required for the particular type of review.				

## Chapter 3 Special Land Use Review

### Section 74-9.301 Purpose

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

This Chapter is intended to provide a consistent and uniform method for review of special use applications, ensure full compliance with the standards contained in this Ordinance and other applicable local ordinances and state and federal laws, achieve efficient use of the land, minimize or prevent adverse impacts on neighboring properties and districts, protect natural resources, and facilitate development in accordance with the land use objectives of the Comprehensive Plan and any sub-area or corridor plans.

### Section 74-9.302 Procedures and Requirements

- A. **Initiation of Special Land Use.** Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, and which is specifically enforceable, may file an application to use the land for one or more of the special uses provided for in this section in the zoning district in which the land is located.
- B. **Submission of Application.** Any application shall be submitted through the zoning administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the City Council by resolution to cover costs of processing the application. No part of any fee shall be refundable.
- C. **Data Required.** Every application shall be accompanied by the following information and data:
  1. The special form supplied by the zoning administrator filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of [Section 74-9.303](#).
  2. Site plan or plot plan that complies with the site plan submittal requirements of [Section 74-9.208](#).
- D. **Planning Commission Public Hearing.** Prior to making a discretionary decision on a special land use, the Planning Commission shall hold a public hearing for the purposes of soliciting public input and establishing a record of public comment on the special land use application.

The public hearing shall be held in compliance with the requirements of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), as set forth in [Article 9, Chapter 6](#).

- E. **Planning Commission Decision.** The Planning Commission may approve, approve with conditions, or deny a special land use application. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use specifying the basis for the decision, and any conditions of approval imposed on the application.
  1. **Approval.** Upon determination that a special land use proposal is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.

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2. **Approval with Conditions.** The Planning Commission may impose reasonable conditions with the approval of a special land use. The conditions may include provisions necessary to insure that public services and facilities affected by a proposed special land use or activity will be capable of accommodating increased service and facility loads generated by the new development, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - a. Conditions shall be designed to protect natural resources, the health, safety, welfare, and social and economic well being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
  - b. Conditions shall be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - c. Conditions shall be necessary to meet the intent and purpose of the Zoning Ordinance, related to the standards established in the Ordinance for the land use or activity under consideration, and necessary to insure compliance with those standards.
3. **Denial.** A special land use application shall be denied upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public health, safety, welfare, or orderly development of the City.

The Planning Commission decision on a special land use shall be incorporated in a written statement of findings relative to the special land use under consideration. Said findings shall specify the reasons for the decision and any conditions imposed.

#### F. **Coordination with Site Plan Review.**

1. When a two-step site plan review process is used, the Planning Commission shall consider the preliminary site plan and special land use simultaneously, and shall act upon the special land use prior to any action on the preliminary site plan.
2. If the applicant chooses a one-step site plan approval process (see [Section 74-9.204. E](#)), the Planning Commission shall act upon the special land use prior to acting upon the final site plan.

#### G. **Resubmission.** A special land use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

#### H. **Appeals.** The decision of the Planning Commission may be appealed to the City Council by the applicant or any owner of property within 300 feet of the property in question. Request for appeal must be made by written letter to the zoning administrator within ten days of the final action taken on the special use permit by the Planning Commission.

#### I. **Permit Expiration.** A special use permit issued under this section shall be valid for a period of one year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this period, the zoning administrator shall notify the applicant, city manager, Planning Commission and City Council in writing of the expiration or revocation of said permit. Upon written request received by the City prior to the expiration date, the Planning Commission may grant one (1) extension of up to 180 days, provided that the approved special land use conforms to current Zoning Ordinance standards.



- J. **Revocation.** A special land use can be revoked by the Planning Commission under the same procedure as the section used to approve it if it is found that it no longer meets the standards of this ordinance.
- K. **Conditions and Guarantees.** Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this Ordinance.

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

### **Section 74-9.303 Standards for Approval**

The request for special land use approval must meet the following general standards, as well as any specific requirements for the requested land use in [Article 5, Chapter 2](#). The Planning Commission shall review each application for the purpose of determining that each use on its proposed location will:

- A. Be harmonious with and in accordance with the general principles and objectives of the comprehensive master plan of the City of Williamston.
- B. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
- C. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- D. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
- E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.
- F. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
- G. Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.

### **Section 74-9.304 Operation and Maintenance in Accordance with Special Land Use Approval**

It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate and maintain the use, including the site, buildings and all site elements, in accordance with the provisions of this Ordinance and all conditions of special land use approval until the use is discontinued. Failure to comply with the provisions of this Section shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

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The City Manager or his or her designee may make periodic investigations of developments for which a special land use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special land use approval.

## Chapter 4 **Variances and Appeals**

### Section 74-9.401 **Authority**

There is hereby established a Zoning Board of Appeals, the membership, powers, and duties of which are described in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and by this Ordinance. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the above acts in such a way that the objectives of this ordinance shall be observed, the public health, safety and welfare assured and justice served.

### Section 74-9.402 **Powers and Duties**

The Zoning Board of Appeals shall have the power and duty to:

- A. **Generally.** Hear and decide on all matters referred to it by the provisions of this Ordinance.
- B. **Appeals.** Hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the city in the enforcement of this ordinance. See [Section 74-9.404](#).
- C. **Interpretations.** Interpret the text and map and all matters relating thereto whenever a question arises in the administration of this ordinance as to the meaning and intent of any provision or part of this ordinance. Any interpretations shall be in a manner as to carry out the intent and purpose of this ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general. See [Section 74-9.405](#).
- D. **Dimensional Variance Requests.** Where there are practical difficulties, within the meaning of state law and this ordinance, in the way of carrying out the strict letter of this ordinance, the Zoning Board of Appeals shall have the power upon appeal in specific cases to authorize such variation or modification of the dimensional provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done. See [Section 74-9.406](#) for Dimensional Variance requests.
- E. **Use Variance Requests.** Use Variance requests are not authorized by this Ordinance. The Zoning Board of Appeals may not consider use variance requests.

### Section 74-9.403 **General Requirements**

- A. **Public Hearing.** The Zoning Board of Appeals shall make no recommendation except in a specific case and after a hearing conducted by such board. Notice of such hearing shall be provided in the manner established in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), and as summarized in [Article 9, Chapter 6](#).
- B. **Review Considerations.** In consideration of all appeals and all proposed variances to this ordinance the Zoning Board of Appeals shall, before granting any variance to this ordinance in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City.
- C. **Majority Vote Required.** The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the city in the enforcement

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### Chapter 4 Variances and Appeals

of this ordinance, or to decide in favor of the applicant on any matter upon which it is authorized by this ordinance to render a decision.

#### D. Limitations of Authority.

1. Nothing contained in this chapter shall be construed to give or grant to the Zoning Board of Appeals the power or authority to alter or change this ordinance or the zoning map or to rezone, such power and authority being reserved to the City Council.
2. Nothing in this section shall be construed to authorize the Zoning Board of Appeals to hear, review or decide any appeal from a decision of the City Council or Planning Commission to approve, approve with conditions, or deny a site plan or special use.

E. **Conditions.** In authorizing a variance or taking any other action within its jurisdiction, the Zoning Board of Appeals may attach such conditions as may be deemed necessary in the furtherance of the purposes of this ordinance, provided any conditions are in compliance with the standards for imposing conditions as contained in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended).

F. **Meetings and Records.** The Zoning Board of Appeals shall not conduct business unless two-thirds of the members are present. A meeting of the Zoning Board of Appeals shall be held at the call of the city clerk, and at other such times and places as the Zoning Board of Appeals may determine. All meetings shall be open to the public.

The city clerk shall be the official clerk of the Zoning Board of Appeals and shall receive and review all requests for appeals to the board. The city clerk shall have the authority, without action of the Zoning Board of Appeals, to set meetings of the Zoning Board of Appeals for purposes of hearing any appeal, to publish any required notices, and to take any action necessary to submit the review of any appeal to the Zoning Board of Appeals for determination. The city clerk shall keep minutes of all proceedings of the Zoning Board of Appeals and shall keep records of the finding, proceedings at hearings and other official actions of the Zoning Board of Appeals, all of which shall be filed and shall be a public record. The Zoning Board of Appeals shall adopt its own rules of procedure for meetings.

G. **Resubmittal.** No request or appeal which the Zoning Board of Appeals has denied wholly or in part may be resubmitted to or reheard by the Zoning Board of Appeals for a period of one year following the effective date of the decision by the Zoning Board of Appeals, except where the Zoning Board of Appeals determines there is valid new evidence that was unavailable to the applicant at the time of the prior hearing or a substantial change in circumstances. Applications for a rehearing shall be in writing and shall be subject to the same rules and requirements as an original request.

### Section 74-9.404 Appeal of Administrative Action

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken.

A. **Authority.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Such appeals may be taken to the Board by the person, firm or corporation aggrieved, or by an officer, department, board or bureau of the City affected by the order, requirement, decision or determination, provided that a notice of appeal application is filed with zoning administrator within ten (10) days of such action.

The notice of appeal shall specify the grounds for the appeal. The zoning administrator from whom the appeal is taken shall forthwith transmit to the board all the papers, including the notice of appeal, constituting the record of the appealed action.

- B. **Grounds for Appeal.** The grounds for any such determination shall be stated in the records of the board's proceedings. The Zoning Board of Appeals may reverse an administrative action only if it finds that the order, requirement, decision or determination was arbitrary or capricious, based upon an erroneous finding of a material fact, constituted an abuse of discretion, or based upon an erroneous interpretation of the Zoning Ordinance.
  
- C. **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the Zoning Board of Appeals after the notice of appeal is filed with the zoning administrator, that by reasons of facts stated in the certificate, a stay would cause imminent peril of life or property. In such a case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by the circuit court on application, on notice to the zoning administrator and on due cause shown.

### **Section 74-9.405 Interpretations**

- A. **Interpretation of Zoning District Boundaries.** Where the actual lines of streets, alleys, or property boundaries vary from the portions indicated on the Zoning Map, or some ambiguity exists as to zoning district boundaries, the Zoning Board of Appeals shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the Zoning Ordinance and Master Plan.
  
- B. **Interpretation of Zoning Ordinance Provisions.** The Zoning Board of Appeals shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intents and purposes of the Zoning Ordinance and Master Plan.

### **Section 74-9.406 Dimensional Variance**

- A. **Authority.** The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.
  
- B. **Practical Difficulty.** A dimensional variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:
  - 1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.
  - 2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.
  - 3. The plight of the applicant is due to the unique circumstances of the property.
  - 4. The problem is not self-created.
  - 5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.
  - 6. There is compliance with the standards set forth in [Section 74-9.403.B](#).

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7. There is compliance with the discretionary standards contained in [Section 74-9.303](#) of this Ordinance.

#### **Section 74-9.407 Approval Periods**

- A. No order of the Zoning Board of Appeals permitting the erection of a building or structure shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within the one-year period, and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.
- B. No order of the Zoning Board of Appeals permitting a requested use of a building or premises shall be valid for a period longer than one year unless the use is established within the one-year period; provided, however, that the order of the Zoning Board of Appeals shall continue in force and effect, and a permit for the erection or alteration has been obtained (if erection or alteration is necessary), and the work is started and proceeds to completion in accordance with the permit.

#### **Section 74-9.408 Appeals of Zoning Board of Appeals Decisions**

A decision of the Zoning Board of Appeals may be appealed to the circuit court in the manner provided by law.

#### **Section 74-9.409 Fees**

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed the appropriate fee shall be paid to the city clerk.

## Chapter 5 **Amendments**

### Section 74-9.501 **Initiation of Amendment**

The City Council may, from time to time, on recommendation from the City Planning Commission or on its own motion or on petition, amend, supplement, modify or change this ordinance in accordance with the authority of Public Act No. 110 of 2006 (as amended).

### Section 74-9.502 **Fee**

Upon presentation of petition for amendment of this Ordinance by the owner of any interest of record of real estate to be affected, or by owners of record of real estate within 300 feet of any part of the premises to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the City Council and shall be used to defray the expense of publishing the required notices of public hearings, and the expenses of the public hearing.

### Section 74-9.503 **Amendment Review Procedure**

The amendment, be it a text or a map amendment, and application materials shall be prepared in accordance with the provisions of this Section, and shall be reviewed in accordance with the following procedure.

Amendments or application materials that do not meet the stipulated requirements shall be considered incomplete and shall not be eligible for consideration by the Planning Commission:

- A. **Technical Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City officials and staff for review and comment. The proposed amendment and application materials may also be distributed to applicable outside agencies and designated City consultants for review.
- B. **Public hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended) as summarized in [Article 9, Chapter 6](#), Public Hearing Procedures.
- C. **Planning Commission consideration of the proposed amendment.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this Section, and shall report its findings and recommendation to the City Council.
- D. **City Council action on the proposed amendment.** Upon receipt of the report and recommendation from the Planning Commission, the City Council may approve or deny the proposed amendment. If determined to be necessary, the City Council may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained herein in this Section.

### Section 74-9.504 **Criteria for Amendment of the Official Zoning Map**

In considering any petition for an amendment to the official zoning map, the Planning Commission and City Council shall consider any of the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.

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- A. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning.
- D. 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 the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
- H. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district.
- I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

#### Section 74-9.505 **Re-application**

Whenever an application for an amendment to this Ordinance has been denied by the City Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of three hundred sixty five (365) days, unless the Planning Commission determines that one or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application.
- B. New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed.
- C. The new application is materially different from the prior application.

#### Section 74-9.506 **Protest Petition**

An amendment under this Chapter is subject to a protest petition in accordance with Section 403 of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), summarized as follows:

- A. **Petition Submittal Requirements.** The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be signed by one or more of the following:



1. The owners of at least 20% of the area of land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
  2. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. Publicly owned land shall be excluded in calculating the 20% land area.
- B. **Vote.** If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the City Council.

### **Section 74-9.507 Period of Approval; Return to Former Zoning Designation**

In the case of land which has been approved for a zoning change, construction on the parcel must begin within a period of one year from approval of the zone change. If construction does not commence within this period, the Planning Commission may initiate a rezoning to return the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must comply with the amendment process provided in this [Article 9, Chapter 5](#).

### **Section 74-9.508 Rezoning With Conditions**

Pursuant to MCL 125.3405, the City Council, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

- A. **Conditional Rezoning Agreement.** The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:
1. A statement acknowledging that the rezoning with conditions was proposed by the applicant to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered on a voluntary basis, and represents a permissible exercise of authority by the City.
  2. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.
  3. Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
  4. The date upon which the rezoning with conditions becomes void, as specified in Section [C](#), below. If an extension of approval is granted by the City Council, a new conditional rezoning agreement with the new expiration date shall be recorded.
  5. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in Section [C](#), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
  6. Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created

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by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

7. A legal description of the property affected by the rezoning with conditions.
  8. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.
  9. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.
  10. A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Council in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as the case may be.
- B. **Amendment.** A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.
- C. **Period of Approval.** Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.
1. **Expiration.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the City Clerk before the two (2) year time limit expires. The landowner must show good cause as to why the extension should be granted.
  2. **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:
    - a. The property owner may seek a new rezoning of the property; and/or
    - b. Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.
- D. **Zoning Map.** If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "CR Conditional Rezoning." The Zoning map shall specify the new zoning district plus a reference to CR. By way of example, the zoning classification of the property may be "C-1 Central Business District with CR Conditional Rezoning," with a Zoning Map designation of "C-1 CR."
- E. **Review and Approval Process.** An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in [Section 74-9.503](#), with the exception that the conditional rezoning agreement shall be executed between the applicant and the City Council at the time of City Council approval of a rezoning with conditions.
- F. **Recordation of a Conditional Rezoning Agreement.** A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the County Register of Deeds.

- G. **Violation of Conditional Rezoning Agreement.** If development and/or actions are undertaken on or with respect to the property in violation of the conditional rezoning agreement, such development and/or actions shall constitute a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the conditional rezoning agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance.

## Chapter 6 **Public Hearing Procedures**

### Section 74-9.601 **Public Hearings**

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be subject to the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), MCL 125.3103.

The public hearing procedures of PA 110 in effect at the date of adoption are summarized as follows. Any further amendments to PA 110 that alter the public hearing procedure requirements following the date of adoption of this Zoning Ordinance will supersede the following procedures.

### Section 74-9.602 **General Public Hearing Procedures**

The following procedures are applicable to all public hearings except zoning ordinance text and map amendments, which are described in [Section 74-9.603](#), below.

- A. **Publication in a Newspaper of General Circulation.** Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.
- B. **Personal and Mailed Notice.**
  1. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  2. Notice shall be sent to all persons to whom real property is assessed within 300 feet of the property, regardless of municipal jurisdiction.
  3. Notice shall be given to the occupants of all structures within 300 feet of the property regardless of municipal jurisdiction. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance(s) to the structure.
  4. All notice delivered by mail or personal delivery must be given not less than 15 days before the date of the public hearing. Notice shall be deemed given when personally delivered or when deposited during normal business hours for delivery with the US postal service or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
  5. The City shall prepare a list of property owners and occupants to whom notice was mailed.
- C. **Content.** Any notice published in a newspaper or delivered by mail shall:
  1. Describe the nature of the request.
  2. Indicate the property that is the subject of the request.
  3. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.

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4. When and where the public hearing will occur.
5. When and where written comments may be submitted concerning the request.

**Section 74-9.603 Zoning Ordinance Amendment Public Hearing Procedures**

Public hearings for Zoning Ordinance amendments, including both text and map amendments, shall be noticed as follows:

- A. **Map or Text Amendments Affecting 10 or Fewer Parcels.** If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in [Section 74-9.602](#).
- B. **Map or Text Amendments Affecting 11 or More Parcels.** If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in [Section 74-9.602](#), with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.
- C. **Notice to Other Entities.** Notice of the time and place of the public hearing shall also be given by mail to any of the following entities that have registered their name with the City Clerk for the purposes of receiving public notice: any electric, gas, or pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport.
- D. **Additional Information Required in Notice.** Any notice required under this section shall include the places and times at which the proposed text or map amendment may be examined.

## Chapter 7 **Enforcement, Violations and Remedies**

### Section 74-9.701 **Enforcement**

The zoning administrator shall enforce the provisions of this ordinance. Violations of any provision of this ordinance are declared to be municipal civil infractions. Any and all building or land use activities considered possible violations of the provisions of this ordinance, whether observed or communicated to the police and/or fire department employees, or to any city official, shall be reported to the zoning administrator.

### Section 74-9.702 **Inspections of Violations**

The zoning administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this ordinance.

### Section 74-9.703 **Correction Period**

Unless otherwise noted herein, all violations shall be corrected within a period of 30 days after the order to correct is issued or such longer period of time, not to exceed six months, as the zoning administrator shall permit. A violation not corrected within this period shall subject the violator to issuance of a municipal civil infraction ticket, as provided for in [Section 74-9.704](#).

### Section 74-9.704 **Penalties**

For each and every day the violation continues beyond the permissible grace period, a separate municipal civil infraction offense shall be declared. Any person, firm, corporation, or legal entity violating any provision of this ordinance shall be adjudged responsible for a municipal civil infraction, as set forth below:

- A. The words "municipal civil infraction" mean an act or omission that is prohibited by this ordinance, but which is not a crime under this ordinance or other ordinances, and for which civil sanctions, including without limitation fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961 (MCL 600.8701 et seq.), as amended. A municipal civil infraction is not a lesser included offense of a violation of this ordinance that is a criminal offense.
- B. The sanction for a municipal civil infraction violation shall be a civil fine in the amount as provided by this ordinance, plus costs, damages, expenses, equitable relief and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961 (MCL 600.8701 et seq.), as amended, and other applicable law.
  1. Unless otherwise specifically provided for in this ordinance, the civil fine for a municipal civil infraction violation shall not be less than \$100.00, plus costs and othersanctions.
  2. Increased civil fines may be imposed for repeated violations by a person, firm, corporation, or legal entity of any requirement or provision of this ordinance. As used in this section, the term "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:
    - a. Committed by a person within a six-month period (unless some other period isspecifically provided by ordinance); and
    - b. For which the person admits responsibility or is determined to be responsible.
  3. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be asfollows:

Chapter 7 **Enforcement, Violations and Remedies**

- a. The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs and other sanction.
- b. The fines for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$500.00, plus costs and other sanctions.
- C. The person who shall receive the municipal civil infraction by the zoning administrator shall be the owner, person, firm, corporation, or legal entity violating any provision of this ordinance.
- D. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this ordinance, including any omission or failure to act where the act is required by this ordinance.
- E. In addition to any remedy available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this ordinance.
- F. The zoning administrator shall have the authority to issue municipal civil infraction tickets pursuant to this ordinance, after an investigation and authorization by the city attorney, pursuant to MCL 600.8707(2).

**Section 74-9.705 Public Nuisance Per Se**

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

**Section 74-9.706 Rights and Remedies are Cumulative**

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

# Article 10 **Administrative Organization**

## Section 74-10.101 **Overview**

Administration of this Ordinance is vested in the following City entities:

- A. Administrative Official ([Section 74-10.102](#)).
- B. City Council ([Section 74-10.103](#)).
- C. Planning Commission ([Section 74-10.103D](#)).
- D. Zoning Board of Appeals ([Section 74-10.105](#)).

## Section 74-10.102 **Administrative Official**

The zoning administrator shall administer and enforce this ordinance, including the receiving of applications, the inspection of premises, and the issuing of permits, except as otherwise provided in this ordinance.

- A. **Zoning Administrator** The city manager shall appoint a zoning administrator to act as the officer to administer this ordinance. The term of employment, rate of compensation, and any other conditions of employment shall be established by the City Council. For the purpose of this ordinance, the zoning administrator will have the powers of a police officer and be considered an administrative office under the city Charter.
- B. **Responsibilities.** It shall be the responsibility of the zoning administrator to enforce the provisions of this ordinance and in so doing shall perform the following duties:
  - 1. Issue permits. All applications for zoning permits shall be submitted to the zoning administrator who shall issue zoning permits and certificates of occupancy, when all applicable provisions of this ordinance have been complied with.
  - 2. File applications. The zoning administrator shall maintain files of all applications for permits and for certificates of occupancy and shall keep records of all permits and certificates of occupancy issued. These shall be filed in the office of the clerk, which files and records shall be open to public inspection. Copies shall be furnished at cost upon the request of any person.
  - 3. Inspections. The zoning administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this ordinance.
  - 4. Record nonconforming uses. The zoning administrator shall record all nonconforming uses of land existing at the effective date of this ordinance for the purposes of carrying out the provisions of [Article 5](#). The zoning administrator shall further notify all affected property owners of their nonconforming status within six months from the effective date of this ordinance by means of written communication mailed to the address of the owner of the nonconforming land use as given in the last assessment roll.



## Article 10 Administrative Organization

5. Record complaints. The zoning administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this ordinance, and of the action taken consequent to each such complaint, which records shall be public records.

### Section 74-10.103 City Council

The City Council shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes of this Ordinance, and pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), the City Council shall have the authority to adopt this Ordinance, as well as amendments previously considered by the City Council at a hearing or as decreed by a court of competent jurisdiction.
- B. **Setting of Fees.** The City Council shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the City Council to set a fee for a specific permit or application, the appropriate City administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- C. **Approval of Planning Commission Members.** In accordance with the Michigan Planning Enabling Act, Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Mayor with the approval of the City Council.
- D. **Appeals.** Where specified in this ordinance, the City Council shall serve as the first body of appeal for certain administrative and Planning Commission decisions.

### Section 74-10.104 Planning Commission

- A. **In General.** The Planning Commission is designated as the commission specified in Public Act No. 33 of 2008, as amended, and shall perform the duties of such commission as provided in the statute and the City of Williamston Code of Ordinances, Chapter 2, Article VII, Division 3, as amended.
- B. **Zoning Commission.** The Planning Commission is hereby designated as the succeeding body of the Zoning Commission specified in Public Act 110 of 2006, as amended, and shall perform the duties of said Commission as provided in the statute and the City of Williamston Code of Ordinances, Chapter 2, Article VII, Division 3, as amended.

### Section 74-10.105 Zoning Board of Appeals

The Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Article VI of the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended).

- A. **Organization.** The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Section 601 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the following provisions:
  1. Membership. The ZBA shall consist of five members who shall be appointed in accordance with Section 601 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The ZBA shall represent insofar as is possible the population distribution in the City. Each member of the Zoning Board of Appeals shall be a resident of the City of Williamston. An employee or contractor of the City Council may not serve as a member of the Zoning Board of Appeals.

## Article 10 **Administrative Organization**

2. Terms. The term of each member shall be for three years, except for members serving because of their membership on the Planning Commission or City Council, whose terms shall be limited to the time they are members of those bodies.
3. Vacancies. Successors in office shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
4. Planning Commission or City Council Representatives. A member of the ZBA shall be a member of the Planning Commission, and a member of the ZBA may be a member of the City Council whose terms shall be limited to the time they are members of the Planning Commission or City Council, respectively, or the period stated in the resolution appointing them, whichever is shorter. A City Council member may not serve as chairperson of the Zoning Board of Appeals.
5. Conflict of Interest. A member of the ZBA who is also a member of the Planning Commission or the City Council shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.

### B. **Procedures.**

1. Meetings. All meetings of the ZBA shall be held at the call of the chairperson and at other times as the ZBA may determine. All hearings conducted by such board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall also keep records of its hearings and other official action. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
2. Quorum and Majority Vote Required. The ZBA shall not conduct business unless at least a majority of the membership of the ZBA is present. This means that at least three members of the ZBA must be present for the Board to conduct business. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, permit, decision, or refusal made by an official, board, or commission.
3. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.
4. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts hereof, hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the City, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.
5. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.
6. Effective Date. This Ordinance shall be effective seven (7) days from and after its adoption by the City of Williamston City Council and after its publication.



# Article 11 **Nonconformities**

## Section 74-11.101 **Intent**

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of this Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to foster the elimination of nonconformities by discouraging their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

## Section 74-11.102 **General Requirements**

- A. **Repairs and Maintenance.** All repairs and maintenance work necessary or required to keep a nonconforming building or structure in a modern or sound condition may be made; provided, however, that the damage or destruction of a nonconforming building or structure by fire, flood, wind, or other calamity does not exceed the state equalized value of the property. The value of such damage shall be determined by the insurers in making settlement with the insured, or, if there is no insurance then it shall be determined by the assessor.

If the damage or destruction does not exceed the state equalized value of the property, the building or structure or part thereof may be restored and its occupancy or use which existed at the time of such destruction may be continued or resumed. All such restoration must be started within a period of one year of the time of such damage and diligently prosecuted to completion. The Zoning Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Zoning Board of Appeals under the provisions of this section.

Any nonconforming structure whose damage exceeds its state equalized value at the time the damage occurs shall be removed from the site within 60 days. Any basements, large holes, etc., remaining on the site after removal of the structure shall be filled in and leveled within 90 days of removal of the structure.

- B. **Change of Tenancy or Ownership.** There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change or an increase in the nature or character of such nonconforming uses except in conformity with this ordinance.

## Section 74-11.103 **Nonconforming Lots**

The following requirements shall apply to any legally created lot of record that does not comply with one or more of the dimensional requirements of this ordinance and that existed prior to the effective date of this ordinance.

- A. **Construction permitted.** Notwithstanding limitations imposed by other sections of this ordinance, a permitted use may be erected on any single lawfully created lot of record in existence at the effective date of this ordinance or amendment thereto. This section shall apply even though such lot fails to

meet the requirements for area or width or both that are generally applicable in the district, provided that the lot can be developed in compliance with other dimensional requirements (such as setback requirements) without any adverse impact on surrounding properties or the public health, safety, and welfare.

- B. **Contiguous lots under common ownership.** If two or more lots or combinations of lots and portions of lots with continuous frontage and single ownership are of record on the effective date of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance and no portion of such parcel shall be used or occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance.

### Section 74-11.104 Nonconforming Structures

Where a lawful structure exists on the effective date of this ordinance or amendment thereto that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, required 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:

- A. **Increase in Nonconformity Prohibited.** No such structure may be enlarged or altered in a way which increases its nonconformity. However, structures that do not conform to certain provisions of this ordinance may be expanded or altered in a manner which does not increase its nonconformity. For example, an existing residence on a lot of a width less than required in this ordinance may add a rear porch, provided that other requirements relative to yard space and land coverage are met.
- B. **Extensions, Enlargement, Moving.** A nonconforming building or structure shall not be moved in whole or in part to another location, unless to a location where it would be conforming and such building or structure and all necessary and required off street parking spaces, yards, and other open spaces are made to conform to the regulations of the district in which the building or structure is proposed to be located.
- C. **Expansion of one-family dwellings.** With respect to any structure which is considered nonconforming due to its noncompliance with a required side or rear yard setback, and notwithstanding subsection (A) of this [Section 74-11.104](#), any enlargement or alteration of the structure which involves the extension of the existing side or rear building line shall be permitted without need for a setback variance or variance to this section, provided that the enlargement or alteration:
1. Is not located closer to the side or rear property line than the structure's existing nonconforming side or rear yard setback;
  2. Is attached to a one-family dwelling located within an RR, R-1, R-2, R-3, zoning district and is designed for use as enclosed or screened living space;
  3. Is not taller than 16 feet or one-story in height; and
  4. Complies with all other requirements of this ordinance and does not necessitate any other variances.
- D. **Reconstruction.** Nonconforming structures that are declared to be physically unsafe by the building official or otherwise damaged or destroyed by any means to an extent that the repair cost is greater than the state equalized value of the property shall not be restored, repaired, or rebuilt except in complete compliance with the requirements of this Ordinance. Buildings or structures that are listed on a local, state, or national register of historic buildings or places may be reconstructed provided that the nonconformity that existed prior to destruction is not increased.

## Article 11 **Nonconformities**

### Section 74-11.105 **Nonconforming Uses**

- A. **Expansion Prohibited.** No nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied on the effective date of this ordinance.
- B. **Period of Nonuse Before Nonconformity Shall Cease.** No building, structure, or premises where a nonconforming use has ceased for more than one year or has been changed to a use permitted in the district in which it is located shall again be devoted to a nonconforming use.
- C. **Continuance of Nonconforming Use or Structure.** The lawful use of any land or structure, as it existed at the time of the enactment of this ordinance, may be continued, even though the use or structure does not conform to the provisions of this ordinance. Structures or uses nonconforming only by reason of height and area, parking and off-street loading provisions, may be extended, enlarged, altered, remodeled or modernized, provided there is no additional encroachment of the height and area provisions.
- D. **Change of Use.** The use of a nonconforming building or structure may be changed only to another use permitted in the district in which such nonconforming use is located. Where the use of a nonconforming building or structure is changed to a permitted use it may not thereafter be changed back to the previous nonconforming use. The proposed use shall be subject to all the requirements applying to that use in the district in which the nonconforming use to be changed is permitted.
- E. **Establishment of a Conforming Use.** In the event that a nonconforming use is superseded or replaced by a conforming principal use, the nonconforming use may not thereafter be resumed.

### Section 74-11.106 **Plans Already Filed**

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

### Section 74-11.107 **Elimination of Nonconforming Uses by Acquisition**

In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the City Council may, from time to time, acquire properties on which nonconforming uses or structures are located, by condemnation or otherwise, and may remove such uses or develop the property for a public use. The net cost of such acquisition may be paid by a special assessment against a benefit district, or may be paid from other sources of revenue legally available to the city.

### Section 74-11.108 **Nonconforming Due to Reclassification**

The provisions of this article shall apply to buildings, structures, land, or uses which later become nonconforming due to any reclassification of districts under this ordinance or any subsequent change in this ordinance.



# Article 12 **Definitions**

When not inconsistent with the context, words in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" or vice versa. Terms not defined shall have the meaning customarily assigned to them.

## Chapter 1 **Use Definitions**

The following is a description of the uses listed in [Section 74-2.202](#).

### Section 74-12.101 **Residential Uses**

**Mixed Use Dwelling Unit.** A dwelling unit located in a building that also contains non-residential land uses.

**Multiple Family Apartment Building.** A building used exclusively for residential purposes containing three or more residential dwelling units. A multiple-family structure where units are available for lease or rent for periods of less than one month shall be considered a lodging use.

**One Family Dwelling Unit.** A building designed exclusively for residential occupancy by not more than one household.

**Townhouse.** A building containing three or more dwelling units where each dwelling unit is divided by a party wall extending the full height of the building with no visible separation between walls or roof. Each townhouse dwelling is capable of individual use and maintenance without trespassing on adjoining dwellings and access, utilities and service facilities are independent for each dwelling.

**Two Family Dwelling Unit.** A building designed exclusively for residential occupancy by two households with the character of a single family structure, and with separate kitchen, sleeping, and sanitary facilities for each household.

### Section 74-12.102 **Lodging Uses**

**Bed & Breakfast.** A group of 10 or fewer lodging units located in a one family dwelling unit that may provide services for dining, meeting, or recreation.

**Boarding or Lodging House.** A dwelling having one kitchen and used for the purpose of providing meals or lodging for pay or compensation of any kind to more than two persons other than members of the family occupying the dwelling.

**Inn.** A group of 25 or fewer lodging units that may provide services for dining, meeting, or recreation.

**Hotel.** A group of more than 25 lodging units that may provide services for dining, meeting, or recreation.



## Section 74-12.103 Office and Service Uses

**Bank or Financial Institution.** A business that offers financial services.

**Health or Exercise Club or Spa.** A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities that occur in an entirely enclosed building. Such uses are operated for profit or not-for-profit, and which can be open only to bona fide members and guests of the organization or open to the public for a fee. Such uses may also include massage services, saunas, locker rooms, showers, or personal services.

1. Health or Exercise Club or Spa (Small) shall be a facility as defined above with a floor area of less than 30,000 square feet and/or a maximum occupancy of less than 150 persons.
2. Health or Exercise Club or Spa (Large) shall be a facility as defined above with a floor area of 30,000 square feet or more and/or a maximum occupancy of less than 150 persons or more.

**Office.** A room or group of rooms used for conducting a business, profession, service, or government. Such facilities may include, but are not limited to, offices of attorneys, engineers, architects, physicians, dentists, accountants, financial institutions, real estate companies, insurance companies, financial planners, or corporate offices. Offices exclude manufacturing activities.

**Personal Service Establishment.** An establishment or place of business primarily engaged in the provision of services of a personal nature, which are usually but not always recurrent in nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

## Section 74-12.104 Commercial Uses

**Adult Entertainment.** See [Section 74-2.403](#).

**Automobile Service (Commercial).** A place of business serving auto-related needs including, but not limited to: gas station, car wash, or mechanic offering minor repairs. Major mechanical work; body work; painting; welding; storage of vehicles not in operating condition; commercial parking lots or garages; or any work involving undue noise, glare, fumes or smoke are automobile related industrial uses and are not considered automotive commercial establishments.

Retail uses such as vehicle sales or auto parts sales that occur entirely within an enclosed building are considered retail sales (indoor). Vehicle sales or any sales activity that occurs outdoors are considered retail sales (unrestricted outdoor).

**Bakery or Confectionary.** A use involved in the transformation of livestock and agricultural products primarily for final consumption on the premises or sale directly to customers. Products manufactured on the site may be sold or distributed to other retailers for distribution to customers as an incidental use.

**Bar, Tavern, or Alcohol Service Establishment.** A place of business selling alcoholic beverages for consumption on the premises, and where the sale of food may be incidental to the sale of such beverages. This includes any establishment in receipt of a valid alcoholic beverage license from the state which permits the sale of alcoholic beverages for consumption on the premises as the principal use (such uses are listed in Section 537 (MCL 436.1537) of the Michigan Liquor Control Code, PA 58 of 1998, as amended).

Manufacturers of alcoholic beverages that are not listed in Section 537 of PA 58 of 1998 (as amended) shall be considered a manufacturing and processing use for the purposes of compliance with this Ordinance.

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

## Article 12 Definitions

### Chapter 1 Use Definitions

**Gallery or Studio.** An establishment engaged in the sale, loan, or display of art, books, painting, sculpture, photography, or other works of art.

**Pawn Shop or Pawnbroker.** A person, corporation, or member or members of a copartnership or firm licensed under PA 273 of 1917 (as amended) who loan money on deposit, or pledge of personal property or other valuable thing other than securities or printed evidence of indebtedness, or who deal in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. The term pawn shop or pawnbroker does not include the following:

- A. The sale of secondhand goods where all of the following conditions are present:
  - 1. The sale is held on property occupied as a dwelling by the seller, or owned, rented or leased by a charitable or political organization;
  - 2. The items offered for sale are owned by the occupant;
  - 3. The sale does not exceed a period of 72 consecutive hours;
  - 4. Not more than two sales are held either by the same person or on the same property in any twelve month period; and,
  - 5. None of the items offered for sale have been purchased for resale or received on consignment for purpose of resale.
- B. Sales by a person licensed as a motor vehicle dealer.
- C. The sale of secondhand books, magazines, sound or video recordings or films.
- D. The sale of goods at an auction held by a licensed auctioneer.
- E. The business of buying or selling only those secondhand goods taken as part or full payment for new goods, and where such business is incidental to and not the primary business of a person.
- F. A bulk sale of property from a merchant, manufacturer, or wholesaler having an established place of business or of goods sold at open sale from bankrupt stock.
- G. Goods sold at a public market.
- H. Goods sold at an exhibition.
- I. The sale of secondhand goods by a secondhand goods dealer on property where no pawnbroker license is in effect.

**Place of Assembly.** A commercial facility for public assembly including, but not limited to arenas, auditoriums, conference facilities, banquet facilities, convention centers, exhibition halls, and theatres and performing arts centers.

**Restaurant.** A place of business dedicated to the preparation and sale of food and beverage for immediate consumption on or off site. A restaurant may sell alcoholic beverages for consumption on the premises as an incidental use.

**Retail Sales (indoor).** Any generally recognized retail business that supplies commodities on the premises to the general public where all sales and display of goods shall occur entirely indoors. Commodities supplied may include groceries and similar food products for consumption off the premises.

**Retail Sales (limited outdoor).** Outdoor display or sales of goods that are accessory to a principal use that do not exceed one square foot of sales or display area for every four square feet of indoor sales or display area.

**Retail Sales (unrestricted outdoor).** A retail or wholesale use involved in the sale of goods where the outdoor display or sales of goods constitutes the principal use on the site. Examples of unrestricted outdoor

retail sales include vehicle or large equipment sales areas, landscape supply yards, or other retail uses which require large land areas in proportion to indoor sales or use areas.

**Trades Showroom.** Offices and showrooms for plumbers, electricians, decorators, or similar uses where goods or services associated with the service use are displayed or offered. Goods offered for sale may be produced on the site.

## Section 74-12.105 Industrial Uses

**Automobile Service (Industrial).** A facility conducting activities associated with the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment; paint and body work; major overhaul of engine or engine parts; vehicle impound or wrecking yard; and government vehicle maintenance facilities. This includes auto related uses not otherwise allowed within the automotive service use category listed under commercial uses.

**Manufacturing and Processing (light).** The finishing or processing of materials where the physical and external effects of the use are restricted to the site and will not impact neighboring land uses.

**Manufacturing and Processing (heavy).** The finishing or processing of materials, or manufacturing, compounding, or recycling operations that generate physical effects that will be detectable to some degree by neighboring land uses; or uses that qualify as Hazardous Group H occupancy uses under the Michigan Building Code.

**Mini-Warehouse.** A building or group of buildings containing separate storage spaces used for the storage of personal property.

**Outdoor Storage (major).** A use involving primarily the keeping of personal or business property or motor vehicles outside of a building, or a use where the use is characterized primarily by its outdoor component such as contractors supply yards.

**Research Facility.** A facility for research and development that does not involve the use of animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, processing, or the sale of products.

**Research Facility, Heavy.** A facility for research and development that may involve the use of animal husbandry, incinerators, heavy equipment, mass manufacturing, fabrication, or processing.

**Salvage yard.** A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumberyards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment, and excluding uses conducted entirely within a completely enclosed building; and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

**Storage/Distribution.** A facility providing long-term or short-term storage, selling, or distribution of merchandise. This includes, but is not limited to: container yards; crating, packing and shipping service; heavy equipment sales; service and storage; and storage, warehousing or distribution establishments.

## Section 74-12.106 Community, Institutional, and Educational Uses

**Adult Foster Care Congregate Facility.** See STATE LICENSED RESIDENTIAL FACILITY.

**Adult Foster Care Large Group Home.** See STATE LICENSED RESIDENTIAL FACILITY.

## Article 12 Definitions

### Chapter 1 Use Definitions

**Assisted Living Facility.** A facility providing responsible adult supervision or assistance with activities of daily living in instances where the individual's condition necessitates that supervision or assistance.

**Cemetery.** Land used for the burial of the dead, and dedicated for cemetery purposes, including crematories, columbarium, mausoleums and mortuaries.

**Child Care Center or Day Care Center.** A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child, as defined in Public Act 116 of 1973.

**Community Service Facility.** A privately operated non-profit facility for the benefit of and service to the general public, including, but not limited to community centers, social service organizations, and the like.

**Cultural or Municipal Use.** A public or private non-profit facility for the benefit of and service to the general public, including, but not limited to community centers, cultural facilities such as libraries or museums, police and fire stations, and municipal and government uses.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety or welfare. Wireless communication towers or antennas, utility buildings and storage yards are not considered essential services under this ordinance.

**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, and that is used for primarily inpatient services. Hospitals may include related facilities such as laboratories, outpatient departments, central service facilities, and staff offices.

**Learning Center.** A facility other than a K-12 school or a college or university that offers training, tutoring, or instruction in subjects such as languages, music, fine arts, or dance. This may include provision of electronic testing or distance learning.

**Medical Clinic.** A facility for examining and treating patients with medical problems on an outpatient basis, including ambulatory care or similar medical services that generally require a stay of less than 24 hours.

**Nursing Home.** A home for the care of children, the aged, the infirm, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. A convalescent or nursing home is subject to the licensing requirements of applicable State laws.

**Private Club, Fraternal Organization, or Lodge Hall.** A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests.

**Public Parking.** A parking facility available to the general public for parking motor vehicles, including parking lots or structures.

**Religious Institution.** A facility used for regular organized religious worship and related activities, including living quarters for church ministry or other members of the religious order who carry out their duties primarily on the site, religious education classes, and limited recreation facilities.

**School, College or University.** A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and that may include research functions or professional schools.

**School, Primary or Secondary.** A facility offering instruction at the pre-school to high school level.

**School, Vocational.** A facility offering instruction or training in trades or occupations such as secretarial, paralegal, business, beauty, barber, bartender, acupuncture, massage, design, or other similar vocations. This classification excludes training and education in any activity that is not otherwise permitted in the zoning district.

**State Licensed Residential Facility.** Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

- A. Adult foster care facility means a residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Adult foster care facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL 400.701 et seq.).
1. Foster care means the provision of supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
  2. Adult foster care facility does not include any of the following:
    - a. A licensed child caring institution, children's camp, foster family home, or foster family group home, subject to the limitations contained in section 3(4)(f) of Michigan Public Act 218 of 1979, as amended (MCL 400.703).
    - b. A licensed foster family home that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL 722.115).
    - c. An establishment commonly described as an alcohol or a substance abuser rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or rooming house that does not provide or offer to provide foster care.
    - d. A veterans' facility created by 1885 PA 152, MCL 36.1 to 36.12.
  3. The following types of adult foster care facilities are provided for by this Ordinance:
    - a. *Adult foster care family home* means a private home with the approved capacity to receive not more than six adults to be provided with foster care. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
    - b. *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive not more than 12 adults to be provided with foster care. Facilities with the approved capacity for seven or more adults are subject to conditional use approval.
    - c. *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.
    - d. *Adult foster care congregate facility* means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.

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- B. Family day care home means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- C. Foster family home means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- D. Foster family group home means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- E. Group child day care home means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
- F. Private home means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

Type of Facility	Number of Persons	Private Home?
<b>Less Than 24-Hour Care</b>		
<i>Persons under age 18</i>		
Family Day Care Home	1-6	Yes
Group Child Day Care Home	7-12	Yes
<b>24-Hour Care</b>		
<i>Persons under age 18</i>		
Foster Family Home	1-4	Yes
Foster Family Group Home	4-6	Yes
<i>Persons age 18 and Over</i>		
Adult Foster Care Family Home	1-6	Yes
Adult Foster Care Small Group Home	1-12	Yes
Adult Foster Care Large Group Home	13-20	No
Adult Foster Care Congregate Facility	20 or more	No
Nursing Home	2 or more	No

## Section 74-12.107 Recreation Uses

**Assembly Structures for Viewing Outdoor Activities.** Structures and facilities that accommodate more than 50 persons at maximum occupancy intended for viewing outdoor sporting events and activities with spectator seating, such as grandstands, stadiums, or bleachers.

**Campgrounds/RV Parks.** A parcel of land that contains sites for temporary occupancy of tents, travel trailers, motor homes and other recreational vehicles, or which contains cabins or similar structures for temporary use. A campground may be improved with water, sewer, or septic utilities, and/or electricity, or may be "rustic," with minimal utilities and facilities.

**Golf Course.** A tract of land for playing or practicing golf, typically improved with trees, greens, fairways, hazards, and which may include clubhouses, shelters, and practice facilities including driving ranges.

**Private Recreation (small indoor).** Small scale entertainment and recreation uses that do not require large areas such as arcades, billiards halls, bowling alleys, and similar uses. The floor plate for small indoor private recreation uses should not exceed 30,000 square feet, and the maximum occupancy should not exceed 150 persons.

**Private Recreation (large indoor).** Large scale indoor recreation uses that require large areas or facilities for activities such as soccer, hockey, tennis, swimming, or other similar uses that require floor plates greater than 30,000 square feet or have maximum occupancies greater than 150 persons.

**Private Recreation (small outdoor).** Small-scale for-profit or not-for-profit outdoor recreation uses that cover two acres or less. Typical uses may include miniature golf, swimming pools, tennis courts, volleyball courts, and similar uses.

**Private Recreation (large outdoor).** Large-scale outdoor recreation uses that cover more than two acres. Typical uses may include soccer, baseball, go-cart tracks, batting cages, golf driving ranges (not associated with a golf course), amusement parks, and similar uses.

**Public Park or Recreation Facility.** An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

## Section 74-12.108 Animal and Agricultural Uses

**Agriculture.** The carrying on of any agricultural activity or the raising of livestock or small animals as a source of income when conducted on at least one acre or more.

**Gardening and Associated Activities.** The raising of plants for consumption or enjoyment by the owner of the lot upon which they occur, and excluding the keeping of animals, fowl, or bees.

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

**Keeping of Household Animals or Pets.** The keeping of ordinary household pets within the dwelling or accessory building.

**Kennels.** The breeding or raising of four or more dogs, cats, or other household pets of three months age or older 1) not owned by the owner or occupant of the premises or 2) for commercial gain.

**Pet Boarding Facility.** A business for the temporary boarding and care of common household pets. Boarding generally occurs during daytime hours, but may include overnight boarding. Pet boarding facilities

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may provide related services such as retail sales, grooming, or training, but no animals may be bred or sold at a pet boarding facility.

**Stable, Private.** A building and associated site improvements for the keeping of horses for noncommercial use by the residents of the lot, not including the keeping of horses for others or for commercial breeding.

**Stable, Public.** The keeping of horses for hire, breeding, or commercial use.

**Veterinary Hospital or Clinic.** A place for the care, diagnosis, and treatment of sick or injured animals. A veterinary clinic may include customary pens or cages within the walls of the clinic structure.

### Section 74-12.109 Temporary, Special Event, and Other Uses

**Accessory Building or Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground, and that is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

**Drive-Through Facility (accessory to any principal use).** A business establishment so developed that its retail or service character includes 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, or to provide self-service for patrons and food carryout.

**Home Occupation.** An occupation or profession customarily carried on by the occupant of a dwelling unit at the dwelling as a secondary use that is clearly subservient to the use of the dwelling for residential purposes.

**Outdoor Storage (accessory).** Outdoor storage areas that are accessory to a principal use that occurs indoors, and where the outdoor storage area does not exceed the indoor use area.

**Roadside Stand or Market.** A booth or stall from which produce and farm products are sold to the general public.

**Temporary Construction.** Temporary buildings used during periods of construction.

**Wireless Telecommunication Facilities.** Wireless telecommunication support facilities and antennas.



## Chapter 2 Sign Definitions

The following are definitions of sign terms as used in this Ordinance:

**Abandoned Sign.** A sign is considered abandoned if:

1. It is not well-maintained in accordance with this Ordinance;
2. The use to which the sign is accessory is discontinued or terminated for more than one hundred eighty consecutive (180) days;
3. The owner of the sign cannot be located at the owner's last known address as reflected on the records of the City; or
4. A structure designed to support a sign no longer supports the sign for a period of 30 consecutive days.

**A-Frame Sign.** A moveable sign designed to stand on its own that is usually placed along public sidewalks to attract pedestrians to adjacent businesses.

**Awning Sign.** See BUILDING-MOUNTED SIGN.

**Building Directory Sign.** A sign that is mounted adjacent to multi-tenant building entrances intended to provide a place to identify tenants that occupy space in the building that is accessed from an internal hallway.

**Building-Mounted Sign.** A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature. Such signs include, but are not limited to awning, projecting, wall and window signs.

1. *Awning Sign.* A sign that is painted on, attached to, or an integral part of an awning or canopy.
2. *Projecting Sign.* A display sign attached to and projecting away from a structure. A projecting sign is mounted more or less perpendicular to the wall or structure to which it is attached. A marquee sign is a form of a projecting sign.
3. *Wall Sign.* A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature and projecting not more than one foot from the wall. The signable area of a wall sign shall be more or less parallel to the wall or surface to which the sign is attached.

**Clearance.** The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

**Damaged Sign.** A sign or supporting structure which is torn, defaced, dented, smashed, broken, vandalized or destroyed.

**Decorative Display.** A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

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**Directional Sign.** A sign used for the purposes of promoting safe and efficient traffic movement within a site including regulating on or off-site traffic and parking.

**Electronic Readerboard.** A sign that uses an array of light emitting elements to create images or words that are intended to be legible to passing motorists. An electronic readerboard is not necessarily a type of sign itself, but instead is an element of another kind of sign such as a wall sign or ground sign.

**Entrance Sign.** A sign placed at the entrance to a residential development (i.e. site condominium, subdivision, manufactured housing park, and multiple-family residential development) or non-residential use. The entrance shall be defined as the intersection of a local street or principal driveway entrance with a local, major, or collector street.

**Festoon.** A string of ribbons, tinsel, small flags or pinwheels.

**Ground Sign.** A freestanding sign supported by a pedestal or base with permanent attachment to the ground.

**Illegal Sign.** A sign for which no valid permit was issued by the City at the time such sign was erected, or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

**Incidental Sign.** A sign no larger than three (3) square feet in area that is meant to be read in close proximity.

**Marquee Sign.** See BUILDING-MOUNTED SIGN.

**Mural.** A graphic displayed on a wall or the exterior of a building for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic, which shall not include commercial expressions.

**Nameplate Sign.** A wall sign denoting the name of the occupant and other pertinent information for the purpose of site identification for the public and emergency response personnel.

**Noncommercial Sign.** Any sign consisting of non-commercial content.

**Nonconforming Sign.** A sign for which the City issued a permit at the time such sign was erected, but which is not in compliance with current zoning ordinance provisions for signs. Such signs must be located outside of any existing right-of-way, away from any public or private easement and wholly upon the parcel to which it is associated. Such signs must have all necessary structural and decorative parts, including, but not limited to supports, sign box or enclosure and electrical equipment. The sign face or sign copy area must be intact and illuminated signs must be capable of immediate illumination.

**On-Premise Commercial Sign.** Any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained. Examples of on-premise commercial signs include, but are by no means limited to, real estate signs, garage sale and yard sale signs, signs advertising a permitted on-site commercial use, and signs of a contractor or other commercial entity affiliated with an on-site project under development.

**On-Site Directional Sign.** See DIRECTIONAL SIGN.

**Portable Sign.** A sign and sign structure which is not attached to a building and is capable of being moved within the zoning lot on which it is located or from one zoning lot to another.

**Projecting Sign.** See BUILDING-MOUNTED SIGN.

**Roof Sign.** A display sign which is erected, constructed and maintained on or above the roof of the building, or that extends above the roofline.

**Sign.** Any surface, fabric, device, display or visual medium, including the component parts, which bears writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of the display to convey information or attract attention. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags, electronic products, or similar devices. The term "sign" includes the sign structure, supports, braces, guys and anchors. Signs, as regulated by this Ordinance, shall not include strings of lights or other similar temporary decorations that do not contain a message.

**Signable Area.** The area of a street level façade of a building as determined by multiplying the width of the building by height of the building. Height is measured from the average grade to the eaves line of a building (excluding the area of gables). Where more than one business or use occupies space on the street level façade of a building, signable area is divided among the businesses or uses in proportion to the size of their occupied space. Where a building has two or more street level facades (as on a corner lot), signable area shall be calculated for each facade.

**Sign Copy.** Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower, or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.

1. *Animated Copy.* Sign copy that flashes, moves, revolves, cycles or is otherwise altered or changed by mechanical or electrical means at intervals of less than once per hour.
2. *Changeable Copy.* Moveable letters or other forms of sign copy, not including animated copy that can be altered by natural, mechanical or electrical means without replacing the sign copy area.

**Sign Height.** The vertical distance measured from the average grade at the sign location to the highest point of the sign.

**Street Level Facade Area.** The area of the front wall measured from grade level to a height of 8 feet, including doors and windows, of the principal building facing a public street where the address or primary public entrance is located. Buildings on corner lots may have up to two front faces if each face satisfies the above criteria. If the building is devoted to two or more uses or businesses, the front face area for each use or business shall be determined by the zoning administrator based upon the proportionate share of the building occupied by each use or business.

**Temporary Sign.** Display signs, banners, balloons, festoons or other devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.

**Wall Sign.** See BUILDING-MOUNTED SIGN.

**Window Sign.** A sign applied or attached to the exterior or interior of a window or located in such a manner within a building that it is visible from the exterior of the building through a window. Merchandise for sale on the premises that is located in a window display shall not be considered a window sign.

## Chapter 3 **General Definitions**

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**Abandoned.** The cessation of activity in, or use of a dwelling, structure, or lot, other than that which would normally occur on a seasonal basis, for a continuous period of 12 months or longer.

**Abutting.** Having property or a district line in common; e.g., two lots are abutting if they have property lines in common.

**Accelerated soil erosion.** The increased removal of the land surface that occurs as a result of human activities.

**Access.** A way of approaching or entering a property. For purposes of this ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

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

**Accessory use.** Any use customarily incidental and subordinate to the main use of the premises.

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

**Adjoining lot or land.** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

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

**Airport.** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

**Alley.** A public way which affords only secondary access to abutting property, and not a street.

**Alteration of building.** A change in the supporting members of a building, an addition to, or a diminution, a change in use, or a conversion of a building or a part thereof.

**Amenity.** A natural or manmade feature which enhances or makes more attractive or satisfying a particular property.

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

**Animal (large).** A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, including chickens and other poultry, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

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

**Animal hospital.** See [Section 74-12.108](#), Veterinary Hospital or Clinic.

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

1. Efficiency apartment. A dwelling unit containing not over 640 square feet of floor area, and consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one room unit.
2. One bedroom unit. A dwelling unit containing a minimum floor area of at least 640 square feet per unit, consisting of not more than two rooms in addition to kitchen, dining and sanitary facilities, and for the purpose of computing density shall be considered a two room unit.
3. Two bedroom unit. A dwelling unit containing a minimum floor area of at least 800 square feet per unit, consisting of not more than three rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a three room unit.
4. Three or more bedroom unit. A dwelling unit wherein for each room in addition to the three rooms permitted in a two bedroom unit, there shall be provided an additional area of 200 square feet to the minimum floor area of 800 square feet. For the purpose of computing density, said three bedroom unit shall be considered a four room unit and each increase in a bedroom over three shall be an increase in the room count by one over the four.

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

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

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

**Area.** See Lot area.

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

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

**Attention-getting device.** A device designed or intended to attract attention by noise, sudden intermittent or rhythmic movement, physical change or lighting change. Examples include banners, flags, streamers, balloons, propellers, whirligigs, searchlights, and flashing lights.

**Attic.** That part of a building which is immediately below the ceiling beams of the top story and wholly or partly within the roof framing.

**Automobile.** A self-propelled, free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

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

**Automobile storage, damaged.** Any storage of inoperable vehicles not incidental to a service garage.

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**Basement.** A room or portion thereof, or any portion of a building which has a floor level more than three feet below ground containing any of the following features:

1. Mechanical equipment such as heating, metering, or laundry facilities.
2. No doorway opening directly to ground level or upon a hallway with such a doorway.
3. No sash windows.

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

**Block.** A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or manmade, physical or artificial barrier to continual development.

**Board of appeals.** The Zoning Board of Appeals of the City of Williamston.

**Bottom land.** The land area of an inland lake or stream which lies below the ordinary high-water mark and which may or may not be covered by water.

**Breezeway.** Any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

**Buffer.** A strip of land used to visibly separate one land use from another, or to shield or block noise, lights, or other nuisances.

**Buildable area.** The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**Building.** A structure erected on-site, a mobile home or mobile structure, a premanufactured or precut structure, which is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

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

**Building official and department.** City official appointed pursuant to the city charter and licensed pursuant to P.A. 230 of 1972 (MCL 125.1501 et seq.), to enforce and administer the city's adopted building code.

**Building height.** See: Height of structures.

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

**Building permit.** A permit signifying compliance with the provisions of this ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the City of Williamston.

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

**Caliper.** The diameter of a tree trunk measured two feet above grade.

**Canopy.** A rooflike cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

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

**Certification of completion.** A signed written statement by the building department that specific construction has been inspected and found to comply with all grading and building plans and specifications.

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

**Circulation pattern.** Systems, structures, and physical improvements for the movement of people, goods, water, air, sewage, or power by such means as streets, highways, railways, waterways, towers, airways, pipes, and conduits; and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

**Clear vision.** An area 20 feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist.

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

**Commission.** The Planning Commission of the City of Williamston.

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

**Condominium.** The individual ownership of a unit or parcel of real property within a multiunit parcel or structure located as a permitted use within a zoning classification and requirements of this ordinance.

**Contiguous.** Next to, abutting, or touching and having a common boundary or portion thereof, which is coterminus.

**Corner lot.** Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. See also Lot defined below.

**Coverage.** See: Lot coverage.

**Deck.** A horizontal structure without a roof or covering of any kind and without any kind of walls or wall structure.

**Density.** The intensity of development in any given area, measured in this ordinance by the number of dwelling units per acre.

**Development.** The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

**Dish-type satellite signal-receiving antennas.** Also referred to as "earth stations" or "ground stations," the term "dish-type satellite signal-receiving antennas" shall mean one, or a combination of two or more of the following:

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

**District.** A portion of Williamston in which certain building types and activities are permitted and in which certain regulations, in accordance with this ordinance, are applicable.

**Dwelling unit.** A building or portion thereof providing complete housekeeping facilities for one family.

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

**Eave.** The projecting lower edges of a roof overhanging the wall of a building.

**Egress (exit).** An exit from a building or site.

**Emission.** A discharge of pollutants into the air.

**Environmentally sensitive area.** An area with one or more of the following characteristics:

1. Slopes in excess of 20 percent;
2. Floodplain;
3. Soils classified as having a high water table;
4. Soils classified as highly erodible, subject to erosion, or highly acidic;
5. Land incapable of meeting percolation requirements;
6. Land formerly used for landfill operations or hazardous industrial uses;
7. Fault areas;
8. Stream corridors;
9. Estuaries;
10. Mature stands of native vegetation;
11. Aquifer recharge and discharge areas.

**Erected.** As used in this ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving and filling of earth.

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

**Establishment.** An economic unit, generally at a single physical location, where business is conducted or services or industrial operations performed.

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



**Fabrication.** Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials such as metal, ores or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

**Family.**

1. One or more persons related by blood, adoption or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
2. A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

**Farm.** Any area of two acres or more, used for agricultural purposes and uses incidental thereto, but not to include the raising or keeping of livestock or fowl. However, the incidental uses shall be subordinate to normal agricultural uses and shall not include commercial feeding of offal or garbage to animals.

**Farm buildings.** Any detached accessory building or portion of a main building used for the storage or housing of farm implements or produce.

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

**Filling.** The depositing or dumping of any matter onto, or into, the ground (except for common household gardening and ground care) which alters the topography of the land.

**Final approval.** The last official action of the Planning Commission or Zoning Board of Appeals taken on a development plan which has been given preliminary approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

**Floodplain.** The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or potentially may be covered by floodgate. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance and consists of:

1. Contiguous areas paralleling a river stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years; or
2. Principal estuary courses of wetland areas that are part of the river flow system; or
3. Contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

**Floor area.** The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

**Floor area, useable.** That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breeze ways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area. In the absence of a defined floor plan, useable floor area shall be calculated as 80 percent of the floor area.

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**Garages.** A detached accessory building or portion of a main building used for the storage of four or less passenger vehicles including not more than one truck of a rated capacity of 1 1/2 ton or less, without provision for repair or servicing such vehicles for profit.

**Garbage.** Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

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

**Grade.** For purposes of this ordinance, the term "grade" means the level of the ground adjacent to the walls. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

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

**Grading permit.** The written authority issued by Ingham County permitting the grading, excavation or filling of land including drainage and soil erosion control in conformity with the Erosion Control section of this ordinance and MCL 324.9101 et seq. as amended.

**Green area.** Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

**Greenbelt.** A designated strip of natural vegetation or all land within 50 feet of water's edge, except the Red Cedar River at which the designation is the land within 25 feet of the water's edge.

**Ground cover.** Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

**Groundwater.** The supply of freshwater under the surface in an aquifer or soil, that forms the natural reservoir for potable water.

**Groundwater runoff.** Groundwater that is discharged into a stream channel as spring or seepage water.

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

**Health care (services) facilities.** A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bioanalytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

**Height of structures.** The vertical distance, measured from the adjoining curb level, to the highest point of the roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

**Highway.** A public thoroughfare or street, excluding alleys, but including federal, state and county roads and those appearing upon plats recorded in the office of the register of deeds and accepted for public maintenance.

**Home occupations.** The use of a portion of a house, or a private garage for a full-time or part-time business.

**Hospice.** A homelike facility, or the organization, established for the care of the terminally ill, with acute care facility capabilities.

**Hospital.** See [Section 74-12.106.](#)

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

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

**Ingress.** Access or entry.

**Intersection.** The point where two or more roads cross at grade.

**Junk motor vehicle.** An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or city laws or ordinances.

**Land.** Ground, soil, or earth, including structures on, above, or below the surface.

**Land use.** A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

**Land use plan.** A plan showing the existing and proposed location, extent and intensity of development of land to be used for varying types of residential, commercial, industrial, agricultural, recreational, educational, and other public and private purposes or combination of purposes.

**Least depth or width of a yard.** The shortest horizontal distance from each of the lot lines to the building thereon.

**Legislative body.** The City Council of the City of Williamston.

**Loading/unloading 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.

**Lot.** A parcel or portion of land, exclusive of any adjoining street, separated from other parcels or portions by description, as on a subdivision of record or survey map.

**Lot area.** The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

**Lot, corner.** See Corner lot.

**Lot coverage.** The part or percent of the lot occupied by buildings including accessory buildings.

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

**Lot, interior.** Any lot other than a corner lot.

**Lot lines.** Any line bounding a lot, including the following:

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1. **Front lot line.** The line separating the lot from the street; in the case of a corner line, the line separating the narrowest side of the lot from the street.
2. **Rear lot line.** The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.
3. **Side lot line.** Any line other than front or rear lot lines.
4. **Street lot line or alley lot line.** Any line separating a lot from a street or alley.

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

**Lot of record.** A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot width.** The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.

**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.

**Major street (primary road).** A street or highway so designated on the major road plan of the city master plan which is designed and intended to carry heavy traffic volumes.

**Manufactured home.** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law. The structure is transportable in one or more sections and designed to be used as a dwelling unit with or without a permanent foundation. The term "manufactured home" includes the plumbing, heating, air conditioning, and electrical systems contained in the structure, and excludes recreational vehicles.

**Marquee.** Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

**Master plan.** See Comprehensive plan.

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

**Minor or local street (secondary road).** A dedicated public way or recorded private street which affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

**Manufactured home park.** A parcel of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Manufactured home site.** A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

**Manufactured home subdivision.** A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967 [MCL 560.101 et seq.], as amended.

**Modular and sectional home.** A dwelling unit consisting of two or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for conventional residence.

**Motor vehicle.** See Automobile.

**Motor vehicle parking space.** Any accessible area of not less than nine feet by 18 feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

**Muck.** Soil consisting of organic materials and decaying vegetation, normally unsuitable for building.

**Municipal building.** A structure housing an operation of the City of Williamston.

**Municipality.** The City of Williamston.

**Natural retention area.** A naturally occurring pond or wetland which retains stormwater runoff.

**Nonconforming building.** Any building or portion thereof lawfully existing at the time this Ordinance became effective and which now does not comply with its regulations.

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

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

**Nonconforming use.** Any property use which was lawful at the time this article became effective and which now does not comply with its regulations.

**Nonresidential parking in a residential district.** Any parking area located in a residential district and intended to serve a business or industrial establishment, provided at least 100 feet of a lot line of the parking abuts a business or industrial district either directly or across an alley therefrom.

**Northpoint.** The designation of a map illustrating the direction of north.

**Noxious.** Offensive or disturbing.

**Nuisance.** An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the good property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare and smoke, are examples of nuisances.

**Occupancy permit.** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable ordinances.

**Offered for sale.** Offered in exchange for money, a membership fee or any other valuable consideration.

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**Off-street accessory parking.** Any parking area located on the same property it is intended to serve, or across an alley therefrom, and within a district which is not of greater restriction than the property it is intended to serve.

**Open space.** Is that part of a zoning lot, including courts or yards which:

1. Is open and unobstructed from its lowest level to the sky; and
2. Is accessible to all residents upon the zoning lot; and
3. Is not part of the roof of that portion of a building containing dwelling units; and
4. Is comprised of lawn and landscaped area.
5. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than 23 feet above grade; and is directly accessible by passageway from the residential building.

**Parapet.** A low wall or railing (typically four feet or less in height).

**Parking aisle.** The area behind the parking space used for backing and turning into and out of the parking space.

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

**Parking access.** The area of a parking lot that allows motor vehicles ingress to and egress from the street to the parking aisle or parking space of not longer than 100 feet.

**Parking bay.** A parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave spaces.

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

**Parking space.** Any accessible area of not less than nine feet by 18 feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

**Pedestrian way.** A linear walkway (paved or unpaved) used for pedestrian and nonmotorized vehicle movement and open to the general public or designated residents or employees of the area in which the walkway is located.

**Performance standards.** A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) which a particular use or process may not exceed.

**Permanently affixed.** To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

**Permitted use.** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

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

**Planning commission.** The duly designated advisory Planning Commission of the City of Williamston.

**Pool, commercial swimming (over 10,000 gallons).** An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

**Pool, private swimming pool (over 500 gallons).** Any artificially constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term "swimming pool" does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

**Porch.** Roofed open area that, while may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.

**Potable water.** Water suitable for drinking or cooking purposes.

**Preliminary plan.** A preliminary map indicating the proposed layout of the subdivision, PRD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

**Principal building.** A building in which is conducted the principal use allowed on the lot in the district in which it is situated.

**Principal use.** The primary and predominate use of the premises including customary accessory uses.

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

**Public hearing.** A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

**Public utility.** Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer and storm sewer.

**Public way.** A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

**Quorum.** The number of attendees required by a board or agency who must be present in order to conduct the business of the board or agency.

**Recreational equipment/vehicles.** Includes travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

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

**Residence.** A home, abode, or place where an individual is actually living at a specific point in time.

**Residential, residential use, or residential district.** The use of land parcels for human habitation, excluding the storage, sale (wholesale or retail), trade, transfer, fabrication, production, manufacture, or development of goods and services.

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

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

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

**Right-of-way.** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

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

**Road frontage.** The length of the lot line which borders a public road.

**Road or street, private.** An irrevocable easement running with the land to one or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use.

**Road or street, public.** Any public right-of-way which provides vehicular access to adjacent properties.

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

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

**Scale.** The relationship between distances on a map and actual ground distances.

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

**School, elementary.** Any school licensed by the state and which meets the state requirements of elementary education.

**School, parochial.** A school supported and controlled by a private, church or religious organization.

**School, private.** Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which does not secure a major part of its funding from any governmental agency.

**School, secondary.** Any school regulated by the state and which is authorized to award diplomas for secondary education.

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

**Seasonal business.** A retail business or service business that is not normally used as a business for more than eight months during any one calendar year.



**Setback.** The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

**Sidewalk (public).** A linear concrete surface typically three to five feet wide that is located within a public right-of-way for pedestrian use and constructed and maintained in accordance with the city's current sidewalk ordinance.

**Site.** Any plot or parcel of land or combination of contiguous lots or parcels of land.

**Site plan.** The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot(s).

**Site plan review and approval.** The submission of plans for review and approval, as required by this ordinance, and special use permits.

**Sketch plan.** A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification.

**Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

**Soil.** All unconsolidated mineral and organic material, of whatever origin, that overlies bedrock and can be readily excavated.

**Soil percolation test.** A test designed to determine the ability of ground to absorb water, and used in determining the suitability of a soil for drainage or for the use of a septic system.

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

**Spot zoning.** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Williamston comprehensive plan.

**Stall, parking.** The parking space in which vehicles park.

**Storm sewer.** A conduit that collects and transports runoff of stormwater.

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

**Story.** That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

**Story, half.** Is an uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this ordinance, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

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

**Street, collector.** A street which collects traffic from local streets and connects with minor and major arterials.

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**Street, cul-de-sac (loop).** A street with a single, common ingress and egress, and with a turnaround at the end.

**Street, local.** A street designed to provide vehicular access to abutting property and to discourage through traffic.

**Street, major arterial.** A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

**Street, private.** A right-of-way for the purpose of providing access to abutting lots or land, and owned by an individual, company, corporation, or association responsible for maintenance and improvements of the right-of-way in accordance with applicable City of Williamston standards and requirements.

**Street, public.** A public right-of-way which has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

**Street, minor arterial.** See Minor or local street.

**Stripping.** Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

**Structure.** See Building.

**Structure changes or alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

**Subdivider.** Any persons who undertake the subdivision of land. A subdivider may be the owner or authorized agent of the owner of the land to be subdivided.

**Subdivision.** The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**Surface hydrology.** The properties, distribution, and circulation of subsurface water for a defined area.

**Swale.** A depression in the ground which channels runoff.

**Temporary building or use.** A structure or use permitted by the building department, to exist during periods of construction of the main building or for special events, but not to exceed six months' duration.

**Temporary certificate of occupancy.** A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal conditions make it impossible to complete all needed external improvements.

**Tenant.** An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

**Thoroughfare system.** The collection of streets, traffic control devices, and intersections which make up a city's road system.

**Topographic map.** A map of a portion of the earth's surface showing its topography.

**Topography.** The configurations of a surface area showing relative elevations.

**Total parking area.** Includes the parking lot and all connecting access drives.

**Toxic pollutants.** A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms or their offspring.

**Trailer, travel.** Any vehicle designed to be drawn by an automobile/motorized vehicle, and which is used temporarily for occupancy when stationary.

**Truck tractor, trailer rig.**

1. A truck vehicle unit as classified by the American Association of State Highway and Transportation Officials as a WB-40 or WB-50 vehicle. The minimum specifications are as set forth below:

	<u>WB-40</u>	<u>WB-50</u>
Wheelbase	13+27 = 40 feet	20 + 30 = 50 feet
Front overhang	4 ft.	3 ft.
Rear overhang	6 ft.	2 ft.
Overall length	50 ft.	55 ft.
Overall width	8.5 ft.	8.5 ft.
Height	13.5 ft.	13.5 ft.

2. This classification applies to truck tractors with or without trailer rigs.

**Truck and railroad terminals.**

1. A place where transfer between modes of transportation takes place.
2. A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Unified control.** The combination of two or more tracts of land, wherein each owner has agreed that his tract of land shall be developed as part of a planned development and shall be subject to the control applicable to the planned development.

**Use.** The lawful purpose for which land or premises, including the structures thereon, is designed, arranged, or intended or for which it is rented, leased, occupied, or maintained.

**Use, lawful.** The use of any structure or land that conforms with all of the regulations of this ordinance or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

**Use, transitional.** A use of land or structure located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two zoning districts on either side of such a boundary line.

**Variance.** A modification of the required provisions for the physical development or land use standards of the zoning ordinance, granted when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to individual property.

**Vehicle, motor.** See Automobile.

**Vehicle repair shop.** See Automobile or vehicle repair.

**Vehicle sales area.** See Automobile or vehicle sales area.

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### Chapter 3 **General Definitions**

**Wall, obscuring.** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

**Waste disposal vehicles.** Self-propelled and trailer devices used for the collection, transport and hauling of solid waste, garbage, recyclable material, or rubbish from households, public places and businesses to a disposal or recycling area.

**Water supply system.** The system for the collection, treatment, storage, and distribution of potable water from the source of supply to the consumer.

**Wetlands.** Swamps or marshes with seasonal water present, especially as areas preserved for wildlife as defined by state or federal agencies.

**Yards.** Includes the following:

- A. Front yard. The open space extending the full width of the lot between the main building and front lot line.
- B. Rear yard. The open space extending the full width of the lot between the main building and rear lot line.
- C. Side yard. The open space extending from the front yard to the rear yard between the main building and the side lot line.

**Zero lot line.** The location of a building in such a manner that one or more of the building's sides are set directly on a lot line.

**Zone.** A specifically delineated area or district in a municipality, within which regulations and requirements uniformly govern the use, placement, spacing, and size of lots and buildings.

**Zoning.** The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

**Zoning envelope.** The three-dimensional space within which a structure is permitted to be built on a lot, which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

**Zoning ordinance.** The duly adopted and authorized ordinance of the City of Williamston controlling and defining specific zones within the city, designating the placement, density, height, proximity, and expansion of every building, structure, dwelling, residence, and business, constructed, altered, expanded, or raised within the City of Williamston.