



**PROPOSED AGENDA
REGULAR MEETING OF
THE CHARLOTTE PLANNING COMMISSION**

111 E. Lawrence Ave, Charlotte, MI 48813 (517) 543-2750
7:00 P.M. Tuesday, April 7th, 2026

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Excuse absent members
5. Approval of Minutes – February 3rd, 2026
6. Early Public Comment – Limit presentation to 5 minutes
7. Approval of Agenda
8. Action: Commercial Temporary Use Permit – 116 Lansing St.
9. Action: Proposed Zoning Ordinance & Map recommendation
10. Late Public Comment – Limit presentation to 5 minutes
11. Commissioner Comments
12. Adjourn

CITY OF CHARLOTTE
PLANNING COMMISSION MEETING MINUTES
111 E. Lawrence Ave. Charlotte, MI 48813 (517) 543-2750
March 03 2026

CALL TO ORDER:

The meeting was called to order by Vice Chairperson McRae at 7:00 P.M.

ROLL CALL:

Present: Vice Chairperson McRae, Commissioners Bearup, Bliven, N. Christensen, Garrett, Lester, Hartwick, and Snyder. Council member representative J. Christensen

Also in attendance: Fire Chief Fullerton, Deputy City Clerk Middaugh, Community Development Director Benavidez, Interim City Manager Pastue

Absent: None

PLEDGE OF ALLEGIANCE:

Led by Vice Chairperson McRae

APPROVAL OF MINUTES:

Motion by Bearup, supported by Snyder, to approve the minutes of December 02, 2025. Carried. Yea (8); Nay (0); Absent (0).

Motion by Garrett, supported by Snyder, to approve the minutes of January 06, 2026. Carried. Yea (8); Nay (0); Absent (0).

ABSENCE OF COMMISSIONERS:

None

EARLY PUBLIC COMMENT:

No comment

APPROVAL OF AGENDA:

Motion by Bearup, supported by Garrett to approve the agenda. Carried. Yea (8); Nay (0); Absent (0).

ELECTION OF CHAIRPERSON:

Motion by N. Christensen, supported by Garrett, to nominate James McRae for Chairperson. Carried. Yea (8); Nay (0); Absent (0).

ELECTION OF VICE CHAIRPERSON:

Motion by McRae, supported by N. Christensen, to nominate Richard Bearup for Vice Chairperson. Carried. Yea (8); Nay (0); Absent (0).

ELECTION OF SECRETARY:

Motion by Bliven, supported by Garrett, to nominate Kristie Snyder for Secretary. Carried. Yea (8); Nay (0); Absent (0).

TEMPORARY USE PERMIT: 1167 E. CLINTON TRL.:

Fire Chief Fullerton presented the annual temporary use permit application for TNT Fireworks to operate a fireworks sales tent at the Meijer parking lot from June 19 to July 6, 2026. He noted this would be the 19th year of operation at this location with no history of complaints or issues. The police department expressed no concerns, and the fire department will conduct their standard safety inspection upon approval.

A representative from TNT Fireworks thanked the commission and acknowledged New Hope Community Church's partnership in staffing the operation. When asked about responsibility, the representative clarified that TNT is the responsible party with insurance coverage, while the church provides staffing support.

Chairperson McRae commented that this may be the last time the commission votes on such permits if the proposed zoning changes moving these to administrative review are adopted by city council.

ACTION: TEMPORARY USE PERMIT – 1167 E. CLINTON TRL.:

Motion by Snyder, supported by N. Christensen, to approve the temporary use permit at 1167 E. Clinton Trl.. Carried; Yea (8); Nay (0); Absent (0)

SITE PLAN REVIEW: 440 SPRING ST.:

Caroline Kimmel from Commonwealth Development presented a preliminary site plan for a new construction multifamily affordable housing development. The project would consist of 60 units in 1, 2, and 3-bedroom apartments across three buildings, targeting residents earning 30-70% of area median income. Income ranges would span from \$21,000 annually for a single person to \$76,000 for a family of five in a three-bedroom unit.

The development includes an on-site management office staffed by Associated Management Company, a clubhouse with fitness center, picnic areas, dog park, and playground. Kimmel explained this is preliminary approval needed for their April 1st application to MSHDA (Michigan State Housing Development Authority) for tax credit financing.

Community Development Director Tiger confirmed this is a permitted use in the RM-2 zoning district. He reviewed departmental comments noting DPW's confidence in handling 60 units within current capacity, though studies are ongoing for citywide infrastructure needs. The police chief recommended a right-turn-only restriction from Sumter onto Lansing Road due to accident history. Fire department requested consideration of a second hydrant for safety redundancy.

Tiger emphasized this would be the commission's primary review opportunity, as future changes would be handled administratively unless major modifications occur. He recommended approval with final details worked out through the permitting process.

Commissioner Christianson expressed support for needed housing while voicing concerns about apartment complex maintenance based on existing properties in the city. She confirmed the development would include nine fully ADA-accessible units with first-floor units being adaptable. The three-story buildings would be walk-ups without elevators, meaning second and third floors would not be accessible to persons with disabilities.

Commissioner Hartwick praised the project's alignment with the city's affordable housing goals, noting the housing committee's support.

Commissioner Garrett asked about future expansion possibilities, with Kimmel confirming phase two potential while prioritizing tree preservation in the current design.

Commissioner Lester inquired about tornado safety protocols, with staff confirming standard building code requirements for interior shelter areas.

Chairman McCray explored access and traffic concerns, noting the development's Spring Street access and discussing potential paving needs for the gravel portion of Spring Street. Kimmel indicated willingness to discuss cost-sharing for infrastructure improvements.

McCray questioned the MSHDA financing structure, with Kimmel explaining the tax credit system where private investors purchase credits in exchange for cash equity, allowing reduced debt and lower rents. She expressed confidence in the project's competitiveness, scoring 103 points against typical rural project scores of 97-100.

Commissioner Hartwick asked about timeline, with Kimmel targeting spring 2027 construction start for summer 2028 completion.

Community Development Director Whitney confirmed the project directly supports the city's affordable housing objectives and has housing committee endorsement.

ACTION: SITE PLAN REVIEW – 440 SPRING ST.:

Motion by Bearup, supported by Snyder, to approve the site plan review of 440 Spring St. Carried; Yea (8); Nay (0); Absent (0)

LATE PUBLIC COMMENT:

Interim City Manager Vince Pastue introduced himself and commended the commission's professional conduct, noting positive feedback from a former council member in Monroe. He indicated he would serve only a few more meetings until a permanent manager is hired.

COMMISSIONER COMMENTS:

Commissioner Christianson raised concerns about deteriorating residential properties at 417 E Shaw and Pleasant and Shaw streets, citing safety issues with structures being converted to rentals. Community Development Director Tiger acknowledged ongoing investigations and noted five active cases with the city attorney for dangerous buildings, explaining the legal process requires time but is being pursued actively.

ADJOURNMENT:

Motion by Snyder, supported by N. Christensen, to adjourn the meeting at 7:45 p.m. Carried. Yea (8); Nay (0); Absent (0).

Respectfully submitted,
Mikayla Middaugh, Deputy City Clerk

CITY OF CHARLOTTE, MI
&
CHARLOTTE FIRE DEPARTMENT



Fire Chief – Tyger Fullerton
911 W. Shepherd St. Charlotte, MI 48813 Ph. 517-543-0241

To: City of Charlotte Planning Commission
From: Tyger Fullerton
Date: 4/3/2026
Re: Temporary Use Permit – Fireworks Sales Tent – 116 Lansing Street

The City has received a request for a Temporary Use Permit to allow for the operation of a fireworks sales tent at 116 Lansing Street from June 7th 2026 to July 7th 2026. This location has been utilized for similar seasonal fireworks sales in prior years and has previously received the necessary approvals.

Under the City of Charlotte Zoning Ordinance, temporary uses such as seasonal fireworks sales are permitted subject to Planning Commission approval and compliance with applicable standards, including duration, site suitability, traffic and access, parking, and fire and life safety requirements.

We have reviewed the request and determined that the proposed fireworks sales tent at 116 Lansing Street meets all standards set forth in the Zoning Ordinance for temporary commercial uses. Additionally, based on prior years' operations, the applicant has demonstrated consistent compliance with all applicable requirements.

Departmental Review:

- **Fire Department:** Will inspect to make sure the site has proper life/fire safety equipment in place, required by the State of Michigan.
- **Police Department:** No objections or concerns based on prior operations.
- **Planning/Zoning:** The request is consistent with ordinance provisions and past approvals and meets all required standards.

Recommendation:

Given the site's successful history, lack of prior issues, and confirmation that all ordinance standards have been satisfied, we recommend approval of the Temporary Use Permit.

Respectfully,

A handwritten signature in black ink, appearing to read "Tyger Fullerton".

Tyger Fullerton – Fire Chief / Zoning Administrator



City of Charlotte

Temporary Structure Permit

Applicant Information:

Rodriguez	Rudy	G
Last Name	First Name	Middle Initial
6621 S Edon Rd		
Address		
Reading	Michigan	49274
City	State	Zip
	thewizardsfireworks@gmail.com	
Home Phone	Email	
	260-243-2952	
Business Phone	Cellphone	
Construction Company Name (if applicable)		Phone Number

Owner Information (if different): *(Attach Proof of Ownership)*

Stickland	Dick	
Last Name	First Name	Middle Initial
116 Lansing St		
Address		
Charlotte	Michigan	48813
City	State	Zip

517-652-4529

Phone

Email

Business Phone

Cellphone

Driver's License #

Date of Birth

Location of Property:

116 Lansing St

Address or Intersection

Legal Description of Property (attach a copy)

Tax Code Number

Lot Area in Acres or Sq. Feet

Description of Use:

20' x 40' Flame-Resistant Tent

Proposed Temporary Structure Type

Temporary Fireworks Sales

Describe Specific Use of Temporary Structure

Potentially credit card accepted sign/banner, small yard signs, or buy 1 get 1.

Proposed Temporary Signs (if any)

06/07/2026

Date Construction is to Begin

07/07/2026

Date Construction is to be Completed

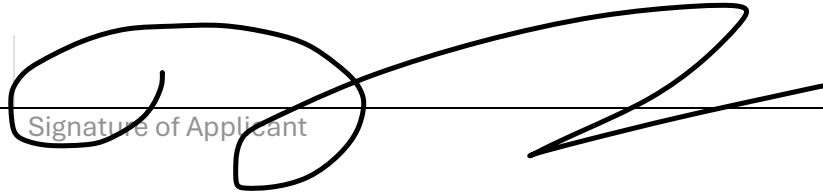
Applicant acknowledges and understands, as indicated by the signature below, that payment of fees does not guarantee approved permit as presented. The City reserves the right to reject an application based on the failure of the applicant to comply with the terms set by the City of Charlotte.

Signatures:

04/02/2026

Date

Signature of Applicant

A handwritten signature in black ink, consisting of a large loop followed by a series of strokes that extend to the right.

See attached

Date

Signature of Owner

Please mail payment and application to:
City of Charlotte
111 E Lawrence
Charlotte MI 48813

Charlotte

DICK Strickland
517-652-4529

THE WIZARDS FIREWORKS

READING MI. 49274
PHONE (260)243-2952

FIREWORKS PROPERTY LEASE 2026

THIS LEASE/CONTRACT IS BETWEEN THE AUTHORIZED AGENT/OWNER(S) OF THE
PROPERTY LOCATED AT: 116 LANSING ST Charlotte AND
THE WIZARDS FIREWORKS. THE LEASE OF THE DESIGNATED AREA DESCRIBED IS AS

FOLLOWS: Northwest Portion of Lot OF THE PARKING LOT AT THIS
ADDRESS. THE PURPOSE OF THIS LEASE IS TO SET UP A FIRE RETARDANT TENT TO
STORE, DISPLAY, AND SELL CONSUMER CLASS "C" FAMILY FIREWORKS & NOVELTIES.
THE WIZARDS FIREWORKS CO. DOES HOLD ALL REQUIRED FEDERAL, STATE, AND
LOCAL LICENSES, PERMITS AND INSURANCES WITH THE PROPERTY OWNER AS A
ADDED INSURED. THE WIZARDS FIREWORKS CO. DOES NOT HOLD THE
MANAGER/OWNER(S) RESPONSIBLE OR ACCOUNTABLE FOR ACCIDENTS ARISING FROM
THE USE/MISUSE OR THE SALE OF OUR PRODUCTS. BY SIGNING THIS CONTRACT THE
AUTHORIZED AGENT/OWNER(S) DO AGREE "NOT" TO ALLOW ANY OTHER PERSON(S) OR
ORGANIZATION(S) TO BECOME DIRECTLY OR INDIRECTLY IN COMPETITION NOR TO
HINDER, HOLD, STOP, DELAY OR CAUSE TO STOP OR DELAY THE STORAGE, DISPLAY
AND OR SALES OF PRODUCTS ON THIS PROPERTY.

THE AGREED UPON AMOUNT FOR THIS LEASE IS \$35 00.00 AND WILL BE PAID IN
CASH WITHIN THE FIRST WEEK AFTER SALES HAVE STARTED (JUNE 6th). THE TENT SET
UP WILL START ON OR ABOUT JUNE 1ST AND THE SEASON COULD RUN THROUH JULY
16TH TO GIVE US AMPLE TIME FOR TEAR DOWN AND CLEAN UP AT THE SEASONS END.

\$500.00 EXCLUSIVE EXTENSION

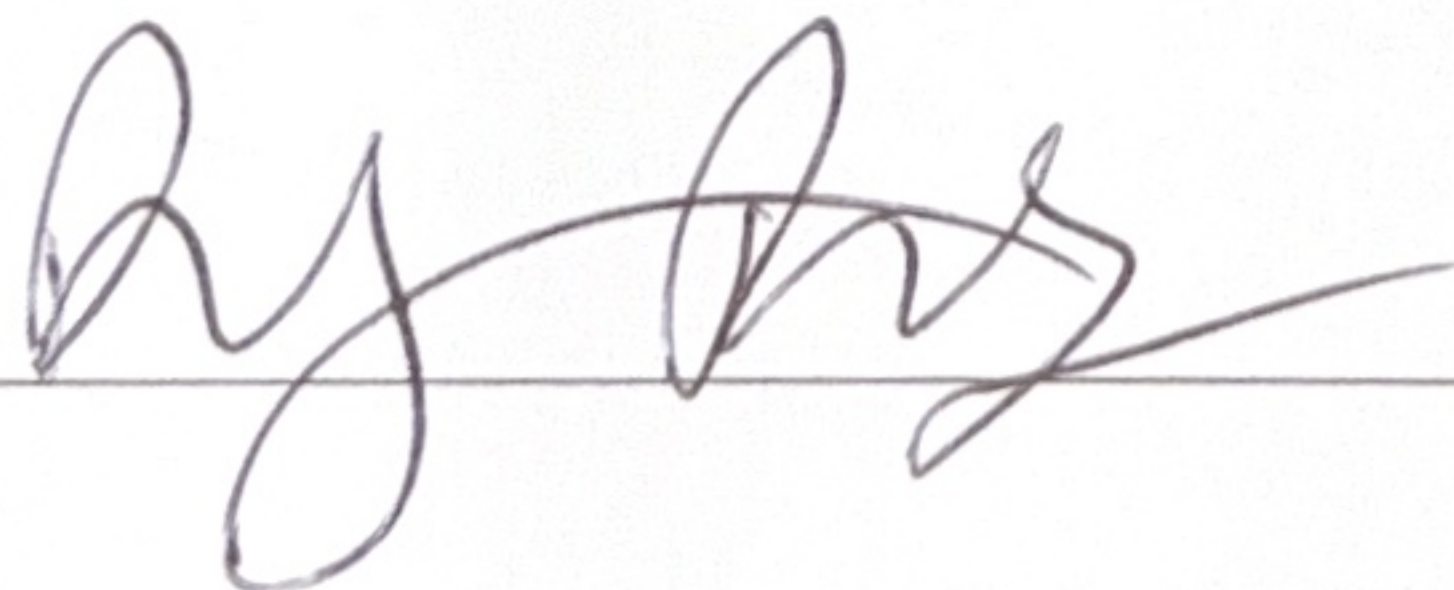
x BY INITIALING, YOU DO AGREE AND ACCEPT, A \$500.00 (FIVE HUNDRED
DOLLAR) YEARLY CASH BONUS PAYMENT IN ADDITION TO THE LEASE AMOUNT. IN
RETURN YOU DO GRANT THE WIZARDS FIREWORKS CO. OUR EXCLUSIVE 3 YEAR NON -
CANCELABLE LEASE EXTENSION. THIS EXTENSION WILL AUTOMATICALLY RENEW
EACH YEAR. THIS EXTENSION WILL EXPIRE 3 (THREE) YEARS AFTER THE LAST DATE
THE \$500.00 CASH BONUS PAYMENT WAS RECEIVED AND INITIALED FOR.

LEASOR x



DATE 3-16-2026

LEASEE x



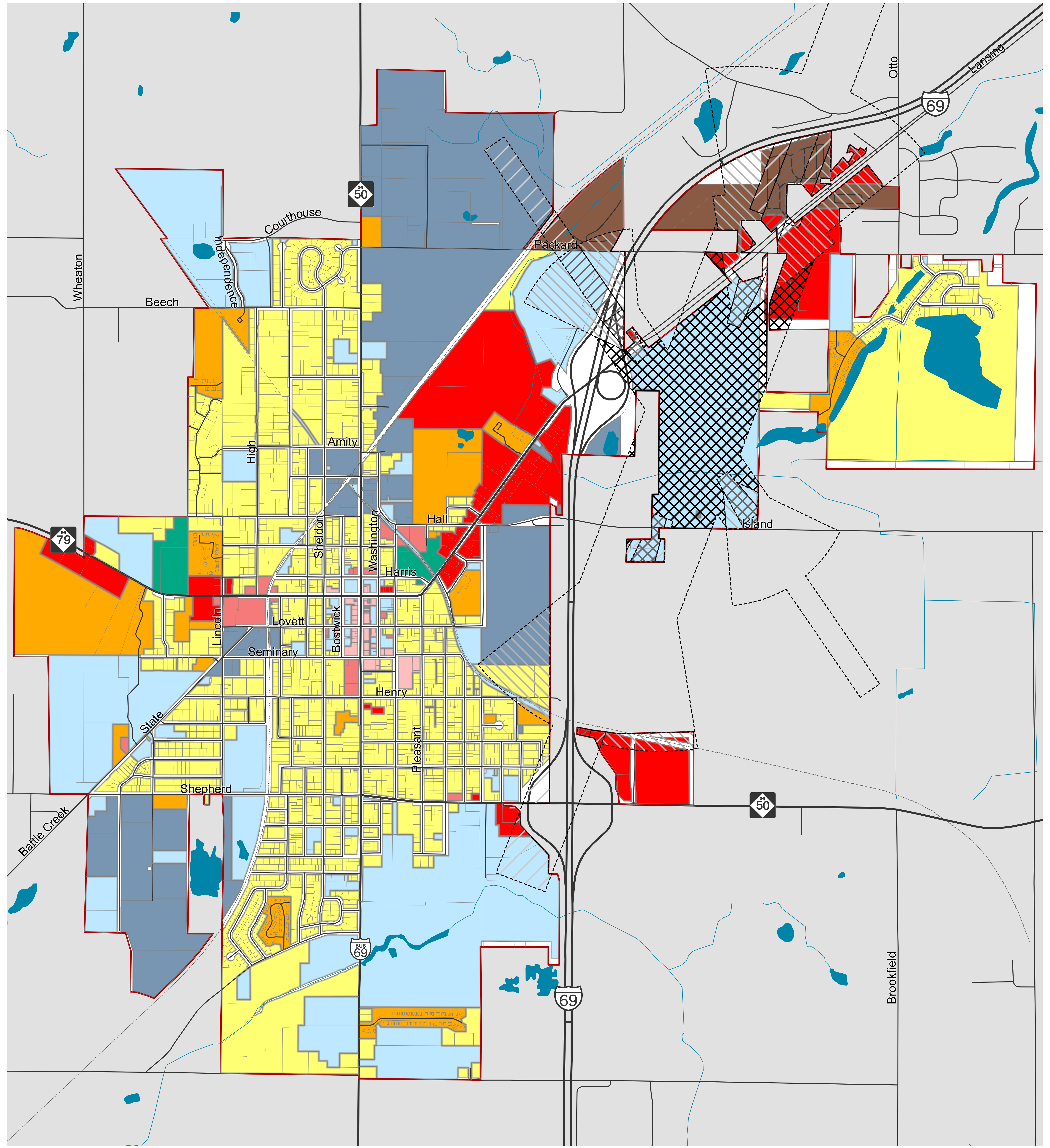
DATE 3-16-26

Google Maps 116 Lansing St

Charlotte, MICHIGAN 48813

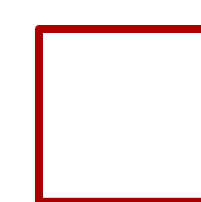


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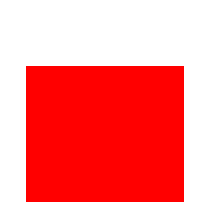
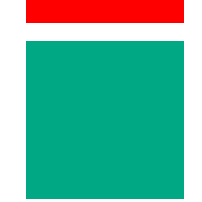
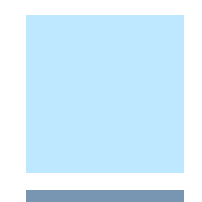
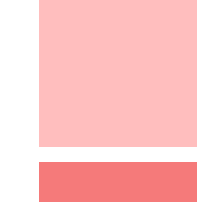
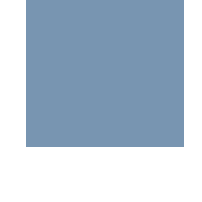


Proposed Zoning

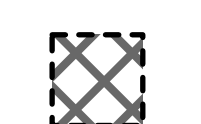
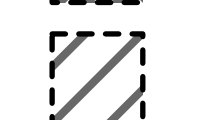
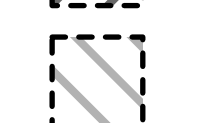
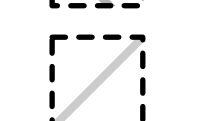
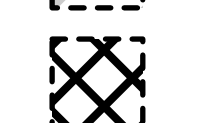
Sources: Michigan Open Data Portal, City of Charlotte, Eaton County

 City of Charlotte Boundary

Zoning Districts

- | | |
|---|--|
|  RN - Residential Neighborhood |  CC - Commercial-Corridor |
|  RM - Residential - Multiple |  HC - Health Care |
|  MH - Mobile Home |  PQP - Public/Quasi-Public |
|  CD - Commercial-Downtown |  IRO - Industrial Research Office |
|  CN - Commercial-Neighborhood | |

Airport Approach (AA) Zones

- | |
|--|
|  Zone 1 |
|  Zone 2 |
|  Zone 3 |
|  Zone 4 |
|  Zone 5 |
|  AA Zone Outside of City Limits |



Draft Map Date: 04/02/2026
Effective Date: TBD



ZONING ORDINANCE

Planning Commission Draft
Post-Attorney Review
04.07.2026

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ARTICLE I. TITLE and PURPOSE

82.100 SHORT TITLE.

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

82.101 PURPOSE.

This chapter is adopted pursuant to the authority conferred by the Public Acts of the state in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the city by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with a Comprehensive Plan, and further in accord with the provisions of the Urban Services District adopted by the Townships of Eaton and Carmel and the city.

82.102 CONSTRUCTION OF LANGUAGE.

The following rules of construction apply to the text of this chapter.

- (1) The particular shall control the general.
- (2) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) The word "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, an unincorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either ... or," the conjunction shall be interpreted as follows:
 - (a) And" indicates that all the connected items, conditions, provisions or events shall apply;
 - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination;

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

(9) Terms not defined in this article shall have the meaning customarily assigned to them.

82-103 INTERPRETATION OF CODE.

In interpreting and applying the provisions of this Chapter, they shall be deemed to be the minimum requirements adopted for the promotion of public safety, health, convenience, comfort, prosperity, and general welfare. This Zoning Code does not intend to interfere with or subrogate or annul any ordinances, rules, regulations, or permits previously adopted or issued in the Zoning Code. Where this Zoning Code imposes a greater restriction upon the use of buildings or requires larger open spaces than are imposed or required by any such ordinances, rules, regulations or permits, or by easements, covenants or agreements, the provisions of this Zoning Code shall control.

82-104 CONFLICTING REGULATIONS

Wherever any provision of this Zoning Code imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provision of this Zoning Code shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Zoning Code, then the provisions of such other ordinance shall govern. Whenever any provision of any Zoning District as hereinafter created in this Zoning Code imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by any other provisions of this Zoning Code, then the provision contained in the specific Zoning District shall apply.

The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" are not regulatory and are provided for illustrative purposes only.

ARTICLE II. ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

82-200 OFFICIAL ZONING MAP.

The city is hereby divided into districts or zones, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

- (1) The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bear the seal of the city under the following words:

"This is to certify that this is the OFFICIAL ZONING MAP referred to in the Zoning Ordinance of the City of Charlotte, Michigan," together with the date of the adoption of this chapter. The Official Zoning Map shall be deposited in the City Clerk's vault when not in actual use.

- (2) If, in accordance with the provisions of this chapter and the laws of the state, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Council, together with an entry on the Official Zoning Map as follows:

On the effective date of this ordinance, by official action of the City Council, the following changes were made in the Official Zoning Map, (brief description of the nature of the change), which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this chapter that involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on such map.

- (3) No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the provisions set forth in this chapter. Any unauthorized change of whatsoever kind by any person shall be considered in violation of this chapter and punishable as provided in this chapter.

- (4) Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map above described and deposited in the vault of the City Clerk shall be the final authority.

- (5) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

- (6) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, or the centerlines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

- (7) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- (8) Where the boundary of a district follows a stream, lake or other body of water, such boundary line shall be deemed to be located midway between opposite shores.
- (9) Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.
- (10) Where unzoned property may exist, or where, due to the scale, lack of detail or illegibility of the zoning map on file in the office of the City Clerk, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Board of Appeals.

82-201 INTERPRETATION OF TEXT.

Where uncertainty exists with respect to uses permitted in any district, or any condition set forth in this chapter, the following rules shall apply.

- (1) No use of land shall be permitted in any use district except those uses specifically set forth in the district.
- (2) Uses or structures not specifically permitted in a zoning district shall be prohibited in such district.
- (3) Unless otherwise provided for in this chapter where uses of yard areas are indicated as being permitted, the use of any other yard area for such use shall be prohibited.

82-202 ZONING OF VACATED AREAS.

Whenever any street, alley or other public way within the municipality shall be vacated, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

82-203 ZONING OF ANNEXED AREAS.

Whenever any area is annexed to the city, one (1) of the following conditions will apply.

- (1) Land that is zoned prior to annexation shall be classified as being in whichever district of this chapter is recommended by the Planning Commission and approved by the City Council.
- (2) Land not zoned prior to annexation shall be automatically classified as an RN District until a zoning map for such area has been adopted by the City Council. The Planning Commission shall recommend the appropriate zoning districts for such area within 3 months after the matter is referred to it by the City Council.

82-204 ZONING MAP

The official zoning map is on file at the Office of the City Clerk. Please note that the zoning map on the city's website may or may not be the most current version.

82-205 INTENT OF ESTABLISHMENT ZONING DISTRICTS.

For the purpose of this chapter, the city is hereby divided into the following zoning districts. The intent and purpose of each zoning district are described in the sections below.

82-206 RN Residential Neighborhood District

The Residential Neighborhood (RN) zoning district is established to maintain and enhance the character of existing residential areas while allowing for compatible new development. This district is intended to support a variety of housing types, including single-family homes, duplexes, and townhouses, depending on the specific subcategory. Key objectives of the RN district include preserving neighborhood character through design standards and lot size requirements, promoting walkability and connectivity with sidewalks, trails, and access to parks and schools, encouraging housing diversity while maintaining a predominantly residential environment, and limiting non-residential uses to those that are low-impact and serve neighborhood needs such as, small childcare centers, home occupations, and neighborhood markets (subject to special approval).

82-207 RM Residential Multiple District

The Residential Multiple (RM) zoning district is intended to accommodate a range of medium- to high-density residential housing types, including multi-family dwellings, apartments, condominiums, and townhomes. This district supports more compact living arrangements and is often located near commercial corridors, downtown areas, business centers, or mixed-use zones to promote accessibility and reduce reliance on personal vehicles. Key objectives of the RM district include encouraging housing diversity to meet the needs of various household sizes and income levels, supporting efficient land use through increased residential density, facilitating walkable developments, and allowing limited non-residential uses that serve residents, such as small-scale retail, community centers, or daycare facilities (subject to special approval).

82-208 MH Mobile Home Residential District

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

82-209 CN Commercial Neighborhood District

The Commercial Neighborhood (CN) zoning district is designed to provide convenient access to goods and services for nearby residential areas while maintaining a scale and character that is compatible with the surrounding neighborhood. This district supports small-scale retail, personal services, restaurants, and professional offices that serve the day-to-day needs of local residents. Key objectives of the CN district include promoting walkable, mixed-use environments that reduce

reliance on automobiles, encouraging neighborhood-serving businesses that enhance community life, ensuring compatibility with adjacent residential uses through design standards and operational limitations, and supporting economic vitality in residential areas without disrupting their character.

82-210 CC Commercial Corridor District

The Commercial Corridor (CC) zoning district is designed to support a mix of retail, service, and office uses, along key transportation corridors. This district encourages vibrant, pedestrian-friendly environments that serve both local neighborhoods and broader regional needs. Key objectives of the CC district include promoting mixed-use development that integrates commercial and some residential uses, enhancing the visual and functional character of major streets through design standards and streetscape improvements, supporting quality and integral development, noting a reliance on vehicular traffic, and encouraging economic activity by allowing a wide range of commercial uses, including restaurants, shops, offices, and entertainment venues.

82-211 CD Commercial Downtown District

The Commercial Downtown (CD) zoning district is intended to foster a vibrant, walkable, and mixed-use urban core that serves as the cultural, economic, and civic heart of the community. This district supports a wide range of commercial, residential, institutional, and entertainment uses, often in multi-story buildings with active ground-floor storefronts. Key objectives of the CD district include encouraging high-density, mixed-use development that supports a dynamic downtown environment, promoting pedestrian-oriented design with minimal setbacks, active street frontages, and public amenities. The district also aims to preserve historic character while allowing for contemporary architectural expression, and facilitate economic development through flexible use allowances and streamlined permitting.

82-212 IRO Industrial Research Office District

The Industrial Research Office (IRO) zoning district is intended to accommodate research and development facilities, light manufacturing, technology centers, and professional office uses on a single site or in a planned, campus-style environment. This district supports innovative, industry-driven businesses while maintaining compatibility with surrounding land uses through thoughtful site design and effective buffering. Key objectives of the IRO district include encouraging high-tech and research-based employment centers, supporting flexible building types for laboratories, offices, and light industrial uses, promoting sustainable and attractive site design, including landscaping, stormwater management, and pedestrian and vehicular connectivity, minimizing impacts on adjacent residential or commercial areas through setbacks, screening, and traffic management, and facilitating collaboration between private industry, academia, and government.

82-213 HCH Health Care Hospital District

The Health Care Hospital (HCH) zoning district is designed to accommodate major medical facilities, including hospitals, specialized treatment centers, and supporting health care infrastructure. This district supports the development and expansion of comprehensive health care campuses that serve both local and regional populations. Key objectives of the HCH district include facilitating access to essential health services through centralized medical campuses, supporting a mix of health-related uses, including inpatient and outpatient care, research facilities, medical offices, and emergency services, ensuring compatibility with surrounding neighborhoods through

thoughtful site planning, buffering, and traffic management, and encouraging sustainable and efficient development that meets the evolving needs of health care providers and patients

82-214 PQP Public / Quasi Public District

The Public / Quasi-Public (PQP) zoning district is intended to accommodate governmental, educational, institutional, and community-oriented facilities that serve the public interest. This includes both publicly owned properties and privately operated facilities that provide essential services or community benefits. Key objectives of the PQP district include supporting civic and institutional uses such as schools, libraries, government buildings, hospitals, and religious institutions, providing locations for community services that are accessible and compatible with surrounding neighborhoods, ensuring adequate land for public infrastructure and facilities, including utilities, parks, and emergency services, and facilitating long-term planning for public and semi-public institutions.

ARTICLE III REGULATED USE & DIMENSIONS

82.300 ZONING DISTRICTS & USES

The Regulated Uses Table in this Article lists by land use category (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective zoning district.

82.301 Interpreting the Regulated Uses Table

- (1) Permitted Uses: The symbol [P] indicates land uses permitted by right in a zoning district.
- (2) Uses Requiring Special Use Permit: The symbol [S] indicates land uses permitted after review and approval as a special use permit in accordance with Article 9 of this Ordinance.
- (3) Uses With Supplemental Standards: The symbol [*] indicates land uses that have supplemental regulations provided in Article 7 of this Ordinance.
- (4) Uses Not Allowed: Land uses that are not listed in the table or blank are not permitted.

82.302 Determination of Use

If a proposed use is not clearly listed or identified in the Regulated Uses Table, the Zoning Administrator shall make a determination as to whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not to be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in Article 13.

82.303 REGULATED USE TABLE

Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
RESIDENTIAL									
One-Dwelling	P*	P							
Duplex (2-Units)	P*	P		P					
Triplex (3-Units)	S*	P		S					
Quadplex (4-Units)	S*	P		S					
Multi-family dwellings		P		S	S	S			
Accessory Dwelling Units	S*	P*							
Mobile Home Parks			P*						

Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
COMMERCIAL									
Adult entertainment							S*		
Adult group homes		P		P					
Agriculture	P						P		P
Amusement arcades				P	P	P			
Arcade					P*	P*			
ATM-standalone				P*	P*				
Automotive - carwash					P		P		
Automotive – minor repair					P				
Automotive – salesroom and associated facilities					P				
Automotive - service station, incidental repairs				S	P				
Banks, credit unions, savings and loan				P	P	P			
Bed and breakfast	S*	S*		S*					
Bowling alley, billiard hall, other indoor recreation					P	P			
Business and private for profit schools					P	P			
Café or Bakery	S	S		P	P	P			
Car Wash					P*				
Child group homes			P	P					
Child, family day care			P						
Children, State licensed day care center	P	P	P					P	P
Convalescent or nursing home,			P	P	P				
Data processing and computer centers							P		
Day care center			P	P					
Drive-in or open front store					P*				
Dry cleaning				S	P	P			
Elderly day care home		P							
Funeral homes, mortuaries	S	S		S	P				
General Hospital								P	
Golf courses	S	S	S						
Group Home - Adults		P*		P*					
Group Home - Children		P*		P*					
Home Occupations	P	P	P						
Hotels and motels					P*	P*			
Medical laboratories					P			P	
Medical offices, clinics					P			P	
Neighborhood Specialty Foods and Convenience	S	S		P	P	P			

Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
COMMERCIAL									
Newspaper offices and printing					P	P			
Nursery Schools		S	S	P					
Office and showroom - trades					P				
Office buildings				S	P	P	P	P	
Open-air businesses					P*				
Outdoor sales – automobiles and trailers					P*				
Personal services				P	P	P			
Restaurants				P*	P*	P*	S*		
Retail – Food and Beverage				P	P	P			
Retail – Food and Beverage, drive-throughs					P				
Retail -General				P	P	P			
Retail - Plant Materials				P*	P*				
Retail – Products produced on-site				P	P	P			
Self-service laundry establishment				P	P				
Sidewalk or outdoor cafes				S	P	P			
Small engine, equipment repair					P				
State licensed group day care home	P	P		P					
Storage facilities physically connected and incidental to permitted use							P	P	
Theatres, assembly halls				S	P	P			
Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
INDUSTRIAL									
Auto engine and body repair					P				
Blast furnace, steel furnace, milling									
Central dry cleaning and laundry plants							S		
Chemical manufacturing							S		
Commercial kennels							P		
Data Centers							S*		
Garbage incineration plants									
Gas regulating substations							S		

Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
INDUSTRIAL									
Greenhouses				S	P		P		
Heating and electric power generating							S		
Junk yards							S		
Laboratories							P	P	
Lumber and planing mills							P		
Manufacturing facilities							P		
Metal plating, buffing, polishing							P		
Petroleum, inflammable liquid production, refining, storage							S		
Processing facilities							P		
Public buildings, with service yards, and storage yards				S	S		P		
Railroad transfer and storage tracks							P		
Research, design, and experiments for product development							P		
Storage facilities for construction material							P		
Trade and industrial schools							P		
Warehousing							P		
Water and gas storage tanks							P		
Water and sewage disposal plants									P
Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
PUBLIC									
Cemeteries									P
Churches			S*						P
Colleges and universities					S				P
Community recreation centers		S		S	P				P
Electric transformer stations and substations	S	S		S			P	S	S
Essential Services	S	S	S	S	S	S	S	S	S

Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
PUBLIC									
Hospitals								P*	
Libraries				S	P	P			P
Municipal office buildings				P	P	P	P		P
Museums						P			P
Noncommercial recreation areas	S	S	S						P
Parks, Parkways, and Recreation Facilities	P	P	P	P	P	P	P	P	P
Plant nursery, and outdoor equipment sales					P		P		
Post office and similar uses serving adjacent areas					P	P			P
Private clubs, fraternal organizations, lodge halls				P	P	P			P
Public buildings									P*
Public buildings, with service yards							P		P
Public services, without storage yards	S	S		P	P	P	P		P
Schools, Public, not for profit	S	S							P
Veterinary hospital or clinics					P		P		
Water and sewage pumping stations									P
Regulated Uses	RN	RM	MH	CN	CC	CD	IRO	HCH	PQP
OTHER									
Accessory buildings and uses, customarily incident to any of the permitted uses listed in this section	S	S	S	S	S	S	S	S	S

28

29

30

31 **§ 82-304 SCHEDULE OF REGULATIONS**

Zoning District	Minimum Zoning Lot Size per Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback per lot in feet)			Maximum % of Lot Area Covered by all Structures
	Area in Sq.Ft.	Width in Feet	In Stories	In Feet	Front	Each Side	Rear	
RN	7,200 (1)	60 (1)	2 ½	30	25 (2) (16)	5 & 10 (2,3)	30 (2)	40
RM	(4)	(4)	4	60	25	15 & 15 (5)	35 (5)	50
MH	See Section 82-719 for development standards							
CN	--	--	--	30	25 (7)	(8,11)	20 (8,9)	--
CC	--	--	--	30	40 (7,9,10)	(9,10)	(8,9,10)	--
CD	--	--	No Maximum		None	(8)	--	--
IRO	--	--	--	60 (15)	60 (11,12)	30 (9,10)	(9,12,13,14)	--
HCH	--	--	No Maximum		25	25	25	50
P/QP	--	--	4	60	25	25	25	50

32 **§ 82-305 NOTES TO SCHEDULE.**

- 33 (1) See § 82-708, averaged lot size, and § 82-1012, subdivision open space plan, regarding
34 flexibility allowances.
- 35 (2) For all uses permitted other than single-family residential, the setback shall equal the
36 height of the main building or the setback required above, whichever is greater. For all lots
37 of record having less than 70 feet of lot width, the minimum required side yards shall be 5
38 feet and 10 feet.

(3) In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply.

(4) In an RM Residential Multiple district, the total number of rooms, not including kitchen, dining and sanitary facilities, shall not be more than the area of the parcel, in square feet, divided by 1,200. All units shall have at least 1 living room and 1 bedroom, except that not more than 10% of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre, the following room assignments shall control:

Apartment Configuration	Number of Rooms
Efficiency	1
One Bedroom	2
Two Bedroom	3
Three Bedroom	4
Four Bedroom	5

Plans presented showing 1, 2 or 3 bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing density. The area used for computing density shall be the total site area, exclusive of any dedicated public right-of-way of either interior or bounding roads. For the RM District, a minimum of 3,000 square feet of lot or site area shall be provided for each dwelling unit.

(5) In all RM-1 and RM-2 Multiple Family Residential Districts, the minimum distance between any 2 buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet. Parking may be permitted within a required side or rear yard but shall not cover more than 30% of the area of any required yard or any minimum distance between buildings. The formula regulating the required minimum distance between 2 buildings in all RM Districts is as follows:

$$S = \frac{LA + LB + 2(HA + HB)}{6}$$

Where:

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

LA = Total length of building A. The total length of building A is the length of that portion of a wall of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = Total length of building B. The total length of building B is the length of that portion of a wall of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

HA = Height of building A. The height of building A at any given level is the height above natural grade level of any portion of a wall along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

HB = Height of building B. The height of building B at any given level is the height above natural grade level of any portion of a wall along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion of the wall along the total length of the building.

(6) The distance from the front lot line to the nearest point of a principal building shall not be less than 25 feet, except that where an entire block frontage is developed at one time, under single ownership or control, then the minimum setback may be reduced to 20 feet, provided that the average setback for all structures shall not be less than 25 feet.

(7) Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Thoroughfare Plan of the Master Plan of Future Land Use.

(8) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than 10 feet shall be provided. On a corner lot with a common rear lot line in a residential district, a setback of at least 10 feet shall be provided on the side bordering the residential district or street.

(9) Off-street loading space shall be provided in the rear yard in the ratio of at least one (1) space for each establishment and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of § 82-612. This provision shall not apply in the CD District. In those instances where properties abut an alley, such alley may be substituted for off-street loading requirements in business districts. In office districts, off-street loading may take place in undesignated places in parking lots, provided such loading is of a short-term nature.

(10) No building shall be closer than 50 feet to any adjacent residential district or to any major thoroughfare.

(11) Off-street parking shall be permitted in a required side yard setback with adequate screening and landscaping.

- 105 (12) Off-street parking may be permitted within the required front yard, provided that such off-
106 street parking is not located within 20 feet of the front lot line.
- 107 (13) No building shall be located closer than 50 feet or the height of the building, whichever is
108 the greater, to the outer perimeter (property line) of such district when the property line
109 abuts any residential district.
- 110 (14) All storage shall be in the rear yard and shall be screened entirely with an obscuring wall or
111 fence, not less than 6 feet high, or with a chain-link-type fence and a greenbelt planting so
112 as to obscure all view from any adjacent residential, office, or business district or from a
113 public street.
- 114 (15) All roof-mounted equipment, including satellite dishes and other communication
115 equipment, shall be hidden from view by a parapet, screen, or similar architectural feature.
116 The equipment shall not be visible from recreation trails or from public sidewalks adjacent
117 to the site. Screening shall incorporate exterior building materials similar to or
118 complementary to those of the main building.
- 119
120 (16) The front yard setback in an existing, developed residential neighborhood shall be the
121 average of the front yard setbacks on the same side of the street.
122

ARTICLE IV. OVERLAY DISTRICTS

82-400 INTENT AND PURPOSE

Overlay districts are tools for dealing with special situations or accomplishing special zoning goals. As the name implies, overlay zoning districts are "overlaid" on base zoning classification to alter some or all the underlying district regulations. Overlay districts are shown on the Official Zoning Map as dashed lines labeled with the overlay map symbol or with the overlay district name. In addition to the restrictions and requirements of the base zoning district applicable to a particular site, the restrictions of the applicable Overlay District or Districts shall also apply. To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use of the site shall apply.

82-401 MX-1 MIXED-USE OVERLAY.

82-402 Intent and Purpose

The purpose of the MX-1 Mixed-Use Overlay District is to:

- (1) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space, while allowing single uses in these buildings are permissible due to market conditions;
- (2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets;
- (3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction; and
- (4) Encourage the reuse and redevelopment of older and historic structures, recognizing that amendments to this subchapter may be necessary from time to time to accommodate this

82-403 Definitions.

As used in this subchapter, the following words and terms shall have the meanings specified herein:

FLOOR AREA RATIO. The ratio of a building's gross floor area to the area of the lot on which the building is located.

GROSS FLOOR AREA. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings.

GROSS FLOOR AREA does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

MIXED-USE BUILDING. A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

82-404 Application to Nonresidential Districts.

The MX-1 Mixed Use Overlay District is a zoning classification which permits owners of property within any zone other than R-1 One Family Residential and R-2 One Family Residential zones to petition City Council to establish an overlay district, and the district use regulations as set forth herein, on their property. Upon the filing of such petition, the petition shall be treated as a request for a zoning change and shall proceed under the Zoning Code in the same manner as a zoning classification change.

82-405 Uses.

- (1) Uses within the MX-1 Mixed-Use Overlay District. Uses shall be permitted in accordance with the use table set forth herein. Where indicated as a “P” in the second column, the use shall be permitted as of right. Where the use is indicated as an “S” under the second column, the use shall be conditioned upon approval of the Planning Commission as a Special Use, which conditions and procedures are set forth hereinafter. The use table is as follows:

RESIDENTIAL	
<i>Household Living</i>	
Artist live/work space located above the first floor	P
Artist live/work space, ground floor	S
Dwelling units located above the first floor	P
Detached Housing	S
Multi-Unit (3+Units) Residential	S
Single-room occupancy	S
Townhome	S
Two-Flat	S
<i>Group Living</i>	
Assisted Living/Adult Foster Care/Home for the Aged	P
Group Home	S
Nursing Home	S
Temporary Overnight Shelter	S
Transitional Residences	S
Transitional Shelters	S
wPUBLIC AND CIVIC	

College and Universities	P
Cultural Exhibits and Libraries	P
Day Care	P
Hospital	S
Lodge or Private Club	S
Public Recreation	P
Postal Service	P
Public Safety Services	P
Religious Assembly	P
School	S
Utilities and Service, Minor	P
Utilities and Service, Major	S
COMMERCIAL	
Adult Use	S
Animal Services, Sales and Grooming, and Veterinary	P
Drive-Thru Facility	S
Restaurant	P
Tavern	S
Entertainment and Spectator Sports (Seating less than 150 persons)	P
Financial Services	P
Food and Beverage Retail Sales	P
Gas Stations	S
Lodging (1-16 rooms)	P
Medical Services	P
Office	P
Parking, Commercial	S
Personal Services	P

Repair Service, Consumer, including Bicycles	P
Retail Sales, General	P
INDUSTRIAL	
Artisan (Hand Tools Only; e.g. jewelry or ceramics)	S
OTHER	
Wireless, Co-located	P
Wireless, Freestanding	S

- (2) Parameters and procedures for special uses. Where the use is determined to be a special use, the applicant must seek a permit for such use by the Planning Commission subject to the conditions imposed in this section and subject further to such other conditions which in the opinion of the Planning Commission are necessary to provide adequate protection to the neighborhood and abutting properties and subject further to Planning Commission review, including a public hearing, in accordance with 82-1310. Such a permit request for a special use should be filed at the same time as the petition under 82-404.

82-406 Required Conditions.

All permitted or special uses are subject to the following required conditions:

- (1) Indoor/outdoor operations. All permitted uses in the MX-1 District must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.
- (2) Off-street parking.
 - (a) Off-street parking requirements for residential uses shall be the same as the underlying, non-mixed-use zoning.
 - (b) No off-street parking is required for non-residential uses in MX-1 Districts unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.
 - (c) Off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.
- (3) Transparency.
 - (a) A minimum of 60% of the street-facing building facade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space of product display areas.
 - (b) The bottom of any window or product display window used to satisfy the transparency standard of division (1) above may not be more than four feet above the adjacent sidewalk.

(c) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(4) Doors and entrances.

(a) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(b) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

82-407 Area and Bulk Requirements.

(1) Commercial establishment size limits. The gross floor area of commercial establishments in the MX-1 district shall not exceed 15,000 square feet.

(2) Floor-to-floor heights and floor area of ground-floor space.

(a) All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(b) All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

- i. At least 800 square feet or 25% of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
- ii. At least 20% of the lot area on lots with 50 feet of street frontage or more.

(3) Lot area per unit (density). The minimum lot area per dwelling unit shall be 750 square feet for mixed-use buildings and 1,000 square feet for all other buildings.

(4) Floor area ratio (FAR). The maximum FAR shall be 4.0.

(5) Setbacks.

(a) The entire building facade must abut front and street side property lines or be located within ten feet of such property lines.

(b) There is no minimum rear setback except when MX-1 zoned property abuts R-zoned property, in which case the minimum rear setback required in the MX-1 zone shall be the same as required for a residential use on the abutting R-zoned lot.

(c) No interior side setbacks are required in the MX-1 District, except when the MX-1-zoned property abuts R-zoned property, in which case the minimum side setback required in the MX-1 district shall be the same as required for a residential use on the abutting R-zoned lot.

(6) Building height. The maximum building height shall be 50 feet.

82.410 FLOODPLAIN OR GROUNDWATER RECHARGE AREAS

82-411 Uses Permitted By Right.

In all areas, except floodplain or groundwater recharge areas, uses permitted shall be regulated by the requirements of the particular zoning district affecting the property.

The following uses are permitted by right in floodplain or groundwater recharge areas.

- (1) Recreation uses. Parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, and similar uses. Land owned by the developer of multiple housing or of a planned unit development in the conservancy district may be used to provide the necessary open space required under the provisions of this chapter.
- (2) Golf courses. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
- (3) Agricultural operations. Farms on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than 5 acres, all subject to the health and sanitation provisions of the city, and provided further that no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of 1 year immediately prior thereto, and for the use and consumption by persons residing on the premises;
- (4) Utilities, roads, railroads, dams, structures for recreation uses. When designed so as not to increase the possibility of flood or be otherwise detrimental to the public health, safety or welfare.

Provided such uses shall not in the opinion of the Planning Commission be adverse to the purpose of this section or damaging to the public health, safety or welfare, or impose a financial burden upon the community, the following uses may be permitted by issuance of a special use permit in accordance with § 82-901 et seq., and any other requirements stipulated in this chapter. In no case, however, shall encroachments in the floodway be allowed that would cause any increase in base flood elevations.

- (1) Dumping or backfilling with any material in any manner. In the case where a floodplain area has no groundwater recharge or impoundment, potential filling may occur through compensating excavation and shaping of the floodplain in such a way so as to maintain or improve the flow or natural impoundment capacity of the floodplain. In no case shall the flow or impoundment capacity of the floodplain be reduced.
- (2) Uses permitted in the zoning district in which the property is located, except cemeteries, provided that any building constructed in the floodplain shall have a minimum ground floor elevation including basement of not less than 1 foot above the elevation of the floodplain and provided that construction shall not impede the flow in the watercourse.

In addition to these requirements, the applicant for a special use permit in the C Conservancy District shall submit the following.

- (1) A letter of approval from the Michigan Department of Environment, Great Lakes, and Energy if the floodplain is affected.
- (2) A location map, including existing topographic data at 2-foot interval contours.
- (3) A map showing proposed grading and drainage plans, including the location of all public drainage easements, the limits and extent of the proposed fill, excavation and occupation.
- (4) A statement from the County Drain Commissioner indicating that he has reviewed and approved the plans.
- (5) A statement from the County Health Department indicating that it has reviewed and approved the plans.
- (6) A statement from an engineer of the city's choice concerning feasibility of the plans and his approval.
- (7) Any other information requested by the Planning Commission.

82-412 Flood Insurance Study

The flood insurance study prepared under the guidance of the Federal Emergency Management Agency, dated November 26, 2010, and the floodway boundary and floodway map of the city, Community Panel Number 26045C0304E, and the map index and profiles are hereby adopted by reference and hereby made a part of this chapter. In the event any portion of this chapter is inconsistent with the provisions of the flood insurance study, floodway boundaries, floodway maps, and profiles as described, such sections of this chapter shall be subject to the flood insurance study, maps, and profiles, and no amendment to this chapter shall be required to make this section effective.

82-413 Sewage Disposal Systems.

Within flood-prone areas:

- (1) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and
- (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during a flood, as certified by a registered professional engineer.

82-414 Elevation and Floodproofing Records.

For the purpose of the determination of applicable flood insurance risk premium rates within zone A on a community's flood map the city shall:

- (1) Obtain the elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not such structures contain a basement;

- (2) Obtain, if the structure has been floodproofed, the elevation, in relation to mean sea level, to which the structure was floodproofed; and
- (3) Maintain a record of all such information under 44 C.F.R. 59.22(a)(9)(iii) with the official designated by the community.

82-415 New Construction

All new construction and substantial improvements of nonresidential structures within zones A1-30 on the city's FIRM shall have the lowest floor, including basement, elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

82-416 Floodproofing Records

Where floodproofing is utilized for a particular structure in accordance with 44 C.F.R. § 60.3 (c)(3) and (c)(8) or § 60.6(b)(3) either:

- (1) A registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation, in relation to mean sea level, to which such structures are floodproofed as described in 44 C.F.R. 59.22(a)(9)(iii) shall be maintained with the official designated by the city; or
- (2) A certified copy of a local regulation containing detailed floodproofing specifications which satisfy the watertight performance standards of 44 C.F.R. 60.3(c)(3)(ii), 44 C.F.R. §60.3(c)(8), or of 44 C.F.R. 60.6(b)(3) shall be submitted to the Federal Insurance Administrator for approval.

82-420 COMMERCIAL CANNABIS OVERLAY DISTRICTS

82-421 Title; Commercial Cannabis Overlay Districts Established.

This article shall be known as the "City of Charlotte Commercial Cannabis Overlay Districts." The overlay districts, designated as Commercial Cannabis Overlay District # 1, Commercial Cannabis Overlay District# 2, Commercial Cannabis Overlay District# 3 (North), and Commercial Cannabis Overlay District # 3 (South), are hereby established.

82-422 Purpose and Objectives.

The purposes of the Commercial Cannabis Overlay Districts are to:

- (1) Accommodate the processing, retail sale, testing, and secure transportation of cannabis I marijuana products within certain districts within the city limits under the Medical Marihuana Facilities Licensing Act, PA 281 of 2016 ("MMFLA") as amended, and the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018 ("MRTMA"), as amended.
- (2) Require concentration of processing, retail sale, testing, and secure transportation of cannabis/ marijuana products within a smaller geographic area that may reduce noise,

234 odor, vehicle traffic congestion, excessive parking needs, and security, fire, and police
235 response.

236 (3) Promote that neighborhood character is preserved, commercial activities are developed
237 and increased, employment opportunities are expanded, and positive planned land use
238 is developed.

239 **82-423 Definitions.**

240 See definitions contained in the Charlotte commercial cannabis/marihuana ordinance used where
241 applicable and are hereby incorporated.

242 Cross-reference:

243 Commercial cannabis/marihuana ordinance, see §§ 15-77 through 15-102

244 **82-424 Limits On Marihuana Operations Licenses And Locations; Other Requirements.**

245 (1) The concentration of any specific use within a smaller geographic area can be
246 burdensome for reasons of noise, odor, vehicle traffic congestion, excessive parking
247 needs, security, fire, and police response. It the intent of this article to ensure that quality
248 of life is not impaired, neighborhood character is preserved, commercial activities
249 developed and increased, employment opportunities expanded, and positive planned
250 land use developed.

251 (2) The City Council and Planning Commission are prohibited from waiving any portion of
252 this article, except where amended by city ordinance.

253 (3)

254 (a) The maximum number of each type of marihuana operation and establishment type
255 under the MMFLA and MRTMA permitted in the city is governed by the applicable
256 zoning district and zoning regulations or as set forth in the table below and the zoning
257 ordinance. Marihuana operations, facilities and establishments not specifically
258 authorized in the table are prohibited.

259 (b) Provisions of this section do not apply to the medical use of marihuana in compliance
260 with the Michigan Medical Marihuana Act (MMMA).

261 (4) Table of marihuana establishments.

262

Type of marihuana/cannabis operations and establishments	Unlimited number of permitted licenses within Cannabis Overlay Districts as designated below
Marihuana retailer/ provisioning center	Restricted to Cannabis Overlay Districts 2-3 (North and South)
Marihuana safety compliance facility	Restricted to Cannabis Overlay District 1
Marihuana secure transporter	Restricted to Cannabis Overlay Districts 1-3
Marihuana processor	Restricted to Cannabis Overlay Districts 1-3 (North and South)
Marihuana grower	Not permitted

Excess marihuana grower license	Not permitted
Marihuana microbusinesses	Not permitted
Designated consumption establishment	Not permitted
Marihuana related temporary event	Not permitted
Other marihuana/cannabis licenses	Not permitted

(5) Cannabis operations and establishment license designations permitted under this article are governed by type, under division (D) above, and additional requirements as established under the city commercial cannabis ordinance (§§ 15-77 through 15-102).

(a) The operations at a licensed cannabis facility shall be conducted in compliance with the MMFLA and the MRTMA, and any rules promulgated pursuant to other laws, rules, and regulations of the State of Michigan and the City of Charlotte.

(b) Cannabis facilities and establishments shall be subject to city ordinance and the city zoning ordinance, where applicable.

(c) *Marihuana [cannabis] retail establishment license and provisioning center (collectively, "retail")*. Cannabis retail establishments shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and city ordinance, as amended.

(d) *Marihuana [cannabis] processor license*. Cannabis processor shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and city ordinance. The city will restrict locations and only one cannabis processor licensee under the MMFLA and MRTMA shall be permitted on one continuous property.

- i. All processor operations must be within an enclosed, secured structure.
- ii. The location of this establishment shall be permitted up to, but not beyond, any applicable lot coverage limitations set forth in the city zoning ordinance.
- iii. An approved security plan.
- iv. Enter all transactions, current inventory, and other information as required by the MRTMA, LARA rules, the Marihuana Tracking Act, and all other applicable laws and regulations.
- v. Transfer cannabis and cannabis-infused products only by means of a secure transporter, or in compliance with LARA rules.
- vi. Processor shall not produce any products other than useable cannabis products intended for human consumption.
- vii. Odor control. Cannabis operations shall be subject to the provisions of this article and city resolution.

(6) *Marihuana secure transporter license.* Marihuana secure transporter shall comply with all of the provisions of the MMFLA, MRTMA, and applicable LARA rules and regulations and city ordinance.

(7) *Marihuana safety compliance facility license.* Marihuana safety compliance facility shall comply with all of the provisions of the MMFLA and MRTMA and applicable LARA rules and regulations and city ordinance.

82-425 Zoning districts permitted for cannabis operations and geographic boundaries.

(1) Special regulations of cannabis operations have been deemed necessary to limit the intensity and density of this use. Processor, retail establishments, safety compliance facility, and secure transporter licensees, shall be a special land use and restricted to and only permitted within the following city cannabis zoning districts within the permitted geographic boundaries, identified by legal descriptions and zoning maps, that may be amended as necessary by city resolution.

(a) Cannabis Overlay District #1,

(b) Cannabis Overlay District #2,

(c) Cannabis Overlay District # 3 (North),

(d) Cannabis Overlay District # 3 (South).

(2) See Attachment A to Ord. 2023-05, Cannabis Overlay District Maps, sketches, and legal descriptions.

82-426 Separation Distance Measurements.

(1) Separation distance measurements. The distances described in this section shall be computed by measuring a straight line from the nearest property line of the parcel used for the purposes stated in this section to the nearest property line of the parcel used as a cannabis operations facility.

(2) Applicability. The location and co-location of authorized cannabis operations shall be determined as follows:

(a) The following minimum-distancing regulations shall apply to cannabis operations. Processor and retail licensees shall not be located within 500 feet of a childcare center or a school.

(b) Minimum-distancing regulations do not include secure transporters or safety compliance facilities.

(c) A cannabis operations licensee shall not operate at any place in the city other than the address provided in the application on file with the City Clerk.

(d) Co-location and stacked licenses. There may be only one state operating license per parcel, except co-location of one retail license and one processor license are permitted per parcel.

(e) Zoning application requirements. Each zoning application shall be accompanied by a detailed site plan and any information necessary to describe the proposed use or

change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require planning department review or special land use approval. If more than one use is being requested for a parcel at the same time (e.g., co-location) only one application shall be processed. Only one application shall be processed per parcel at a time; once a zoning application is submitted, any other zoning applications for the same parcel will be rejected until the first zoning application is decided.

(3) All items must be satisfactorily completed for a zoning application to be considered eligible for review.

(a) Verification. A signed statement by the applicant indicating the proposed cannabis operations type, including if the proposed type involves co-location and the number of licenses.

(b) Consent. A notarized statement by the property owner that acknowledges use of the property for a cannabis operations facility and agreement to indemnify, defend and hold harmless the city, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a cannabis operations facility. Written consent shall also include approval of the owner and operator for the city to inspect the facility at any time during normal business hours to ensure compliance with applicable laws and regulations.

(c) LARA. A copy of official paperwork issued by LARA indicating that the applicant has successfully completed the prequalification step of the application for the state operating license associated with the proposed land use, or proof that the applicant has filed such application for the prequalification step with LARA, including all necessary application fees.

(d) Required LARA cannabis facility plans, and security plans shall be submitted. Copies of all documents submitted to LARA in connection with the initial license application, subsequent renewal applications, or investigations conducted by LARA shall be made available upon request when such information is necessary and reasonably related to the application review.

(e) A comprehensive operation plan for the cannabis establishment which shall comply with the requirement set forth under the city commercial cannabis ordinance (§§ 15-77 through 15-102).

(f) Site plan. Existing and proposed site changes must be submitted that demonstrate compliance with this article and city ordinances and codes.

(g) Sign and lighting plan. A sign and lighting plan for the exterior of the building and any interior signs that will be visible to the public from the public right-of-way shall be submitted with sizes, lighting, and locations. All lighting fixtures visible to the public shall be identified by location, type, and intensity.

(h) Radius. A map, drawn to scale, containing all childcare centers, and schools.

82-427 Odor Control.

- (1) No person, tenant, occupant, or property owner, who cultivates, grows, processes, or uses cannabis for any purpose shall propagate or permit the emission of objectionable odors that may cause or result in a nuisance to the public or that endanger the health, safety and welfare of the public, to emanate from any source on the property to result in such detectable odors that leave the premises upon which they originated.
- (2) An odor is per se objectionable if odor is detectable in the ambient air that is greater than a 7/1 dilution threshold (D/T) for two samples not less than 15 minutes apart during a one-hour period measured by a field olfactometer device at the boundaries of the property as determined at the street right-of-way, or property line.
- (3) A processor shall install and maintain in operable condition a system which precludes the emission of objectionable cannabis odor emanating from the premises.
- (4) Ventilation, by-product and waste disposal, and water management (supply and disposal) for the facility shall not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure and/or surrounding properties.
- (5) Air contaminants must be controlled and eliminated by the following methods:
- (a) The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all air contaminants prior to leaving the building.
 - (b) Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.
 - (c) The filter(s) shall be rated for the applicable CFM.
 - (d) An air scrubbing and filtration system must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.
 - (e) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
 - (f) A variance may be granted for an alternative odor control system, in accordance with the Michigan Mechanical Code, if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required.
- (6) For purposes of this section, AIR CONTAMINANTS means stationary local sources producing air-borne particulates, heat, odors, fumes, spray, vapors, smoke or gases in such quantities as to be irritating or injurious to health.
- (7) A cannabis operation shall not be granted a municipal operating license until the findings and approvals of this section are completed.
- (8) Prosecution for violation; civil penalty.
- (a) Any person or entity failing to comply with this article shall be responsible for a municipal civil infraction or district court citation and shall be subject to a civil fine

as follows: \$100 initial violation, \$250 second violation, and \$500 third (or any subsequent) violation. Municipal civil infraction violations are made payable at the city Municipal Ordinance Violation Bureau. Repeat violations are determined based on the date of the commission of the violation. Each day that a violation continues shall be deemed to be a separate offense.

(b) In addition to the remedies described above, the city may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, including injunctive relief.

(c) Jurisdiction for district court citations and legal action to enforce this article, the city code, and state law, vest in the state courts of Eaton County.

82-428 Prohibited Acts.

It shall be unlawful for any cannabis business, entity, or person, to operate within the city's jurisdiction in violation of this article, MMMA, MMFLA, MRTMA, LARA rules and regulations.

82-429 Compliance with Law, Environmental; Other Laws Remain Applicable.

(1) The cannabis facility shall be compliant and subject to all relevant state law and federal environmental laws and regulations, and city ordinances and codes that may be adopted and enforced.

(2) To the extent the state adopts in the future recodification of the MMFLA and MRTMA, any additional or stricter law or regulation governing the sale or distribution of marihuana, cannabis, the recodification, additional or stricter regulation shall control the cannabis operation of any cannabis commercial entity in the city. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

82-430 Violations and Penalties.

(1) In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this article, any person or cannabis operation, including, but not limited to, any licensee, manager or employee of a cannabis commercial entity, who violates any of the provisions of this article, shall be responsible for a municipal civil infraction and a fine of \$500, or as permitted by law, as established by resolution.

(2) In addition, any person, including any person, customer or member of the public, who violates the provisions of section 4 of the MRTMA, M.C.L. § 333.27954, and who acts in a manner contrary to the acts prohibited therein, except as may be otherwise provided in M.C.L. § 333.27965, shall be guilty of a misdemeanor.

(3) Notwithstanding the above, to the extent any violation or penalty set forth herein may be deemed inconsistent with any state law, or inconsistent with any rule or penalty which is promulgated by the Department, now or hereafter, including but not limited to those promulgated pursuant to M.C.L. § 333.27958, then the state law or Department rule or penalty shall govern over the provisions of this article, as determined by state preemption.

(4) A violation of this article is deemed to be a nuisance, per se. In addition to any remedies available at law, the city may bring an action for an injunction or other process against any person to restrain, prevent or abate any violation of this article and such other relief as may be provided by law.

(5) Each day on which any violation of this article occurs or continues constitutes a separate offense, subject to separate sanctions. The paying of a fine or sanctions under this article shall not exempt the offender from meeting the requirements of this article.

(6) This article shall be administered and enforced by the city or by such other person(s) as designated by the city.

82-440 AIRPORT OVERLAY DISTRICT

82-441 Title; Airport Overlay District Established

The Airport Overlay District is established and applies to the area shown on the map in this section. The intent of the Airport Overlay District is to:

- (1) Promote the public health, safety, and general welfare of the residents and businesses surrounding Fitch H. Beach Municipal Airport.
- (2) Protect the approaches to the airport and surrounding airspace from encroachment and limit the exposure of impacts to people, property, or facilities in proximity to the airport.
- (3) Protect vulnerable land uses from negative impacts caused by the airport.
- (4) Protect state, federal, and local investments in aviation infrastructure.
- (5) Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to airport operations and navigable airspace.

82-442 Basic for Regulation.

As part of the Airport Approach Plan process, accident safety zones, land use guidelines, and planning strategies for new development were developed. Permitted and prohibited land uses are specified in the following table and illustrate the application of those provisions. Areas 1 to 5 are taken specifically from the Approach Plan updated by the Michigan Aeronautics Commission and the Michigan Department of Transportation Office of Aeronautics. Area six has been included as an additional surface area per the Federal Aviation Regulations (FAR) Part 77 - Horizontal Surfaces.

82-443 Airport Overlay Areas.

The airport overlay areas are shown on the map and are aligned with the Area Uses and Features Table in this Section 82.445.

82-444 Special Function Land Uses

Special function land uses shall include the following:

- (1) Prohibit overhead utilities and all noise-sensitive land uses.

490 (2) Zone land for uses other than for schools, play fields, hospitals, nursing homes, daycare
491 facilities, and churches.

492 (3) Limit storage of large quantities of hazardous or flammable material.

493 (4) Ensure permitted uses will not create large areas of standing water, or generate
494 smoke/steam, etc.

495 **82-445 Land Use Planning Strategies Applicable to all Accident Safety Zones**

496 The following land use planning strategies are applicable in all Accident Safety Zones:

497 (1) During the site development process, shift all structures away from the runway
498 centerlines if possible.

499 (2) Landscaping requirements shall establish only low growing vegetation.

500 (3) Prohibit high overhead outdoor lighting.

501 (4) Require downward shading of lighting to reduce glare.

502 **82-446 Area Uses and Features Table.**

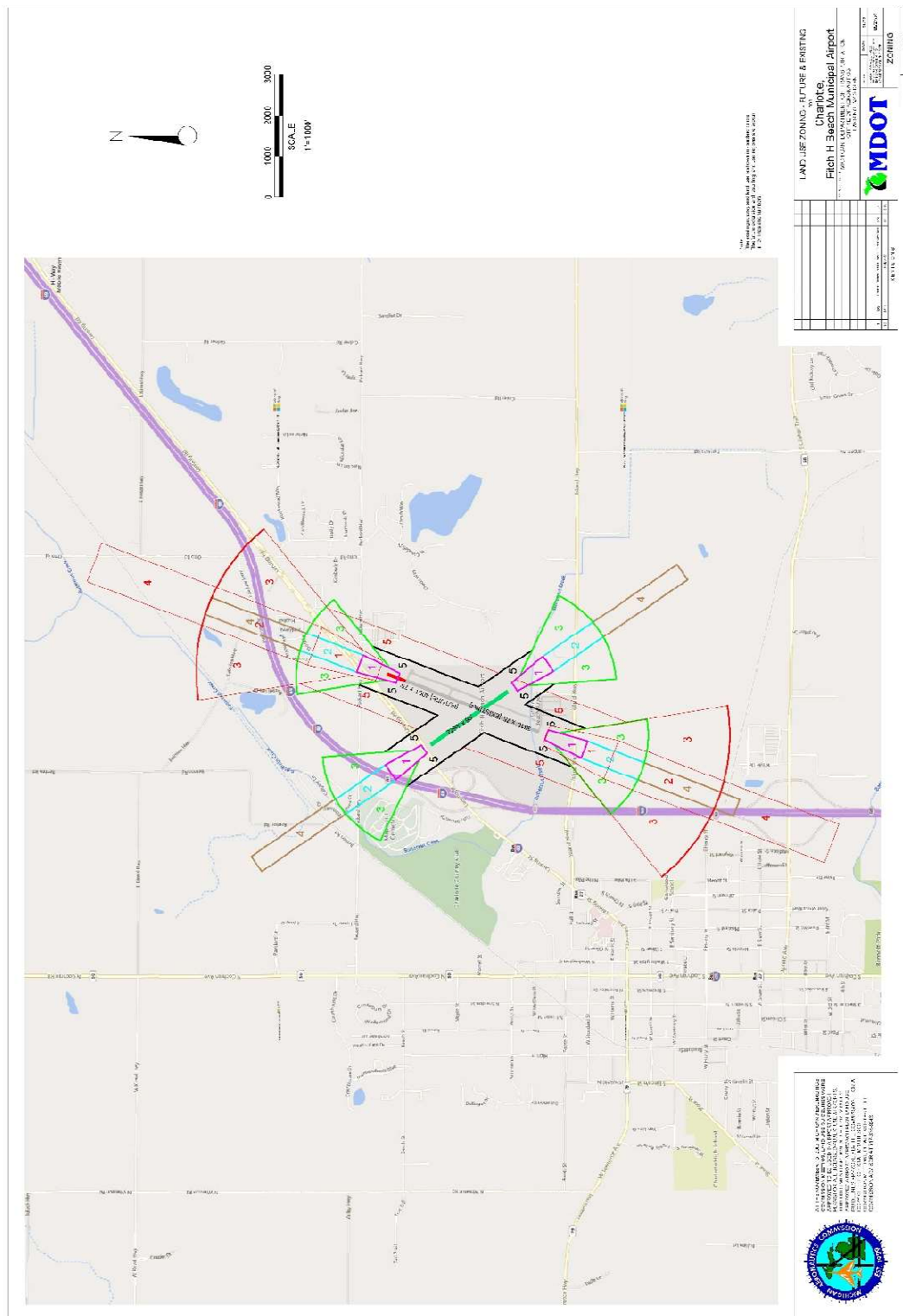
503 This table and the standards of the underlying zone districts shall both govern.

Accident Safety Zone	Land Use Guidelines	Land Use Planning Strategies
Zone 1	1. Avoid land uses that concentrate people indoors or outdoors. 2. Prohibit all residential land uses 3. All non-residential land uses are permitted outright, subject to Land Use Strategies and Special Function Land Use in 82.444.	0 – 5 people per acre Land uses, which by their nature will be relatively unoccupied by people. Prohibit high overhead outdoor lighting Require downward shading of lighting to reduce glare
Zone 2	1. Avoid land uses that concentrate people indoors or outdoors. 2. Prohibit all residential land uses 3. All non-residential land uses are permitted outright, subject to Land Use Strategies and Special Function Land Use in 82.444.	0 – 5 people per acre

Accident Safety Zone	Land Use Guidelines	Land Use Planning Strategies
Zone 3	1. Avoid land uses that concentrate people indoors or outdoors. 2. Limit residential development to low density. 3. All non-residential land uses are permitted outright, subject to Land Use Strategies and Special Function Land Use in 82.444.	Less than 25 people per acre Prohibit Mobile Homes
Zone 4	1. Limit population concentrations. 2. Limit residential development to low density. 3. All non-residential land uses are permitted outright, subject to Land Use Strategies and Special Function Land Use in 82.444.	Less than 40 people per acre in buildings, and less than 75 people per acre outdoors. Prohibit Mobile Homes
Zone 5	1. Avoid land uses that concentrate people indoors or outdoors. 2. Prohibit all residential land uses 3. All non-residential land uses are permitted outright, subject to Land Use Strategies and Special Function Land Use in 82.444.	0 – 5 people per acre

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82-448 Applicability; Exception.

Any property within the boundaries of the Airport Overlay District shall conform to the overlay standards.

- (1) Properties not in compliance with the Airport Overlay District shall be considered nonconforming and shall be subject to the provisions of Article 11.
- (2) The requirements of the Airport Overlay District shall supersede all other requirements of the Zoning Code, unless otherwise stated in this section.
- (3) Any application to change the underlying zone district for a property within the Airport Overlay shall be reviewed by the Beach Airport Advisory Board, which shall issue a recommendation to the Planning Commission.
- (4) The Airport Overlay District zone rules do not apply to property with an approved site plan:
 - (a) If the site plan and use of the property comply with the underlying Zone District; and
 - (b) If prior to site plan approval, the advisory board determines, in writing, that the site plan and use are not inconsistent with the then current Airport Approach Plan or the then current Airport Layout Plan.

82-449 Airport Overlay District Standards; Exception

- (1) Parking shall be required in the Airport Overlay District per the underlying zone district.
- (2) All exterior light fixtures shall be downward-facing at a ninety-degree angle, with a concealed and shielded light source. No freestanding light pole shall exceed 22 feet in height, measured from grade to the top of the fixture.
- (3) All new structures proposed within the Airport Overlay District shall obtain a "Determination of No Hazard" from the Michigan Department of Transportation and the Federal Aviation Administration, or submit information to the City confirming they are exempt.

82-450 Advisory Board Review.

When site plan approval is requested for a development within the Airport Overlay District, the Airport Advisory Board, or its designated staff person, shall review the site plan and provide comments to the approving authority regarding the impact of the proposal on aviation safety. The Airport Advisory Board shall review the development to determine if it will:

- (1) Create a significant concentration of people.
- (2) Create visual obstructions to navigable air space or surfaces due to smoke, steam, dust, *lighting*, or another obstruction that would adversely affect aircraft operational areas and airspace with consideration of the proximity of the *development* to the ends of runways, runway surfaces, and extended runway center lines.
- (3) Be subject to negative impacts from aircraft noise. Building construction methods to reduce airport-related noise may be required.

546 (4) Potentially attract wildlife that may be hazardous to aviation safety. Methods for
547 designing water bodies to drain dry within 48 hours, putting water detention
548 underground, landscaping, and other mitigation techniques to discourage entry and exit
549 of the waterbody by wildlife may be required.

550 (5) Include storage of flammable or hazardous materials as defined by the Michigan Building
551 Code.

552 (6) In some other means interfere with the operations of the airport.

553 **82-451. Disclaimer.**

554 The Airport Overlay District does not imply that land uses within the vicinity of Fitch H. Beach
555 Municipal Airport will be free from aircraft noise impacts, aircraft operations, and aircraft overflights.

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ARTICLE V. GENERAL PROVISIONS

82-501 ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET.

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall apply only if the Planning Commission finds that there are special circumstances that indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

82-502 ACCESS THROUGH YARDS

Access through yards. For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement servicing a like function, and not in excess of 9 inches above the grade upon which it is placed, shall, for the purpose of this chapter, not be considered to be a structure and shall be permitted in any required yard.

82-503 BARRIER-FREE MODIFICATION

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act, subject to review and approval by the Administrative Review Committee.

82-504 BASEMENT DWELLINGS UNIT(S) – PROHIBITED

No building consisting of a basement shall be erected or occupied as a dwelling unit in any Zoning District. Basements may be occupied as a dwelling unit if they have been approved as an Accessory Dwelling Unit (ADU) as part of a larger structure.

82-505 BUILDING GRADES

Any building located in a district that has a setback requirement shall be located at such an elevation that a gradual sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A sloping grade, beginning at the sidewalk level (or right-of-way level if there are no sidewalks), shall be maintained and established from the front lot line to the finished grade at the front of the building, provided the change in slope shall not increase the water runoff. However, this shall not prevent the grading of a yard space to provide a sunken or terraced area if proper means are provided and maintained to prevent the runoff of surface water from flowing onto adjacent properties or into the sanitary sewer system.

When a new building is constructed on a vacant lot the existing established grade shall be used in determining the grade around the new building. The yard around the new building shall be graded in a manner that meets the existing grades. Lots without a structure shall require review and approval

from the Zoning Administrator to ensure that grade changes align with the existing grades of adjacent properties.

The Zoning Administrator will approve the final grades. If necessary, a "Certificate of Grading and Location of Building" shall be duly completed and certified by a registered engineer or land surveyor before the grades are approved.

82-506 CORNER CLEARANCE.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of 2 feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of 15 feet from their point of intersection. In those instances where such a triangular area cannot be constructed on the property in question, a 15-foot setback shall be required between the property line and the driveway or alley.

82-507 CORNER LOTS

Unless otherwise specified in this Ordinance, corner lots shall have two (2) front yard setbacks along the roadways and two (2) side yard setbacks.

82-508 DEMOLITION OF BUILDINGS

No structure on a parcel shall be demolished until the Code Official has issued a demolition permit. The demolition shall be completed within such reasonable time period as shall be prescribed by the City and under conditions that may be specified as necessary to protect the public health, safety, and welfare. The demolition of structures within the City shall comply with the following:

- 1) An application for a demolition permit shall include the reasons for the demolition and the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a demolition permit shall be withheld until approval for the new use is obtained unless the property is deemed a hazard or attractive nuisance to the general public.
- 2) Following demolition of the structure and the removal of all required debris, any excavation or foundation shall be backfilled with clean fill, and the site shall be graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties.
- 3) Following grading, all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil and seeded with appropriate plant materials.
- 4) An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.

82-509 EARTH REMOVAL; COMMERCIAL ENTERPRISES

No earth, soil, sod, sand, gravel, minerals, or similar materials shall be excavated, dug, or removed from any lot or parcel of land for the purpose of sale or resale or for any other commercial purpose whatsoever until a written permit and site plan approval is secured from the Planning Commission.

A permit for removal as aforesaid shall set out the exact description of the lot or parcel of land to be used, the length of time said permit shall be valid, and such other conditions as the Planning Commission deems necessary to guarantee that the excavating, digging, removal or relocation of said materials will not constitute or tend to create a public nuisance or health hazard. The Planning Commission is authorized to require a bond or cash deposit for the purpose of guaranteeing that at the expiration date of said permit, the area and adjacent lands will be left in a suitable condition for such land uses as are permitted in the district where such lot or parcel of land is located.

82-510 ESSENTIAL SERVICES

Essential services. Essential services serving the city and essential transportation services authorized by state and federal law shall be permitted as authorized and regulated by law and other ordinances of the municipality. Overhead or underground lines and necessary poles and towers to be erected for transmission systems, defined as all lines conducting electricity between stations, commonly called high tension towers and lines, shall receive the review and approval, after a public hearing, of the Board of Appeals. Such review of the Board of Appeals shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and further shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the city.

82-511 FRACTIONAL MEASUREMENTS

When using units of measurement to determine requirements of the standards presented in this Ordinance result in a fractional number, any number up to one-half (1/2) shall be disregarded, and fractions equal to one-half (1/2) or more shall be rounded up to the nearest whole number, unless noted otherwise.

82-512 FRONTAGE ON A PUBLIC STREET.

No zoning lot shall be used for any purpose permitted by this chapter unless the lot abuts a public street, unless otherwise provided for in this chapter. This provision shall not apply to mobile home parks which are regulated in accordance with Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 et seq., as amended.

82-513 HEIGHT LIMIT

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

82-514 LIGHTING, EXTERIOR

All exterior lighting, including lighting for parking areas or for the external illumination of buildings or grounds, or for the illumination of signs and other uses, shall be directed away from and shall be

shielded from residential districts and shall also be so arranged and directed as not to adversely affect driver visibility on adjacent streets. Exterior lighting fixtures shall be Dark Sky compliant.

82-515 LIVESTOCK & WILD GAME

No livestock, including but not limited to cows, calves, bulls, steers, horses, mules, burros, donkeys, goats, hogs, sheep, roosters, turkeys, guinea hens, ducks, geese, or any wild game shall be maintained in any of the zone districts, less than five (5) acres, unless approved by the Planning Commission.

82-516 LOTS ADJOINING ALLEYS

Lots adjoining alleys. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.

82-517 LOT AREA

Any lot existing and of record on the effective date of this chapter may be used for any principal use permitted other than conditional uses for which special lot area requirements are specified in this chapter, permitted in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this chapter. Such use may be made provided that all requirements other than lot area and width prescribed in this chapter are complied with, and provided that not more than 1 dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit.

82-518 LOTS WITH WATER FRONTAGE

Lots having water frontage. Those residential lots or parcels having waterfrontage and abutting a public thoroughfare shall maintain the yard on the water side as an open, unobscured yard, except that a covered and/or uncovered boat well shall be permitted. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in 82-304 is met.

82-519 PRIVATE DRIVES

A. General Provisions.

- 1) A private road shall include all roads, streets, easements and rights-of-way for ingress and egress which are non-public and which are used to calculate or measure the required frontage or lot width for the zoning districts in which it is located.
- 2) Private roads shall be permitted in the RN zoning districts. Private roads serving more than seven (7) dwelling units shall require a special land use permit.
- 3) A maintenance agreement for the maintenance and upkeep of the private road shall be submitted and approved prior to the issuance of any permit associated with a private road.

B. Design and Construction Requirements.

- 1) A private road shall be constructed centrally within a 66-foot-wide right-of-way or easement.

- 2) All private roads serving up to six (6) parcels of land shall have a finished road surface width of at least 18 feet. All private roads serving seven (7) or more parcels of land shall have a finished road surface width of at least 24 feet.
- 3) All private roads shall have a surface layer of not less than six (6) inches of bank run gravel and three (3) inches of compacted processed gravel, unless the private road is paved.
- 4) A private road with a single connection to a public street shall not exceed 1,250 feet in length, measured along the centerline. A private road longer than 1,250 feet in length shall be provided with two (2) exits. A dead-end private road shall be provided with a cul-de-sac.
- 5) Cul-de-sacs shall have a minimum right-of-way or easement radius of 50 feet and a minimum running surface radius of 35 feet. The cul-de-sac may have a center landscape island, however, the minimum paved or gravel lane width shall be 20 feet. "T"-type private road endings are not permitted.
- 6) Maximum private road grade shall be 10%. T intersections shall slope between - 0.6% and - 0.2% in a direction away from the through street for a distance of at least 50 feet from the centerline of the through street.
- 7) All private roads shall be constructed with sufficient slopes and grades as to provide adequate stormwater and road drainage and shall provide adequate culverts and ditches at all drainage courses and waterways.
- a. Storm water management shall comply with the standards regulated by the City of Charlotte Department of Public Works.
 - b. Storm water run-off calculations prepared by a professional licensed engineer shall be included with the private road construction plans.
 - c. Private road construction plans shall include an erosion control plan.
- 8) All private roads shall be designed and constructed to accommodate vehicle speeds of not less than 25 mph or more than 35 mph.
- 9) Private road construction plans shall include private road sign details and location(s).
- 10) All private roads shall be uniquely named.

C. Prior Non-Conforming Private Roads.

All private roads that were lawful on the effective date of this Ordinance shall continue to be lawful. It is the intent of this Ordinance that the use of such nonconforming private roads shall not be enlarged, expanded, or extended, except in conformance with this Section.

D. Shared Driveway.

A driveway shared by not more than three (3) parcels may be considered, subject to the following standards

- 1) A shared driveway shall not be considered a Private Road, providing such shared driveway shall:

- 189 a. Be located within a recorded easement not less than 20 feet in width which shall
190 govern its use,
- 191 b. Not exceed 300 feet in length, measured from the edge of the public road right-of-
192 way to the point where the shared nature of the driveway ceases.
- 193 c. Be approved for emergency vehicle access by the City of Charlotte.
- 194 2) The width and frontage of lots located on a shared driveway may be measured along the
195 shared driveway easement and/or along the public road from which the driveway takes its
196 access.

197 E. Application Process.

- 198 1) Preliminary Private Road Permit. Application for a preliminary private road permit for the
199 construction of a private road shall include the following:
- 200 a) The name, address and telephone number of the owner of the land proposed for a
201 private road.
- 202 b) The name and location of the private road.
- 203 c) A site plan illustrating the location of the road, adjacent properties and structures,
204 existing grade of the site, proposed grade of the road and adjacent portions of the
205 site, drainage, water bodies, and proposed improvements.
- 206 d) Detailed construction plans (sealed by a licensed engineer).
- 207 e) A set of deed restrictions, in a form sufficient for recording with the Eaton County
208 Register of Deeds, that provide for the creation of the private road easement; provide
209 for and assure the maintenance and repair of the private road; and, provide for the
210 payment of all costs and expenses of such maintenance and repair by all or any of
211 the parties having interest.
- 212 2) Final Private Road Permit. Once a preliminary private road permit has been issued and
213 construction of the private road has been completed, the following documentation shall be
214 submitted to the City of Charlotte for the issuance of a final private road permit:
- 215 a) A certification, signed by a licensed engineer, that the road has been completed in
216 accordance with the requirements of this Ordinance.
- 217 b) A survey and legal description completed by a licensed surveyor, illustrating the
218 location of the private road and its easement.
- 219 c) A copy of the recorded deed restrictions and maintenance agreement. The deed
220 restrictions/agreement shall be annotated on the registered deed of each property
221 served by the private road.
- 222 d) A fee to be established by the City of Charlotte. No zoning (or land division) permits
223 or building permits shall be issued for properties served by the private road prior to
224 the issuance of a final private road permit.
- 225

82-520 PORCHES

An open, unenclosed and uncovered porch or paved terrace may project into a front yard for a distance not exceeding 10 feet, but this shall not be interpreted to include or permit fixed canopies.

82-521 PROJECTIONS INTO YARDS

Architectural features, not including vertical projections, may extend or project into a required side yard not more than 2 inches for each 1 foot of width of such side yard and may extend or project into a required front yard or rear yard not more than 3 feet.

82-522 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the City shall be the same as the erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

82-523 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector, Code Official, or Fire Marshall.

82-524 REQUIRED WATER SUPPLY AND SANITATION FACILITIES

Buildings erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial, or industrial purposes, including religious institutions, schools, and other buildings in which personnel customarily congregate, shall have adequate water and sanitary facilities as determined by the City of Charlotte.

82-525 RESIDENTIAL ENTRANCEWAY.

In all residential districts, so-called entranceway structures, including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, may be permitted and may be located in a required yard, provided that such entranceway structures shall comply with all codes of the city and shall be approved by the Building Department and a permit issued.

82-526 SHIPPING (CARGO) CONTAINERS and DUMPSTERS

Shipping (cargo) containers or dumpsters over five (5) cubic yards, on parcels less than five (5) acres, are not allowed in any residential zoning district unless approved as a temporary use by the Zoning Administrator, or the Planning Commission if the duration of the temporary use is greater than sixty (60) days.

82-527 TEMPORARY BUILDINGS FOR CONSTRUCTION

Temporary buildings or structures may be utilized during construction for the storage of construction materials and for construction offices during the construction period of an approved project. Temporary buildings shall be removed within thirty (30) days after the completion or abandonment of the work. No temporary building or structure shall be used as a dwelling unit.

263 **82-528 VOTING PLACES**

264 The provisions of this chapter shall not be so construed as to interfere with the temporary use of any
265 property as a voting place in connection with a municipal or other public election.

266 **82-529 YARD REGULATIONS**

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

270 **82-530 USE RESTRICTION**

271 No portion of a lot or parcel once used in complying with the provisions of this chapter for yards, lot
272 area per family, density as for a development in the multiple-family district, or percentage of lot
273 occupancy in connection with an existing or proposed building or structure shall again be used as
274 part of the lot or parcel required in connection with any other building or structure existing or
275 intended to exist at the same time.

ARTICLE VI: SITE DEVELOPMENT STANDARDS

82-600 INTENT & PURPOSE

The site development standards in this Article are to protect public health, safety, and general welfare; promote harmonious and orderly development; and foster civic beauty by improving the appearance, character, and economic value of civic, commercial, and industrial development.

82-610 PARKING

(1) *General Standards.* The following standards shall apply to any required off-street parking areas:

(a) *Use:* Off-street parking, loading, or stacking areas shall only be used for their intended purpose. All other uses are prohibited.

(b) *Location:* All off-street parking areas shall be on the same lot as the use it serves or within three hundred (300) feet, measured from the closest point of the building to the nearest point of the off-street parking area.

(c) *Setbacks:* Parking may be allowed in the side and rear yard setbacks. Parking in the front yard setback is not allowed unless waived by the Administrative Review Committee or Planning Commission based on lot configuration, dimensional restrictions, and/or neighborhood development characteristics.

(d) *Screening & Landscaping:* All off-street parking areas shall meet the buffer requirements specified in this Article.

(e) *Pedestrian Circulation:* All off-street parking areas shall provide safe, efficient pedestrian circulation that allows appropriate access and established use from the off-street parking lot. The Planning Commission shall determine the adequacy of the pedestrian circulation network as part of the site plan review.

(f) *Dimensions:* Off-street parking areas shall be designed to the following minimum standards:

Table 82-610: Parking Space Dimensional Requirements

DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES			
Parking Angle	Min. Stall Width	Min. Stall Depth	Min.-Max. Aisle Widths
Parallel	8.0 feet	22 feet	12 – 16 feet
45 degrees	8.5 feet	19 feet	12 – 16 feet
60 degrees	8.5 feet	20 feet	16 – 20 feet
90 degrees	8.5 feet	18 feet	22 – 26 feet
90 degrees - compact	8.0 feet	17 feet	20 – 24 feet

- (g) *Surfacing*: Parking surfaces shall be designed with hard surface materials (i.e., concrete, asphalt, pavers, compacted crush stone, etc.), excluding loose aggregate materials.
- (h) *Drainage*: All off-street parking areas shall utilize, where practical, Low Impact Development (LID) water quality technologies to collect and treat stormwater on-site as required for site plan review, in consultation with the Department of Public Works.
- (i) *Curbs and Vehicle Stops*: All off-street parking areas shall include curbs, or vehicle stops to prevent vehicles from overhanging into or over public rights-of-way, sidewalks, adjacent areas, or landscape areas.
- (j) *Exterior Lighting*: Except for parcels zoned for single-family, duplex dwelling, triplex, and quadplex units, all off-street parking areas with a capacity of ten (10) or more vehicles shall provide adequate lighting throughout the hours when the parking area is in operation. New or redeveloped off-street parking, stacking, and loading areas shall comply with the exterior lighting standards in this Article.
- (k) *Snow Storage*: The Planning Commission has the authority to require snow storage areas. When required by the Planning Commission, snow storage areas shall be provided on the ratio of fifteen (15) square feet per two hundred (200) square feet of off-street parking area. Snow storage areas shall be located in a manner that does not obstruct required clear vision areas.
- (l) *Maintenance*: All parking areas shall be maintained in good condition and free of debris and garbage.
- (m) *Completion*: All off-street parking, stacking, and loading areas indicated on a site plan shall be fully completed before the issuance of a Certificate of Occupancy. In the case of phased developments, only the off-street parking, stacking, and loading areas associated with a given phase of development shall be required to be completed.
- (n) *Access Through Yards*: Access drives may be placed in the required front or side yards to provide access to rear yards, accessory, or attached structures. (These drives shall not be considered structural violations in front or side yards.) Any walk, terrace, or like surface area not in excess of nine (9) inches above the grade upon which it is placed shall not be considered a structure and shall be permitted in any required yard.
- (o) *Barrier-Free Parking*: Off-street parking areas shall provide barrier-free spaces in compliance with the State Building Code and the Americans with Disabilities Act (ADA).
- (p) *Defined Area*: Off-street parking areas and loading zones shall include painted lines, vehicle stops, or other delineating features to define parking and loading spaces clearly.

(q) *Parking Duration*: Except when the land is used as storage space in connection with the business of automobile and vehicle repair use, there shall be a 24-hour time limit for parking in non-residential off-street parking areas.

i. Vehicles being stored in an off-street parking lot in connection with the business of an automobile and vehicle repair use shall not exceed 28 days.

ii. No vehicle being stored on a public street right-of-way in connection with the business of an automobile and vehicle repair use shall exceed 24 hours.

(r) Downtown Overlay: Properties within the CBD are exempt from the off-street parking requirements.

82-611 Parking Requirements

(1) *Minimum/Maximum Parking*: To minimize excessive areas of pavement that detract from the aesthetics of the City and contribute to high rates of stormwater runoff, this Ordinance establishes a maximum number of parking spaces for each use. There are no minimum parking requirements. The Planning Commission may grant an increase of the maximum number of parking spaces if:

(a) The applicant can demonstrate to the Planning Commission that additional parking is necessary based on documented evidence of actual use or anticipated demand.

(b) The increase in parking will not burden neighboring property owners and/or natural features.

(c) In granting a request to exceed the maximum number of parking spaces, the Planning Commission shall determine if the stormwater treatment is sufficient to handle the added parking spaces.

(2) Calculating Parking Minimum/Maximums: The following rules shall be applied when calculating the maximum number of parking spaces:

(a) Measurements based on square feet shall be calculated by Gross Floor Area (GFA) as defined in this Ordinance.

(b) For non-residential uses, the number of employees shall be based on the maximum number needed for the largest average shift.

(c) For uses with assembly halls and churches, the requirements will be based on the number of individual seats by using a measurement of twenty-four (24) inches of bench or pew space or twenty-five (25) square feet of floor as one seat.

(d) Occupancy shall mean legal occupancy as determined by the City of Charlotte Public Safety Department or Building Department.

(e) Parking spaces incorporated into a garage shall not count towards the maximum number of off-street parking spaces permitted.

(f) If on-street parking spaces are in front of the use, then the number of on-street parking spaces may be deducted from the total parking required.

(3) *Use Not Specified:* The maximum number of parking spaces for uses not specified in the table below shall be determined by the Zoning Administrator based on whether or not the proposed use is similar enough to fit within the definition of an existing listed use. The determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals.

(4) *Minimum/Maximum Parking Requirements:* The maximum number of off-street parking spaces shall be determined per the following table:

Table 82-611: Minimum/Maximum Number of Parking Spaces

MINIMUM / MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
RESIDENTIAL USES	
Accessory Dwelling Units	1 / dwelling unit
Boarding & Rooming Houses	1 / boarding room
Cottage Courts	1 / dwelling unit
Dwellings, One-Dwelling Detached	1 / unit with a maximum of 4
Dwellings, Duplex	1 / unit with a maximum of 4
Dwellings, Triplex	1/unit plus 1
Dwellings, Quadplex	1/unit plus 1
Dwellings: Five or more units	1 / dwelling unit
Live / Work Units	2 / unit
Mobile Home Developments	See §7.2.11 and Article 10
Residential Above 1st Floor Commercial	1 / dwelling unit unless in CD
State-Licensed Residential Facilities	2 + 1 per employee
PUBLIC & QUASI-PUBLIC USES	
Cemeteries	N/A
Cultural Centers	0.25 / 1 occupancy
Educational Institutions	1 / 1,000 gfa + 1 / classroom + assembly requirements

MINIMUM / MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Golf Facilities (Clubhouse)	6 / 1,000 gfa + 1 per hole
Outdoor Public Recreation Facilities	6 / 1,000 gfa
Private Clubs, Lodges & Fraternal Organizations	0.75 / 3 occupancy
Public Use (Critical, Essential, Supporting)	N/A
Religious Institutions	0.25 / 1 occupancy
Training Facility	1 / 1,000 gfa + assembly requirements
TRANSPORTATION & UTILITY USES	
Energy Generation Facilities	4 / establishment
Renewable Energy Systems, Commercial Solar Energy, or Wind Conversion Systems	4 / establishment
Trucking & Freight Terminals	1 / employee
Wireless Communications, Freestanding / Tower	2/ establishment
COMMERCIAL USES	
Assembly Facilities	0.25 / 1 occupancy
Automobile and Vehicle Major Repair	3 / stall
Automobile and Vehicle Minor Repair	3 / stall
Automobile Sales & Rental	1 / 5,000 gfa outdoor display area + 1 / 150 gfa indoor area
Automobile Service Stations	2 / pump + 1 / stall
Bed & Breakfast	0.75 / room
Business Services	1 / 200 gfa
Cafés & Bakeries	1 / 3 occupancy
Child Care Centers	1 / employee + 1 / 10 children
Commercial Entertainment (Indoors, Outdoors)	0.25 / 1 occupancy

MINIMUM / MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Drinking Establishments	1 / 3 occupancy
Financial Services-Drive-Thru	1 / 150 gfa (+4 vehicle stacking per window, if applicable)
Funeral Establishments	0.25 / occupancy
Greenhouses & Nurseries	1 / 200 gfa of sales area
Health Care Services	4 / exam room
Hospitals	3 / patient bed
Kennels	1.5 / 1,000 gfa
Lodging Establishments	1 / guest room
Personal Service Establishments	1 / 250 gfa
Professional Services	3 / 1,000 gfa
Restaurants & Eatery Establishments	1 / 3 occupancy + 1 / 3 Employees
Retail Establishments	1.5 / 1,000 gfa + 1 / employee
Services & Trades Establishment	1 / employee
Sexually Oriented Business	3 / 1,000 gfa
Shopping Center	4 / 1,000 gfa
Veterinary Services	1.5 / 1,000 gfa
INDUSTRIAL USES	
Breweries, Distilleries, Wineries	1.25 / employee
Central Cleaning Facilities	4 / 1,000 gfa
Contractor Establishments	4 / 1,000 gfa
Contractor Storage Yards	1 / 2,000 gfa of storage area
Data Processing Facilities	4 / 1,000 gfa
Distribution Centers	4 / 1,000 gfa
Equipment Rental Establishments	5 / 1,000 gfa

MINIMUM / MAXIMUM NUMBER OF PARKING SPACES	
Land Use	Spaces / Measurement
Extractive Industries	1.25 / employee
Manufacturing (Food, Light, Heavy)	1.5 / 1,000 gfa
Outdoor Storage, Materials & Equipment	1.25 / employee
Recycling Facilities	1.25 / employee
Research & Development Facilities	5 / 1,000 gfa
Self-Storage Facilities	1 / 10 units + 1 / employee
Tasting Rooms	2 / 1,000 gfa
Veterinary Services	1.5 / 1,000 sf
Warehousing & Distribution	1.25 / employee
Wholesale Activities	1.25 / employee

- (5) **Shared Parking:** Two or more buildings or uses may collectively provide off-street parking, provided the following conditions are met:

- (a) A copy of a shared parking agreement between all parties concerned shall be provided to the City. The agreement shall include provisions that assure continued long-term use and maintenance of the parking facility by each party and their successors in interest, including owners and occupants of the premises which the parking facility serves.

82-612 Loading Zones

- (1) In all zoning districts, every building or portion occupied by a use requiring the receipt and distribution of materials or merchandise by vehicles shall provide and maintain adequate off-street loading zones.
- (2) **Location:**
- (a) On-site loading zones shall be permitted in the rear yard only, except in the "I" district(s), which allow side yard loading zones. In exceptional instances, loading zones may be permitted in a side yard, with approval of the Administrative Review Committee or the Planning Commission, when it can be shown that site conditions necessitate such a location.
- (b) Loading zones shall not interfere with the normal movement of pedestrians and vehicles in the public street rights-of-way, internal drives, and off-street parking areas.

(c) Loading zones shall be designed for the largest vehicle intended to serve the use, with adequate turning radii, maneuverability, and loading space.

- (3) *Loading Space Requirements:* The minimum number of loading zone spaces shall be provided as described below:

Table 82-612: Loading Zones

NUMBER OF LOADING ZONE SPACES REQUIRED	
Size	Loading Space(s)
Less than 20,000 sq. ft. gross floor area	1
20,001 – 75,000 sq. ft. gross floor area	2
75,001 – 100,000 sq. ft. gross floor area	3
101,000 sq. ft. gross floor area or more	5

- (4) *Administrative Waiver:* The Administrative Review Committee or the Planning Commission may approve a modification to the loading zone location or space requirements where it has been determined that another measure or location would be more appropriate due to site constraints or the number or type of deliveries experienced by a particular use.

82-613 Access Management

- (1) All off-street parking, loading, and stacking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles.
- (2) Adequate ingress and egress shall be provided by clearly defined driveways. Backing into public street, rights-of-way shall be prohibited.
- (3) Access shall be obtained from the alley where a parking area abuts an improved alley. The Administrative Review Committee or the Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- (4) Where a parking area has no access to an alley, or the alley has not been maintained or improved for access but has access to two or more streets, access shall be from the street with the lower traffic volume. The Planning Commission may waive this requirement if a practical difficulty has been presented that prevents the requirement from being satisfied.
- (5) Access to off-street parking areas for non-residential uses shall not be permitted across lots that are residential in use or a residential zoning district.
- (6) Cross Access Management:

- (a) All off-street parking areas not accessed by an alley shall be designed to allow internal vehicle circulation between adjacent lots by providing a location for cross-access on the site plan.
- (b) A cross-access agreement shall be recorded with the Eaton County Register of Deeds before the issuance of a Building Certificate of Occupancy.
- (c) The Planning Commission may waive this requirement if deemed impractical during site plan review due to topography, natural features, or vehicular safety factors if appropriate bicycle and pedestrian connections are provided between adjacent developments and uses.

82-620 BICYCLE PARKING

- (1) *Scope of Regulations:* Bicycle parking facilities, which include bicycle parking spaces and access aisles, shall be provided as required for all new structures and uses established or for changes in use as of the effective date of this provision.
- (2) *Size:* Required bicycle parking spaces shall be two (2) feet by six (6) feet. Each bicycle parking facility shall provide an access aisle of at least five (5) feet and a vertical clearance of at least eight (8) feet.
- (3) *Design and Maintenance:* Accessory off-street parking for bicycle parking shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers, racks, or equivalent structures in or upon which the user may lock the bicycle. Structures that require a user-supplied locking device shall be designed to accommodate U-shaped locking devices. All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location. The surfacing of such facilities shall be designed and maintained to be mud and dust-free.
- (4) *Location:* Bicycle parking facilities shall be located in a designated safe and convenient location. The design and location of such a facility shall be harmonious with the surrounding environment. The facility location shall be at least as convenient as the majority of automobile parking spaces provided.
- (5) *Schedule of Required Off-Street Bicycle Parking Facilities:* Bicycle parking facility spaces shall be provided in adequate numbers as determined by the Zoning Administrator. In making the determination, the Zoning Administrator shall consider, when appropriate, the number of dwelling units or lodging rooms, the number of employees, and the number of automobile parking spaces per the following guidelines:

Table 82-620: Bicycle Parking

BICYCLE PARKING REQUIREMENTS	
Size	Loading Space(s)
Bed & Breakfast and Rooming Homes	One (1) per three (3) lodging rooms

Hotels and Motels	One (1) per twenty (20) employees and one (1) per ten (10) rental rooms
Places of assembly, recreation, entertainment, and amusement	One (1) per ten (10) parking spaces.
Commercial establishments	One (1) per ten (10) parking spaces; up to a maximum of twenty (20) bicycle parking spaces
Multiple Family	One (1) bicycle space per two (2) units

(6) *Reduction of Off-Street Automobile Parking:*

- (a) Establishments Located on, or Connect to, a Designated Public Pathway: For each one (1) bicycle parking space, the automobile parking can be reduced by two (2) parking spaces.

82-630 NON-MOTORIZED TRANSPORTATION

Safe, non-motorized transportation options shall provide public access within the City through sidewalks and shared-use pathways. All new development, re-development, and amendments to previously approved site plans, including substantial additions or improvements to existing buildings, either interior or exterior, with a construction cost of twenty-five (25%) percent of the property's State Equalized Value (SEV) or more within a twelve-month period may be required, at the discretion of the Administrative Review Committee or the Planning Commission, to provide adequate non-motorized transportation options as prescribed in this Section. New development in the districts zoned R-1, R-2, and RT shall be exempt from the following requirements unless part of a site plan under a conditional land use in Article 9 or the land development options in Article 10.

- (1) All reasonable effort shall be made to avoid cutting trees when locating sidewalks or shared-use pathways.
- (2) The Planning Commission may modify a non-motorized transportation requirement of this Section or the proposed design as submitted by the applicant, upon review of a site plan or under the recommendation of the Department of Public Works or Zoning Administrator.
- (3) When required, permits must be obtained from the Michigan Department of Transportation or the Eaton County Road Commission.
- (4) Sidewalk and shared-use pathway maintenance, including replacement in the case of inadequate construction, unsafe, defective, or nonconforming design, as determined by the Zoning Administrator, shall be the responsibility of the parcel owner or adjacent parcel owner if constructed in the street right-of-way.
- (5) Depending on site conditions or project phasing, the Administrative Review Committee or the Planning Commission may require an easement on the property, which would be solely used to install a sidewalk or shared-use pathway at a later date. The City Attorney shall review the easement prior to acceptance and recording.

82-640 LANDSCAPING

The intent of this section is to:

- (1) Protect and preserve the community's appearance, character, and value.
- (2) Minimize noise, air, and visual pollution.
- (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- (4) Require buffering of residential areas from more intense land uses and public road rights-of-way.
- (5) Prevent soil erosion and soil depletion and promote sub-surface water retention.
- (6) Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- (7) Encourage the integration of existing woodlands in landscape plans.

82-641 Applicability

These requirements shall apply to all uses for which site plan review is required per Article 8 of this Ordinance and subdivision plat review as required under the Subdivision Control Ordinance.

82-642 Landscape Plan Requirements

A separate detailed landscape plan shall be submitted to the City as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type, and descriptions for each plant type.
- (2) Typical straight cross-section including slope, height, and width of berms.
- (3) Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
- (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- (5) Identification of existing trees and vegetative cover to be preserved.
- (6) Identification of grass and other ground cover and method of planting.
- (7) Identification of landscape maintenance program, including a statement that all diseased, damaged, or dead materials shall be replaced per standards of this Ordinance.
- (8) Planting counts must be provided, identifying compliance with all required landscaping.

82-643 Screening and Buffering.

- (1) Three types of screening or buffering techniques shall be required in this district, depending upon the type of existing uses adjacent to a proposed use. The screening types are described below. The required screening shall be provided from the rear property line to the front edge of the principal building on the site. The Administrative Review Committee or the Planning Commission may specify certain landscape materials to mitigate the impacts of noise and light.

Table 82-643A: Screening and Buffering Land Use Matrix

Proposed Use, Required to Provide Screening and Buffering	Existing or Adjacent Use Impacted			
	Industrial	Commercial	Residential	Vacant
Industrial	Type A	Type B	Type C	Type C
Commercial	Type A	Type A	Type C	Type C
Residential	Type C	Type C	Type B	Type B

(1) Screening and Buffer Types

- (a) *Type A.* A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.
- (b) *Type B.* A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.
- (c) *Type C:* A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation,

or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

Table 82-643B: Plant Material by Screening and Buffer Type

Landscape Materials						
		Shrubs	Small Deciduous Trees	Large Deciduous Trees	Evergreen Trees	Other Materials
Type A – Options: Broken Landscape						
1			30' on center			
		Shrubs	Small Deciduous Trees	Large Deciduous Trees	Evergreen Trees	Other Materials
2			30' on center with a split rail fence			
3		Assorted Shrubs		40' on center		
Type B – Semi Opaque Landscape						
1						42" High stone or masonry wall
2			30' on center			On top of 3' high earth berm
3						3' high seeded earth berm
Landscape Materials						
		Shrubs	Small Deciduous Trees	Large Deciduous Trees	Evergreen Trees	Other Materials
4				40' on center		

	5				3' high evergreen hedge planted 3' on centers	
Type C – Opaque Landscape						
	1	6' high evergreen hedge on 4 'centers				
	2			40' on center		
	3					6' high fence
	4				8' high, staggered, with branches touching the ground	

- (2) The design and extent of the buffer, screen wall, or fence shall be reviewed by either the Administrative Review Committee or the Planning Commission, depending on the type of review outlined in Article 8.

82-644 Landscape Elements

The following minimum standards shall apply:

- (1) *Quality.* Plant materials shall be of varieties and species, free from insects and diseases, hardy, indigenous to Central Michigan and Eaton County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- (2) *Composition.* A mixture of plant material, such as evergreen, deciduous trees, and shrubs, is recommended to protect against insect and disease infestation. A limited mixture of hardy species is recommended rather than many different species to produce a more aesthetic, cohesive design and avoid a disorderly arrangement.
- (3) *Berms.* Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- (4) *Existing Trees.* The preservation and incorporation of existing trees are encouraged. Where existing trees are used to satisfy the requirements of this section, the following requirements shall apply:
 - (a) Paving or other site improvements shall not encroach upon the existing tree(s) drip line to be preserved.

(b) If existing plant material is labeled "To Remain" on-site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used, provided the City approves such techniques.

(c) If healthy trees that are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the City, the Contractor shall replace them with trees which meet Ordinance requirements.

(5) Installation, Maintenance, and Completion.

(a) All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee, as outlined in Article 12, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

(b) All landscaping and landscape elements shall be planted, and earth moving or grading performed to accepted planting and grading procedures.

(c) The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris, and insects. All materials used to satisfy the requirements of the Ordinance that become unhealthy or dead shall be replaced within one year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall have a readily available and acceptable water supply.

(d) An underground irrigation system shall serve all landscaping required by this Ordinance.

82-645 Minimum Size, Spacing Requirements and Species Type

(1) Where landscaping is required, only those plant materials enumerated by the City Charlotte shall be used. Invasive plants shall not be used. (please consult the definition in Article 14). The size and spacing requirements shall be determined by the Administrative Review Committee or the Planning Commission, depending on the type of review required.

82-646 Parking Lot Landscaping

(1) *Required Landscaping Within Parking Lots.* Separate landscape areas shall be provided within parking lots per the following requirements:

(a) Where landscape islands are required in this Article, there shall be a minimum of one (1) tree for every ten (10) parking spaces planted. Islands shall be required for each of the 16 continuous spaces. Where landscape islands are not required, the same ratio of trees shall be placed on the site within ten feet of the parking lot perimeter.

- 361 (b) Landscaped islands shall be curbed and shall not be less than 100 square feet in
362 area.
- 363 (c) A minimum distance of three feet from the backside of the curb and the proposed
364 landscape plantings shall be provided. Where vehicles overhang a landscape
365 island or strip, a minimum distance of five feet from the backside of the curb and
366 the proposed landscape plantings shall be provided.
- 367 (d) The City, at its discretion, may approve alternative landscape plantings at the
368 perimeter of parking lots where landscaping within parking lots would be
369 impractical due to the size of the parking lot or, detrimental to safe and efficient
370 traffic flow or would create an unreasonable burden for maintenance and
371 snowplowing.
- 372 (2) *Required Landscaping at the Perimeter of Parking Lots.* Separate landscape areas shall
373 be provided at the perimeter of parking lots per the following requirements:
- 374 (a) Where required, parking lots shall meet the buffer requirements outlined in the
375 Table in this Section.
- 376 (b) Parking lots shall be screened from view with a solid wall at least three feet in
377 height along the perimeter of those sides visible from a public road. At its
378 discretion, the City may approve alternative landscape plantings instead of a
379 wall.

380 **82-650 SITE LANDSCAPING**

381 In addition to any landscape greenbelt and/or parking lot landscaping required by this Section, site
382 area landscaping shall be provided to screen potentially objectionable site features such as, but not
383 limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas.
384 Such site area landscaping may include a combination of the preservation of existing tree cover,
385 planting new trees and plant material, landscape plazas and gardens, and building foundation
386 planting beds.

387 **82-660 SUBDIVISION AND SITE CONDOMINIUM LANDSCAPING**

388 Landscaping for single-family residential subdivisions and site condominiums shall be provided per
389 the following requirements:

- 390 (1) *Street Trees.* The frontage of all internal public or private streets shall be landscaped with
391 a minimum of one tree for every 40 lineal feet or a fraction thereof. Such street trees shall
392 meet the minimum size and spacing requirements outlined in this Section.
- 393 (2) *Buffers Between Land Uses.* Where required in the Table outlined in this Section, a
394 subdivision or site condominium buffer shall be required.
- 395 (3) *Screening from Public Roads.* Where a subdivision or site condominium abuts a public
396 road right-of-way located outside the proposed subdivision or site condominium, the
397 screening requirements in this Section shall be met.
- 398 (4) *Other Site Improvements.* A landscape plan for a subdivision or site condominium
399 development shall also include landscaping details of the entrance to the development,

400 stormwater retention and/or detention areas, community buildings and other
401 recreational areas, and any other site improvement that would be enhanced through the
402 addition of landscaping.

403 **82-661 Screening of Trash Containers/Dumpsters**

- 404 (1) Outside trash disposal containers two yards or greater in capacity shall be screened on
405 all sides with an opaque fence or wall and gate at least as high as the container, but no
406 less than six feet in height, and shall be constructed of PVC or masonry.
- 407 (2) Containers shall be consolidated to minimize the number of collection sites and located
408 to equalize the distance from the building they serve reasonably.
- 409 (3) Containers and enclosures shall be located away from public view insofar as possible.
- 410 (4) Containers and enclosures shall be situated so they do not cause excessive nuisance or
411 offense to occupants of nearby buildings.
- 412 (5) Concrete pads of appropriate size and construction shall be provided for containers or
413 groups of containers having a capacity of six 30-gallon cans or more. Aprons shall be
414 provided for loading of bins with a capacity of one- and one-half cubic yards or more.
- 415 (6) The enclosure area and pad size shall be increased to accommodate the storage of
416 recyclable materials and their containers.
- 417 (7) Screening and gates shall be of a durable construction.
- 418 (8) The pad in front of the dumpster shall be constructed of heavy-duty concrete, with a
419 compressive strength of 5,000 psi, the same width as the enclosure and ½ of its depth.

420 **82-670 EXTERIOR LIGHTING**

421 **82-671 Intent & Purpose**

422 The provisions of this Section are intended to control the use of outdoor, artificial illuminating
423 devices emitting rays into the night sky by:

- 424 (1) All light shall have a clear purpose. Before installing or replacing a light, determine
425 whether a light is needed. Consider how the use of light will impact the area, including
426 wildlife and the environment.
- 427 (2) Use shielding and aiming to target the direction of the light beam so it points downward
428 and does not spill beyond where it is needed.
- 429 (3) Use the lowest light level required.
- 430 (4) Use controls such as timers or motion detectors to ensure that light is available when
431 needed, dimmed when possible, and turned off when not needed.
- 432 (5) Limit the amount of shorter wavelength (blue-violet) light to the least amount needed.

433 **82-672 Exemptions**

The following uses and activities shall be exempt from the standards of this Section, provided they do not create glare perceptible to persons operating motor vehicles in the public right-of-way:

- (1) *New Technology and/or Location:* The Zoning Administrator may grant exceptions to the material, light source, method of installation, or location standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.
- (2) *Residential Lighting:* Low-intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.
- (3) *Holiday Decorations:* The decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
- (4) *Neon Lights:* Displayed as part of an approved sign.
- (5) *Flag Lighting:* Luminaires illuminate the flag of the United States of America.
- (6) *Temporary Lighting:* Associated with an approved temporary event permitted by this Ordinance.
- (7) *Fossil Fuels:* Outdoor light fixtures, such as kerosene lanterns and gas lamps, produce light from the combustion of fossil fuels.
- (8) *Statutory Authority:* Circumstances where federal or state laws, rules, or regulations take precedence over the provisions of this Section or where fire, police, emergency, or repair personnel need light for temporary or emergency situations or lighting that is only activated at the time of power outages.

82-673 Shielding & Filtration

- (1) All nonexempt exterior lighting shall be hooded and/or louvered to provide a glare-free area beyond the property line and any public right-of-way.
- (2) All lighting fixtures shall have one hundred (100) percent cut-off shielding that prevents light from being emitted above a horizontal plane, the lowest direct light emitting part of the luminaire.
- (3) Light sources shall be located to minimize glare hazards, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare for the light source.

82-674 Exterior Lighting Site Standards

- (1) *Hours of Operation:* All exterior lighting shall be equipped with automatic timing devices and shut off if no customers or staff are present between sunset and sunrise, except for lighting necessary for security purposes or for uses that continue after 10:00 pm.

- (2) *Pole Height*: The maximum pole height for exterior lighting shall not exceed twenty-two (22) feet or the maximum height of the principal building, whichever is less.
- (3) *Wall Pack*: Wall pack lighting shall be limited to above ingress and egress points.
- (4) *Prohibitions*: The following light sources and fixtures shall be prohibited:
- (a) Unshielded luminous tube (neon), fluorescent.
 - (b) Metal halide
 - (c) Mercury vapor
 - (d) High-pressure sodium
 - (e) Halogen
 - (f) Animated, flashing, or moving lights
 - (g) Laser sources of light
 - (h) Searchlights

82-675 Illumination

Illumination levels within a site shall ensure that a site is adequately but not excessively lit to provide visibility, safety, and security without unnecessarily contributing to light pollution and negatively impacting neighboring properties.

- (1) Intensity: The maximum intensity of light within any site shall not exceed the following standards, measured in footcandles (fc) at grade:

Table 82-675: Illumination Requirements

Land Use Type	Illumination Specification		
	Maximum Initial Illuminance Value at the Boundary	Beyond the Boundary	Percentage of Fixtures emitted at an angle of 90 degrees or higher from the nadir
Residential areas, neighborhood business locations, light industrial areas with limited nighttime use, and residential mixed-use areas	No greater than 0.10 footcandles	No greater than 0.01 horizontal footcandles	2%
Commercial corridors, industrial, and higher-density residential areas	No greater than 0.20 footcandles	No greater than 0.01 horizontal footcandles	5%

Downtown business district	No greater than 0.60 footcandles		10%
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- (2) *Color Temperature:* All exterior lighting shall emit light measuring 4,600K to 6,500K on the Kelvin scale.

82-680 STORMWATER MANAGEMENT

- (1) *Stormwater Management.* All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The facilities and measures required on-site shall reflect the site's natural features, wetlands, and watercourses, the potential for on-site and off-site flooding, water pollution, erosion, and the size of the site. Stormwater management shall comply with the following standards:

- (a) Stormwater management conveyance, storage, and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
- (b) Low Impact Development (LID) is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater where it is generated. LID combines conservation practices with distributed stormwater source controls and pollution prevention to maintain or restore watershed functions. LID are encouraged and may be required where the Administrative Review Committee or the Planning Commission deems it to be safe and otherwise appropriate as a method of stormwater conveyance to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (c) Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
- (d) Discharge of runoff from any site that may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to trap pollutants, the owner must meet the Michigan Department of Environment, Great Lakes, and Energy (EGLE) requirements. Based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the City Engineer, with consultation of appropriate experts.
- (e) Drainage systems shall be designed to protect public health and safety and be visually attractive, considering viable alternatives.

- (2) *On-Site Stormwater Detention.* To control drainage to off-site properties and drainage ways, all properties, except single-dwellings, duplex, triplex, and quadplex, developed under this Zoning Ordinance, whether new or improved, shall provide for on-site detention storage of stormwater in accordance with the current Michigan Department of Environment, Great Lakes, and Energy and local Department of Public Works standards.

82-690 NOISE

- (1) *Noise*. The intensity level of sounds measured at the property line bordering the adjacent land use shall not exceed the following decibel levels as measured with an A-weighted filter to account for variations in frequency.

Table 82-690: Noise Levels

	Noise Levels by Land Use Type		
	Proposed Use	Adjacent Uses	
Timeframe	Commercial & Industrial	Commercial & Industrial	Residential
7:00 A.M to 7:00 P.M.		75 dB(A)	55 dB(A)
7:00 P.M. to 7:00 A.M.		70 dB(A)	45 db(A)

- (2) *Impact Noises*. Intermittent noises that do not operate for more than fifteen (15) minutes in any one-hour period are permissible up to a level of 10 dB(A) in excess of the figures in subsection (1) only during the time from 7:00 a.m. to 7:00 p.m. when uses adjacent to an industrial use are either commercial or residential. (The impact noise shall be measured using the fast response of the sound level meter.)
- (3) *Temporary or Incidental Activities*. Noise and vibration impacts resulting from temporary or incidental activity such as construction or moving of materials or equipment on-site that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of Table 82-690: Noise Levels.

82-6100 BUILDINGS: SCALE, MASS, and DESIGN

- (1) All site plans submitted for review of proposed use in this district shall include an elevation drawing that shows proposed building facades as seen from the street. The site plan and elevation drawings shall label proposed exterior materials on walls and roofs of principal and accessory buildings and on other fences or walls on the site. Color samples or color photographs of proposed materials shall be provided.
- (2) All business, service, or processing activities permitted in this district shall be conducted completely within enclosed buildings except customer, employee, and freight vehicle parking, loading zones, and those open-air uses specifically identified in this district as permitted subject to particular performance standards. Outdoor storage of equipment and materials such as topsoil, sand, and gravel shall be limited to 30 percent of the rear yard and shall be screened.
- (3) In cases [where] the planning commission determines unusual building size or mass, large site size, special conditions related to topography, high traffic uses, special natural or manmade features on-site or nearby, or similar unique conditions are present, the Administrative Review Committee or the Planning Commission may require any of the following additional methods of illustrating the impacts of a proposed development:
- (a) Additional elevation drawings from points over than the public street or perspective drawings from critical viewpoints recommended by the city.

- 559 (b) Cross sections, particularly when the planning commission is examining relative
560 height of buildings or site topography in regard to impacts upon neighboring
561 properties.
- 562 (c) Bird's eye views (axonometric) that present the overall size and mass of site
563 structures and features. The oblique aerial view must accurately reflect ground
564 control points and individual building and site features.
- 565 (d) A computer-generated image or a synthesized image video may be provided to
566 show before and after illustrations of a proposed development's scale and mass.
- 567 (e) A scale model that shows a three-dimensional representation of building(s) and
568 features.
- 569 (f) Use of weather balloons, flags, stakes, posts, or other vertical elements showing
570 the corners, outline, height, and other physical aspects of a proposed
571 development on the actual parcel to be impacted.
- 572 (g) Use of colored degradable spray paint to identify horizontal outlines of site
573 features such as parking, landscape areas, driveways, curb cuts, building
574 footprints, etc.
- 575 (4) In cases where the Administrative Review Committee or the Planning Commission
576 determines unusual building size or mass, large site size, special conditions related to
577 topography, high traffic uses, special natural or manmade features on-site or nearby, or
578 similar unique conditions are present, the Planning Commission may increase or reduce
579 requirements applying to this Article to improve a site plan and its impact upon the
580 property or its surroundings.
- 581 (5) If the Planning Commission chooses to reduce or increase requirements, it shall identify
582 the unique conditions found at the site; indicate the benefit to the public health, safety
583 or welfare of modifying such requirements; prescribe the modified requirements; and it
584 may offer relevant conditions where needed to mitigate any impacts of the modified
585 requirements.
- 586 (6) In review of building facades and features, the Planning Commission shall consider:
- 587 (a) Exterior materials should be of a finished appearance and textural quality
588 suitable to the desired image for this entryway to town. The commission may limit
589 the amount of or prohibit the use of corrugated metal, concrete block, sheet
590 metal and colored plastic or fiberglass. The commission may consider such
591 factors as whether the building is an accessory structure, the adequacy of the
592 setback and screening, and any impact upon street view and view from nearby
593 residential buildings.
- 594 (b) The scale, bulk, shape, exterior materials, and color of buildings shall be
595 evaluated for their compatibility with the site size and shape and with
596 surrounding buildings and structures.
- 597 (7) Buildings shall be situated to fit the existing site rather than imposed on the landscape in
598 a manner that requires significant alteration of site grades. This restriction may be waived

599 by the planning commission where significant alteration of grades would result in
600 preservation and protection of a scenic view or other significant natural or manmade
601 resource, or would result in an improved site layout and function without adversely
602 impacting significant resources.

603 (8) Accessory structures shall be designed to blend with the principal building(s) on the site
604 as to color, exterior materials, size and shape.

605 (9) The Administrative Review Committee or the Planning Commission may require
606 screening of appropriate size and type where needed to obstruct visibility of accessory
607 structures from the street or from adjacent properties.

608 **82-6110 ROOF TOP DECKS**

609 (1) *Roof Top Deck Commercial Usage.* Use of a rooftop deck for commercial purposes may
610 be permitted in the CC and CD Zoning Districts but only as a special land use and only as
611 an accessory to the principal use permitted for the building, and subject to the following
612 restrictions:

613 (a) The Planning Commission approval of the rooftop deck usage as a special land
614 use must be first obtained.

615 (b) Any structure on a rooftop deck must be permitted under the Zoning Code.

616 (c) The Planning Commission may limit the number of persons using such rooftop
617 decks as determined necessary or advisable by the Planning Commission to
618 prevent the City's noise ordinances from being violated.

619 (d) A building permit for any rooftop deck activity must be obtained from the Building
620 Department, and such usage is subject to the construction of and maintenance
621 of guardrails and other protective Charlotte City Code features.

622 (e) Such usage must be screened from view of adjacent properties, and the
623 proposed area shall not exceed fifty (50%) percent of the total square footage of
624 the roof area.

625 (f) Structures for such usage shall be set back at least five (5) feet from the edge of
626 any roof not fronting on a public street or right of way and at least fifteen (15) feet
627 from the edge of any roof that fronts on a public street or right of way. Mechanical,
628 heating, or cooling equipment or structures that the Building Code requires as a
629 health or life-safety feature shall not be subject to this setback requirement.

630 (g) The dimensional area of all structures (other than a mechanical, heating, or
631 cooling element or one that the Building Code requires as a health or life-safety
632 feature) shall not exceed fifteen (15%) percent of the square footage of the total
633 top roof area.

634 (h) Amplified musical instruments are prohibited. Any other music or sound that
635 would violate the City's noise ordinances and restrictions or exceed seventy (70)
636 decibels measured at the property line where the deck or patio is located is
637 prohibited.

(i) Roof-top deck usage is permitted only between 7:00 a.m. and 11:00 p.m., except for special events approved by the City Council.

(j) Lighting shall be shielded and pointed downward and shall not be a nuisance to adjacent properties.

82-6120 WALLS

- (1) For those districts and uses listed below, there shall be provided and maintained an obscuring wall as required by the conditions, heights, and locations noted:

Table 82-6120: Required Walls

Land Uses Requiring Walls	Conditions	Height	Location of Wall
Commercial and Industrial Districts	When abutting residential	6'0"	Along common boundary
Required Parking in Multiple-Family Areas	When abutting single-family areas	4'6"	Along common boundary
Land Uses Requiring Walls	Conditions	Height	Location of Wall
Junk Yards		8'0"	All sides of use
Storage Facilities	When abutting any residential, office or public park	4'6" – 8'0"	Along common boundary
Required Off-Street Parking in Residential Areas	When abutting any single-family, duplex, or triplex	4'6"	Along common boundary

- (2) Obscuring walls shall not be required when any building, parking or storage area within any district requiring a wall, or any use requiring a wall, when such buildings, parking or storage areas are located more than 200 feet from an abutting residential district.

- (3) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the planning commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the board of appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the board of appeals in reviewing such request.

- (4) Walls shall be of masonry construction. Decorative openings in the wall may be permitted provided they do not exceed 20 percent of the surface. Where walls are so pierced, the openings shall be spaced as to maintain the obscuring character required and shall be reviewed and approved by the building inspector.
- (5) Where an obscuring wall is required, a landscaped earth mound may be permitted in lieu of such wall, provided that the height of the earth mound not be less than the required height of the obscuring wall.
- (6) The Zoning Board of Appeals may waive or modify for foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches in height except where corner clearance applies.
- (7) In consideration of request to waive wall requirements between nonresidential and residential districts, the Zoning Board of Appeals shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

82-6130 FENCES.

- (1) *Purpose.* It is in the best interest of all city residents to ensure attractive and safe neighborhoods. Fence regulations help preserve the aesthetic quality of the city's neighborhoods while protecting the health, safety and welfare of all residents.
- (2) *Definitions.*
- (a) The following definitions shall be used in interpretation and enforcement of this chapter. If a term is not defined herein, the definition stated in the city's subdivision or zoning regulations shall be used.
 - (b) If the term is not defined in the subdivision or zoning regulations, the common meaning of the term, as stated in a generally accepted dictionary, shall be used.
 - (c) For the purpose of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

BUILDING CODE. The current building code adopted and enforced by the city or its designee.

CLEAR-VIEW TRIANGLE (CVT). The triangular area near driveways openings and street intersections intended to provide the required corner clearance. The CVT for streets is twenty-five (25') feet and driveways fifteen (15') feet.

FENCE. A structure serving as an enclosure, barrier or boundary, usually made of posts, boards, chain link, masonry, wire, vinyl or rails, with a height of at least 24 inches.

FENCE, ORNAMENTAL. A manmade structure, the surface area of which is more than 50% open. Ornamental fences do not include chain link fences or fences of wire construction.

FINISHED SIDE. The side of a fence that covers the posts and support structures.

FRONT YARD. The setback area required by the zoning ordinance for the zoning district in which the property is located, or the area between the property line and the principal structure on a parcel, whichever is less. A corner property has FRONT YARD areas along both street frontages.

HEIGHT. The vertical distance from the adjacent grade to the highest portion of a fence.

REAR YARD. The area of a parcel from the required front yard area or front of a structure to the back property boundary, and excluding defined side yard areas.

RIGHT-OF-WAY (ROW). Land dedicated to the public for public use as streets, utility areas, sidewalks, alleys or pedestrian ways.

SIDE YARD. The setback area between structures on a parcel and the side property lines as required by the zoning ordinance for the zoning district in which the property is located.

(3) *Permitted fence materials.*

(a) All fences shall be constructed in a workman-like manner, and of generally accepted fencing materials such as painted or treated wood, chain link, brick, stone, vinyl and wrought iron.

(b) Other material that is generally acceptable for fencing shall be considered as well. The City of Charlotte Zoning Official shall make the determination as to whether a proposed material is appropriate.

(c) No fence shall constitute a blighting influence, nuisance or hazard.

(d) Barbed wire shall not be permitted in a residential zoning district, and shall be a minimum of six feet high on security fencing in commercial and industrial areas. Barbed wire must not project over any public right-of-way.

(e) Chain link fences must be constructed so as to have the barbed end at the bottom of the fence.

(f) Fences shall not have any sharp points, nor be electrified nor carry any charge of electricity intended as a security measure.

(4) *Residential zoning districts.*

(a) Residential uses in residential zoning districts shall be permitted fencing as follows.

i. *Front yard.* Ornamental fencing, not exceeding 42 inches in height as measured from the established sidewalk or curb grade may be located within a front yard. Ornamental fences shall be faced decorative side outward. Front yard fencing shall not intrude or interfere with any CVT area, as described in this chapter.

ii. *Side yard.* Fencing shall not exceed six feet, six inches in height in any side yard area.

- 734 iii. *Rear yard.* Fencing shall not exceed six feet, six inches in height in any
735 rear yard areas.
- 736 iv. Recorded lots having a lot area in excess of two acres and a frontage of
737 at least 200 feet are excluded from these regulations.
- 738 (b) No fence that obstructs view of an intersection or creates a visual safety hazard
739 shall be permitted. In those cases where a determination is required, the City of
740 Charlotte Chief of Police or designee shall make such determination.
- 741 i. A CVT shall be required at all intersections and driveways.
- 742 ii. No fencing shall be permitted in the CVT area.
- 743 (c) No fence shall be erected where it would unreasonably obstruct the continued
744 use of, or safe access to any abutting property.
- 745 (d) In those cases where a fence has an identifiable finished side, the fence shall be
746 installed so that the finished side faces outward.
- 747 (5) *Commercial, business and industrial zoning districts.*
- 748 (a) All fencing shall meet the requirements of the Building Code.
- 749 (b) No fence that obstructs view of an intersection or creates a visual safety hazard
750 shall be permitted.
- 751 i. A CVT shall be required at all intersections and driveways.
- 752 ii. No fencing shall be permitted in the CVT area.
- 753 (c) No fence shall be erected where it would unreasonably obstruct the continued
754 use of, or safe access to any abutting property.
- 755 (d) In those cases where a fence has an identifiable finished side, the fence shall be
756 installed so that the finished side faces outward.
- 757 (e) In those cases where screening is required between land uses, the standards in
758 Table 82-643B shall be followed.
- 759 (6) *Swimming pools.* All swimming pool fencing shall comply with state statutory and
760 Building Code requirements.
- 761 (7) *Temporary fences.* Temporary fences, including the use of wood or plastic snow fences
762 to limit the drifting of snow between November 1 and April 1, chain link fences to protect
763 construction and excavation sites, and fences to protect plants and/or landscaping
764 during construction projects, shall be permitted without a permit; provided, the fence is
765 not more than five feet in height
- 766 (8) *Property lines and easement areas.*
- 767 (a) Property owners are responsible for locating property boundaries.
- 768 (b) A fence may be allowed on a property boundary.

- 769 (c) The applicant is responsible for fence maintenance of a fence on a property
770 boundary. In those cases where the original applicant no longer owns a property,
771 the current owner of the applicant's property will be responsible for fence
772 maintenance.
- 773 (d) If a neighboring property owner disputes the proposed fence location due to
774 unknown property boundaries, or if the City of Charlotte Zoning Official requires
775 one, a certificate of survey from a state-registered land surveyor shall be required
776 prior to issuance of a fence permit
- 777 (e) City staff may attempt to assist a property owner in locating known property
778 boundaries, but this does not constitute a survey if the boundary is disputed by
779 an abutting property owner.
- 780 (9) *Easement areas.*
- 781 (a) Fencing proposed for easement areas shall be reviewed on a case-by-case basis
782 to determine its impact on the easement areas.
- 783 (b) Even if the fence is approved for an easement area by the city, it shall be the
784 responsibility of the property owner to remove and replace the fence should
785 access or maintenance of the easement area be necessary.
- 786 (c) A fence proposed for an easement area may be denied if it will obstruct drainage
787 or negatively affect the easement area. A permit may be issued if the applicant
788 has the written permission of the easement holder.
- 789 (10) *Maintenance.*
- 790 (a) All fences shall be maintained in an upright, vertical condition and shall not
791 create a blighting influence on the surrounding neighborhood or area.
- 792 (b) Maintenance must be done on a regular basis to prevent the fence from being in
793 a state of disrepair.
- 794 (c) Failure to maintain or repair a fence, once notified by the city that maintenance
795 or repairs are necessary, shall constitute a violation of this section.
- 796 (11) *Permit requirements and fee.*
- 797 (a) A permit is required when constructing a new fence or extending an existing
798 fence.
- 799 (b) A permit is also required when reconstructing more than half of the linear length
800 of an entire fence.
- 801 (c) A site plan or plot drawing shall be required before issuance of a fence permit.
- 802 i. The plan or drawing shall show the location and dimension of the fence,
803 location of property line and distance to all structures on the property.
- 804 ii. The fence height and material shall also be noted on the site plan,
805 drawing and/or application form.

(12) *Fee.*

(a) A fence permit application fee set by City Council from time to time shall also be required with the fence permit application.

(b) This fee shall help cover costs of review of the fence permit application and is not refundable, even if the fence permit is not approved.

(13) *Nonconforming fences.* Any nonconforming fence may be repaired like-for-like in height, location and material, up to 50% of the overall linear footage of the nonconforming section. In no case shall a *nonconforming* fence be enlarged or extended, and shall not be replaced except in a conforming manner. City of Charlotte staff can approve repair to a nonconforming fence under these criteria.

(14) *Variances.*

(a) *Conditions of variances.* Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of the provisions of this section, a variance may be granted; provided that all the following conditions are true.

- i. The particular physical surroundings, shape or topographical conditions of the specific parcel of land involved cause a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of this section were to be carried out.
- ii. The conditions upon which a petition for a variation is based are unique to the parcel of land for which the variance is sought, and are not generally applicable to other property within the same zoning classification.
- iii. The alleged difficulty or hardship must be caused by this section and not by any person presently having an interest in the parcel of land.
- iv. The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.
- v. The proposed variance will not impair an adequate supply of light and air to adjacent properties, will not increase the congestion of the public streets, will not endanger the public safety; or will not diminish or impair property values within the neighborhood.

(15) *Variance procedures.*

(a) A person desiring to secure a variance from any provisions of this section shall fill out and submit to the Zoning Administrator a variance form, together with the required filing fee as set by the City Council.

(b) The fee for the variance application shall be the same as the fee set by the City Council for a variance from the Zoning Ordinance.

- 843 (c) Notice of the variance proceedings shall be mailed to adjacent property owners
844 within 300 feet of the property seeking the variance at least 15 days prior to the
845 variance being heard.
- 846 (d) The request for variance shall be heard and determined by the City of Charlotte
847 Zoning Board of Appeals following the required public hearing.

ARTICLE VII. SUPPLEMENTARY REGULATIONS

82-700 SCOPE.

No building or structure, or part thereof, shall be erected, constructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this chapter.

82-701 ACCESSORY BUILDINGS AND USES

Accessory buildings, structures, and uses, except as otherwise permitted in this chapter, shall be subject to the following regulations.

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this chapter applicable to main buildings.
- (2) Accessory buildings shall not be erected in any minimum side or front yard setback.
- (3) A building accessory to a residential building may occupy not more than 25% of the required rear yard, provided that in no instance shall the accessory building exceed 100% of the ground floor area of the main building. On a corner lot, all of the land to the rear of the house may be utilized in the computation of the percent of lot coverage for accessory buildings.
- (4) A detached building accessory to a residential building shall not be located closer than ten feet to any main building nor shall it be located closer than five feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement right-of-way.
- (5) No detached accessory structures in the RN, RM, MH, CN, CC, and PQP Districts shall exceed 20 feet in height; provided, however, when the detached accessory building is located in a rear yard with a ground elevation lower than that of surrounding the primary residential structure, the height of the accessory building may be measured from a plane parallel to the first floor of the primary residential structure. Accessory structures in all other districts may be constructed to equal the permitted maximum height of structures in such districts.
- (6) In no case shall a residential accessory structure have a flat, level roof. All accessory structure roofs must be sloped to allow water drainage.
- (7) Temporary carport and storage structures, whether manufactured or home-built, shall adhere to all requirements of detached accessory structures. Permits for temporary carports and storage structures are limited to a period of two years, and said temporary carport or storage structure shall be removed upon expiration, unless the carport is in acceptable condition and a permit has been reissued. Temporary carport and storage structures shall be securely fastened to the ground in a manner sufficient to prevent their detachment due to wind or weather.

- (8) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, such building shall not project beyond the side yard line of the lot in the rear of such corner lot. In no instance shall a building accessory to a residential building be located nearer than ten feet to a street right-of-way line.
- (9) Accessory buildings and structures shall be designed and constructed to be compatible with the design and construction of the principal building on the site. Design elements that should be considered in determining compatibility include: exterior building material (which need not be identical to the principal building but compatible in appearance), roof style and pitch, architectural style, and color.
- (10) The provisions concerning the size and height in this section shall not apply to accessory buildings on a farm (such as barns and silos).

82-702 ACCESSORY DWELLING UNITS

- (1) Applicable Zoning Districts: ADUs are a permitted use in Residential Zoning Districts and are subject to Administrative Site Plan Review per the requirements of Article 8.
- (2) General Standards: ADUs are subject to the following standards:
- (a) ADUs shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.
 - (b) All ADUs shall meet applicable building and fire codes.
 - (c) ADUs may be attached to a single-dwelling unit. They may occupy a basement, first floor, or second floor of the principal dwelling or a separate, detached accessory building in the rear of the main residential structure.
 - (d) Building materials and designs used on detached ADUs or additions to the principal dwelling for an attached ADU shall be of a similar architectural style as that of the main dwelling.
 - (e) The minimum size of the ADU shall be one hundred and fifty (150) square feet.

82-703 ARCADES

- (1) Amusement arcades which provide space for patrons to engage in playing of mechanical amusement devices or similar activities, subject to the following.
- (a) Locations for any such establishment shall be confined to major business streets and shall have the entrance to both the business and parking area for such establishment on the business street. Access from a side or residential street shall be prohibited.
 - (b) Locations for any such facility shall be no closer than 500 feet to the property line of any elementary, intermediate or high school.

- (c) No such business shall be located within 500 feet of the property line of a similar business.
- (d) No such business building shall be located within 500 feet of any front, rear or side yard line of any residential lot in a residential district.
- (e) Off-street parking areas shall be developed in accord with all of the standards of Article 6.

82-704 ADULT ENTERTAINMENT BUSINESS (also SEX ORIENTED BUSINESS)

- (1) An adult entertainment business may be permitted in the IRO (Industrial Research Office) Zoning District as a special use under the following procedures and conditions.
- (f) No adult entertainment business shall be permitted within a 400-foot radius of any residential zone. Measurement of the 400-foot radius shall be made from the outermost boundary of the lot or parcel upon which the proposed adult use will be situated to the outermost residential district boundary.
- (g) No adult entertainment business shall be permitted within a 400-foot radius of a school, library, park, playground, or church. Measurement of the 400-foot radius shall be made from the outermost boundary of the lot or parcel upon which the proposed adult use will be situated to the school, library, park, playground, or church.
- (h) The site shall include a diagram that shows all land use zoning districts and any school, library, park, playground, or church located within 500 feet of the proposed adult use. The diagram shall be drawn to a scale of not greater than 1 inch equals 20 feet.
- (i) No adult entertainment business shall be located within a 400-foot radius of any other adult entertainment business.
- (j) Off-street parking shall be provided in accordance with Article 6 and screened on all sides. The screening of the off-street parking areas shall be a solid fence, wall or evergreen planting that is at least 6 feet high.
- (k) If employees or patrons of an adult entertainment business violate any of the provisions of Article II of Chapter 15 of the City Code, the special use permit may be suspended or revoked. No criminal charge need be brought for suspension or revocation of the special use permit to occur. The acts described in this subsection may be shown to have occurred by a preponderance of the evidence.

82-705 ATM; STAND ALONE

- (1) Stand-alone drive-up automated teller machine kiosks, subject to the following conditions:
- (a) A non sealed site plan shall be submitted for Planning Commission approval;
- (a) When the kiosk is to be located within 150 feet of a residential district, an obscuring wall, fence, or similar structure 6 feet in height shall be provided to protect

116 residences from noise and glare. The obscuring wall or fence shall not include wood
117 or chain link materials.

118 (b)

119 (c) Drives shall be constructed or marked so as to provide a bypass lane and a minimum
120 of 3 stacking spaces. Stacking spaces may not be located within any required yard;

121 (d) Access points shall be located at least 60 feet from the intersection of any two
122 streets;

123 (e) Signage shall be limited to that installed on the kiosk and directional signs not
124 exceeding 3 square feet in display area or 5 feet in height.

125 **82-706 AUTOMOBILE SERVICE STATIONS**

126 (1) Automobile service station for sale of gasoline and oil, and not including repair other than
127 incidental service and subject to the following:

128 (a) The curb cuts for ingress and egress to a service station shall not be permitted at such
129 locations that will tend to create traffic hazards in the streets immediately adjacent
130 thereto. Entrances shall be no less than 25 feet from a street intersection, measured
131 from the roadway, or from adjacent residential property and subject to other
132 ordinances of the city;

133 (b) The minimum lot area shall be 10,000 square feet, and so arranged that ample space
134 is available for motor vehicles which are required to wait;

135 (c) There shall be provided, on those sides abutting or adjacent to a residential district,
136 a 6 foot, completely obscuring wall or fence. The height of the wall or fence shall be
137 measured from the surface of the ground. The obscuring wall or fence shall not
138 include wood or chain link materials.

139 (d) All lighting shall be shielded from adjacent residential districts and from abutting
140 streets.

141 (e) All restroom doors shall be shielded from adjoining residential property.

142 **82-707 AVERAGED LOT SIZE.**

143 (1) The intent of this section is to permit the subdivider or developer to vary lot sizes and lot
144 widths so as to average the minimum size of lot per unit as required in the schedule of
145 regulations in this article for each one-family residential district. If this option is selected,
146 the following conditions shall be met.

147 (a) In meeting the average minimum lot size, the subdivision shall be so designed as not
148 to create lots having an area or width greater than 10% below that area or width
149 required in the schedule of regulations and shall not create an attendant increase in
150 the number of lots.

151 (b) Each final plat submitted as part of a preliminary plat shall average the minimum
152 required for the district in which it is located.

153 (c) All computations showing lot area and the average resulting through this technique
154 shall be indicated on the print of the preliminary plat.

155 **82-708 BED & BREAKFAST**

156 (1) Bed and breakfast dwellings. Bed and breakfast dwellings subject to the following
157 conditions.

158 (a) Such dwelling units shall conform to all applicable city codes and ordinances.

159 (b) Such dwellings shall be located on state truckline routes.

160 (c) Not more than 49% of the total floor space of the dwelling unit may be used for
161 leasable sleeping rooms.

162 (d) The leasable sleeping rooms shall have a minimum size of 100 square feet for each 2
163 occupants with an additional 30 square feet for each additional occupant, not to
164 exceed a maximum of 4 occupants per room.

165 (e) Each leasable sleeping room must have a separate operating smoke detector alarm.

166 (f) Lavatory and bathing facilities must be available to all persons using any leasable
167 sleeping room.

168 (g) There will be no separate cooking facilities available to persons using any leasable
169 sleeping room.

170 (h) There will be at least 2 exits from each level of the dwelling units.

171 (i) The maximum length of stay for any person using any leasable sleeping room is 14
172 consecutive days.

173 (j) Every operator of such dwelling unit must keep a list of the names and addresses of
174 all persons staying at the dwelling unit. The guest register must be available for
175 inspection by city officials at any time.

176 (k) The operations of the dwelling unit will not be permitted to endanger, offend or
177 otherwise interfere with the safety or rights of others so as to constitute a public
178 nuisance.

179 **82-709 CAR WASHES**

180 (1) Automobile car wash subject to the following.

181 (a) All buildings shall have a front yard setback of not less than 50 feet.

182 (b) All washing facilities shall be within a completely enclosed building.

183 (c) Vacuuming and drying areas may be located outside the building, but shall not be in
184 the required front yard, and shall not be closer than 25 feet from any residential
185 district.

186 (d) All cars required to wait for access to the facilities shall be provided space off the
187 street right-of-way, and parking shall be provided in accordance with Article 6.

- 188 (e) Ingress and egress points shall be located at least 60 feet from the intersection of
189 any 2 streets.
- 190 (f) All off-street parking and waiting areas shall be paved with Portland cement or
191 asphaltic concrete.
- 192 (g) All lighting shall be shielded and directed away from adjacent residential districts.
- 193 (h) A completely obscuring wall, 6 feet in height, shall be provided where abutting to a
194 residential district. The obscuring wall or fence shall not include wood or chain link
195 materials.

196 **82-710 CHICKENS; EGG LAYING**

- 197 (1) Persons may keep chickens if done so in conformity with §10-4 – Domestic Animals and
198 Fowl – of Chapter 10 – Animals – of the Code of the City of Charlotte.

199 **82-711 CHURCHES**

- 200 (1) Churches and other facilities incidental thereto, subject to the following:
- 201 (a) Buildings exceeding 25 feet in height shall be permitted, providing the front, side and
202 rear yard setbacks are increased 1 foot for each foot the building exceeds 25 feet;
- 203 (b) A continuous, uninterrupted obscuring screening of suitable material of at least 4
204 feet in height but not more than 6 feet in height shall be provided along sides of the
205 off-street parking area when adjacent properties are zoned residential;
- 206 (c) The front setback area shall remain as open space unoccupied and unobstructed
207 from the ground upward except for landscaping, plant materials or vehicle access
208 drives.

209 **82-712 DATA CENTERS**

- 210 (1) Dimensional Standards.
- 211 (a) 40 acres or more.
- 212 (b) Setbacks – same as the IRO District
- 213 (c) Maximum Building Height: Sixty (60') feet.
- 214 (2) Site Design Requirements.
- 215 (a) Screening: Generators, cooling towers, and mechanical equipment shall be
216 enclosed or screened with landscaping.
- 217 (b) Fencing: Security fencing allowed up to 8 ft, with decorative or opaque materials
- 218 (c) Parking: Minimum 1 space per 10,000 sq. ft. of gross floor area.
- 219 (3) Environmental Standards.
- 220 (a) Noise: Shall not exceed 65 dBA at property line.

- 221 (b) Lighting: Shielded fixtures to prevent light spillover.
- 222 (c) Facilities over 50,000 sq. ft. must achieve LEED Silver or equivalent within 3 years.
- 223 (4) Utility and Infrastructure
- 224 (a) Shall demonstrate adequate electrical capacity and fiber connectivity.
- 225 (b) Water usage for cooling must comply with local conservation standards.
- 226 (c) Backup generators must meet state and federal air quality regulations.
- 227 (5) Decommissioning.
- 228 (a) Upon cessation of operations, building, or abandonment, the owner shall remove all
- 229 equipment and restore the site within 12 months.

230 **82-713 DRIVE-IN BUSINESSES or OPEN STORE FRONT**

- 231 (1) Business in the character of a drive-in or open front store, subject to the following
- 232 conditions.
- 233 (a) A setback of at least 60 feet from the right-of-way line of any existing or proposed
- 234 street must be maintained.
- 235 (b) Access points shall be located at least 60 feet from the intersection of any 2 streets.
- 236 (c) All lighting shall be shielded from adjacent residential districts.
- 237 A 6-foot-high, completely obscuring wall shall be provided when abutting or adjacent districts are
- 238 zoned for RN, RM, and MH Districts. The height of the wall shall be measured from the surface of
- 239 the ground. Such a wall shall further meet the requirements of Article 6.

240 **82-714 GROUP HOMES - ADULTS**

- 241 (1) Group homes for adults are subject to the following:
- 242 (a) That the exterior of the principal building and accessory buildings be constructed in
- 243 a manner to appear as though it is a single-family dwelling;
- 244 (b) The setback requirements shall apply, however, the minimum side yard setback shall
- 245 be not less than 25 feet;
- 246 (c) In the event that use of outdoor areas is planned, the outdoor areas shall be screened
- 247 by landscaping;
- 248 (d) That the total maximum number of residents (not including those who provide care)
- 249 shall not exceed 12;
- 250 (e) The group home will be hooked up to public water and sanitary sewer facilities;
- 251 (f) In the judgment of the Planning Commission, the group home will not change the
- 252 essential character of the area for which it is proposed, and that the group home will
- 253 not be disturbing to existing or future neighboring uses.

(g) The group home shall not be used for any of the following purposes:

- i. As a correctional facility as defined in Public Act 415 of 1982, § 2(b), being M.C.L. § 791.502(b);
- ii. As a facility which houses juveniles as defined in Public Act 73 of 1988, § 2(d), being M.C.L. § 803.222(d);
- iii. As a facility which houses persons deemed incompetent to stand trial under the provisions of Public Act 258 of 1974, §§ 1031 and 1032, being M.C.L. §§ 330.2031 and 330.2032;
- iv. As a facility which houses persons acquitted of a criminal charge by reason of insanity and committed according to the provisions of Public Act 258 of 1974, § 1050, being M.C.L. § 330.2050.
- v. As a facility which houses prisoners as a community correction center or a community residential home, as those terms are defined in Public Act 68 of 1974, as amended, being M.C.L. § 791.265a.
- vi. Parking shall be provided in accordance with Article 6. Parking located closer than 10 feet from any property line shall be screened.
- vii. The group home must be a state-licensed residential facility and comply with all applicable laws and regulations of the same.
- viii. The group home must be a single-family, owner-occupied dwelling. In lieu of this requirement, an assigned resident manager or owner representative living on the premises may be permitted by the Planning Commission.
- ix. The minimum lot size for a group home shall be 3 acres.
- x. The Planning Commission may place or require any conditions it deems necessary to insure compliance with the provisions listed above.
- xi. The maximum lot coverage by all buildings shall be 25%.

82-715 GROUP HOMES - CHILDREN

(1) Group homes for children are subject to the following.

- (a) The setback requirements shall apply; however, the minimum side yard setback be not less than 25 feet.
- (b) In the event that use of outdoor areas is planned, the outdoor areas shall be screened by landscaping.
- (c) That the total maximum number of residents shall not exceed 20, not including those providing care.
- (d) The group home will be hooked up to public water and sanitary sewer facilities.
- (e) The group home shall not be used for any of the following purposes:

- 290 i. As a correctional facility as defined in Public Act 415 of 1982, § 2(b),
291 being M.C.L. § 791.502(b);
- 292 ii. As a facility which houses juveniles as defined in Public Act 73 of 1988, §
293 2(b), being M.C.L. § 803.222(d);
- 294 iii. As a facility which houses persons deemed incompetent to stand trial
295 under the provisions of Public Act 258 of 1974, §§ 1031 and 1032, being
296 M.C.L. §§ 330.2031 and 330.2032;
- 297 iv. As a facility which houses persons acquitted of a criminal charge by
298 reason of insanity and committed according to the provisions of Public
299 Act 258 of 1974, § 1050, being M.C.L. § 330.2050.
- 300 (f) Parking shall be provided in accordance with Article 6. Parking located closer than 10
301 feet from any property line shall be screened.
- 302 (g) The maximum lot area coverage by all buildings not to exceed 25%.
- 303 (h) That all group homes shall be located on an improved (paved) street.
- 304 (i) The Planning Commission may place or require any conditions it deems necessary to
305 insure compliance with the provisions listed above.
- 306 (j) The group home must be a state-licensed residential facility and comply with all
307 applicable laws and regulations of the same.
- 308 (k) The site for which a group home is proposed shall be at least 1 acre in size.

309 **82-716 HOTELS and MOTELS**

- 310 (1) Hotel and motel, subject to the following conditions.
- 311 (a) Access shall be provided so as not to conflict with the adjacent business uses or
312 adversely affect traffic flow on a major thoroughfare.
- 313 (b) Each unit shall contain not less than 250 square feet of floor area.
- 314 (c) No guest shall establish permanent residence at a motel for more than 30 days within
315 any calendar year.

316 **82-717 HOSPITALS**

- 317 (1) General hospitals, except those for criminals and those solely for the treatment of
318 persons who are mentally ill or have contagious disease, not to exceed 4 stories, when
319 the following conditions are met:
- 320 (a) The proposed site shall have at least 1 property line abutting a major thoroughfare;
- 321 (b) The minimum distance of any main or accessory building from bounding lot lines or
322 streets shall be at least 40 feet for front, rear and side yards for all 2 story structures.
323 For every story above 2, the minimum yard distance shall be increased by at least 10
324 feet;

(c) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence 6 feet in height. Ingress and egress to the site shall be directly from a major thoroughfare;

(d) All ingress and egress to the off- street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly from a major thoroughfare.

82-718 MINOR AUTOMOTIVE REPAIR

(1) Minor automotive repair businesses, such as muffler shops, shock absorber replacement shops, tire stores, undercoating shops, and minor engine repair shops, are subject to the following conditions.

(a) Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street.

(b) Access to and from such use shall not be cause for traffic to utilize residential streets.

(c) Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area that meets all setback requirements.

(d) Vehicles shall not be allowed to be stored outside the building for more than 24 hours.

(e) Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.

(f) All vehicle servicing or repair, except minor repairs such as, but not limited to, tire changing and headlight changing, shall be conducted within a building.

(g) Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.

(h) A 6-foot-high obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district.

82-719 MOBILE HOME PARKS

(1) The requirements for mobile home parks in the MH Mobile Home Residential District are:

(a) The park shall be a minimum of 10 acres in area;

(b) All buildings within the park shall be less than 2 stories or 25 feet;

(2) Landscaping. Mobile home parks shall be landscaped as follows:

(a) If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development;

(b) If the park abuts a nonresidential development, the park need not provide screening;

(c) In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

(d) The landscaping shall consist of evergreen trees or shrubs, a minimum of 3 feet in height, which are spaced to provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

(3) Open space requirements are as follows:

(a) A mobile home park that contains 50 or more mobile home sites shall have at least 1 easily accessible open space area containing not less than 25,000 square feet;

(b) The total of the land dedicated for open space shall not be less than 2% of the park's gross acreage that is approved for construction pursuant to a permit to construct, but not less than 25,000 square feet.

(4) Site size requirements are as follows.

(a) The mobile park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any 1 site may be reduced by 20%, provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R 125.1941, R125.1944, and R 125.1946 of the Michigan Administrative Code.

(b) Mobile homes shall be placed at least 10 feet from the pavement of the internal road serving the mobile home unit.

(c) Mobile homes shall be at least 20 feet from the front, side or rear of the nearest mobile home. In those instances when the mobile home is adjacent to a structure which is not used for living purposes such distance shall be not less than 10 feet.

(5) The following provisions relate to accessory buildings and uses.

(a) The provisions relating to accessory building location and spacing shall not apply to mobile home parks. Accessory buildings in mobile home parks shall be subject to R 125.1941.

(b) The provision of 82-701 shall not apply to mobile home parks. The following shall apply.

i. Storage areas. No personal property shall be stored outside or under any mobile home. Storage sheds may be used to store property but need not be supplied by the owner of the mobile home development.

ii. Storage/parking. If boats, boat trailers, and utility trailers are permitted to be parked within the mobile home park, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this chapter and shall be adequately locked, fenced and permanently buffered.

(6) The requirements for mobile home subdivisions, in addition to the requirements contained in Michigan Public Act 288 of 1967 and Chapter 62 of this Code, relating to subdivisions, are:

(a) Minimum lot size: single area, 5,000 sq. ft.; single width, 45 feet; double-wide area, 7,200 square feet; double-wide width, 60 feet;

(b) Maximum building height: 25 feet;

(c) Minimum yard setback: front, 25 feet; side, 10 feet; rear, 25 feet;

(d) Maximum lot coverage by all buildings: 30%;

(e) In a mobile home subdivision, a corner lot which abuts upon a street on the same side of which other residential lots front in the same block, any building shall have a minimum side setback equal to the front setback of the district in which it is located\

82-720 OPEN AIR BUSINESSES

(1) Open air business uses when developed in planned relationship with the CC District as follows.

(a) Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies, provided further that such uses shall be located at the exterior end of the building mass located in a CC District.

(b) Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided further that such use be located at the exterior end of the building mass located in a CC District, but not at the intersection of 2 major thoroughfares. Such recreation space shall be fenced on all sides with a 4-foot chainlink-type fence.

82-721 OUTDOOR SALES

(1) Outdoor sales space for exclusive sale of new or secondhand automobiles, house trailers, or rental trailers and/or automobiles, all subject to the following.

(a) The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.

(b) Access to the outdoor sales area shall be at least 60 feet from the intersection of any 2 streets.

(c) No major repair or major refinishing shall be done on the lot.

(d) All lighting shall be shielded from adjacent residential districts.

82-722 PLANT MATERIALS – RETAIL SALE

(1) Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies, subject to the following conditions.

434 (a) The storage and/or display of any materials and/or products shall meet all setback
435 requirements of a structure.

436 (b) All loading and parking shall be provided off-street.

437 (c) The storage of any soil, fertilizer or other loose, unpackaged materials shall be
438 contained so as to prevent any effects on adjacent uses.

439 **82-723 PUBLICLY OWNED BUILDINGS.**

440 Publicly owned buildings, public utility buildings, telephone exchange buildings, electric
441 transformer stations and substations, regular service stations with service yards but without storage
442 yards, and water and sewage pumping stations.

443 **82-724 RECREATION VEHICLES**

444 Recreational equipment owned by residents of the city may be stored on their individual lots in
445 accordance with the provisions of this section.

446 (1) All recreational equipment parked or stored shall not be connected to sanitary facilities;
447 and shall not be occupied, except as provided in subsection (a) of this section.

448 (a) In any residential district, it shall be lawful for only nonpaying guests at a residence
449 to occupy a single recreational vehicle for a period not exceeding 72 hours.

450 (2) Recreational equipment shall be maintained in a clean, well-kept state so as not to
451 detract from the appearance of the surrounding area. A suitable, securely fastened
452 weatherproof cover shall be placed on all boats whenever stored outside. In lieu of a
453 cover, canoes and rowboats may be stored such that they do not collect and retain
454 rainwater. Snowmobiles, ATVs, personal watercraft, and similar vehicles shall be stored
455 under a suitable, securely fastened weatherproof cover or stored within an enclosed
456 trailer.

457 (3) Recreational equipment shall be operable and shall have a current license or registration
458 when applicable.

459 (4) Recreational equipment stored on residential lots may be parked in the following
460 manner:

461 (a) Inside any enclosed structure.

462 (b) Outside in the rear yard on an improved surface (gravel, asphalt or concrete), no
463 closer than five feet to any side or rear lot line, and no closer than ten feet to the
464 primary residential structure.

465 (c) Outside in the side yard on an improved surface (gravel, asphalt or concrete), no
466 closer than five feet to any side or rear lot line, and no closer than ten feet to the
467 primary residential structure, and provided such parking shall be behind the front
468 face of the primary residential structure.

469 (d) Outside on the front driveway or improved surface directly adjacent to the front
470 driveway, provided that the vehicle is no closer than 15 feet to the front lot line. The

provisions of 82-723 (4)(c) do not apply to recreational equipment stored under the provisions of this section.

(e) Notwithstanding the provisions of this section, a recreational vehicle may be parked anywhere on the premises, or within a public right-of-way area where street parking is permitted, during active loading or unloading.

(5) The provisions of this section shall not apply to recreational equipment officially designated for barrier-free use in accordance with state law, and used as the regular means of transportation by or for a handicapped person.

82-725 RESIDENTIAL DWELLINGS REQUIRED CONDITIONS

(1) All dwelling units in one-family residential districts shall be reviewed by the Building Official, subject to the following conditions.

(a) Dwelling units shall conform to all applicable city codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.

(b) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations that are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction, and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.

(c) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

(d) Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

(e) Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed 3 to 1, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.

(f) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

(2) The Code Official may request a review by the Planning Commission of any dwelling unit with respect to subsections (1)(b), (1)(c), and (1)(d) of this section. The Code Official or Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and

the city at large. In reviewing any such proposed dwelling unit, the Building Official may require the applicant to furnish such plans, elevations, and similar documentation as he deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within 300 feet. If the area within 300 feet does not contain any such homes, then the nearest 25 similar-type dwellings shall be considered.

82-726 RESTAURANTS

- (1) Restaurants, including drive-through restaurants, subject to the following:
 - (a) Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare;
 - (b) Access to the site shall not be by way of a residential street;
 - (c) Trash receptacles shall be screened from public view and shall be covered to prevent debris from being a nuisance to abutting properties;
 - (d) Outdoor lighting of buildings or parking areas shall be shielded from abutting residential areas;
 - (e) All loading and unloading and parking shall be provided off-street;
 - (f) A 6 foot-high, completely obscuring wall shall be provided when abutting or adjacent districts are zoned for RN, RM, MH, and CN Districts. The height of the wall shall be measured from the surface of the ground. Such wall shall further meet the requirements of Article 6. The obscuring wall or fence shall not include wood or chain link materials.

82-727 ROOFTOP EQUIPMENT

In all office, service, and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure or by building design.

82-728 SMALL ENGINE REPAIR

- (1) Small engine repair and equipment repair such as lawn mower repair and servicing, subject to the following conditions.
 - (a) Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street.
 - (b) Access to and from such use shall not be cause for traffic to utilize residential streets.
 - (c) Outdoor storage of parts or materials shall be prohibited unless such storage is within an obscured area which meets all setback requirements.
 - (d) Areas for off-street parking required for customer use shall not be utilized for the storage of equipment awaiting repair.

- 547 (e) All vehicle servicing or repair shall be conducted within a building
- 548 (f) Suitable containers shall be provided and utilized for the disposal of used parts and
- 549 such containers shall be screened from public view.

550 **82-729 SETBACKS FROM WATERCOURSES.**

551 In no case shall any permanent structure be erected closer than 50 feet to the bank of Battle Creek

552 or Butternut Creek River or to the center of any county or township drain. The bank of the Battle Creek

553 or Butternut Creek River shall be determined by legal survey. The center of public drainage ways shall

554 be determined from legal descriptions which are of public record.

555 **82-730 SOIL EROSION; PLANS FOR CONTROL**

556 Any development in the city shall comply with the standards and specifications for soil erosion and

557 sediment control as adopted by the Thornapple Grand Soil Conservation District on April 15, 1974.

- 558 (1) Compliance. No site plan, except for single-family residential structures which must
- 559 meet standards approved for the plat, shall be approved unless it includes soil erosion
- 560 and sediment control measures in accordance with the technical standards of the
- 561 Thornapple Grand Soil Conservation District. No certificate of occupancy of any building
- 562 may be granted unless and until all needed erosion control measures have been
- 563 completed or substantially provided for in accordance with this chapter and the
- 564 standards and specifications of the Thornapple Grand Soil Conservation District. The
- 565 developer shall bear the full responsibility for the installation and construction of all
- 566 required erosion control measures according to the provisions of this chapter and to the
- 567 standards and specifications of the Thornapple Grand Soil Conservation District.
- 568 (2) Data required. The developer must submit the following for the entire tract of land,
- 569 whether or not the tract will be developed in stages:
- 570 (a) A boundary line survey of the site on which the work is to be performed;
- 571 (b) Description of the features, existing and proposed, surrounding the site of
- 572 importance to the proposed development;
- 573 (c) General soil conditions on the site available from the City Building Department or the
- 574 Thornapple Grand Soil Conservation District;
- 575 (d) Location and description of existing and future manmade features of importance to
- 576 the proposed development;
- 577 (e) Plans and specifications of soil erosion and sedimentation control measures in
- 578 accordance with standards and specifications of the Thornapple Grand Soil
- 579 Conservation District;
- 580 (f) A timing schedule indicating the anticipated starting and completion dates of the
- 581 development sequence and the time of exposure of each area prior to the completion
- 582 of effective erosion and sediment control measures.
- 583 (3) Grading permit. A grading permit valid for no more than 6 months unless extended by new
- 584 application as provided for in the City Building Code shall be required for each

development. This permit may not be issued without the approval of both the Public Works Director and the Building Official.

(4) General design principles. Practical combinations of the following general principles will provide effective erosion and sediment control when properly planned and applied.

(a) The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

(b) Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, shall be scheduled for installation to the greatest extent possible before removing the vegetative cover from an area.

(c) Wherever feasible, natural vegetation shall be retained and protected.

(d) Where inadequate vegetation exists, temporary or permanent vegetation shall be established.

(e) The smallest practical area of land shall be exposed at any one time during development.

(f) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(g) Critical areas exposed during construction shall be protected with temporary vegetation and/or mulching.

(h) Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

(i) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. The permanent final vegetation and structures shall be installed as soon as practical in the development.

(5) Development standards. All development plans, specifications and timing schedules, including extensions of previously approved plans, shall include provisions for erosion and sediment control in accordance with the standards and specifications established by the Thornapple Grand Soil Conservation District. Technical standards for the design and installation of erosion and sediment control measures are on file at the Thornapple Grand Soil Conservation District office in the city and with the City Building Department.

(6) Maintenance. Individuals or developers carrying out soil erosion and sediment control measures under this chapter, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working condition.

82-731 STORAGE OF PLANT MATERIALS

- (1) Plant materials nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies, subject to the following conditions.
 - (a) The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - (b) All loading and parking shall be provided off-street.
 - (c) The storage of any soil, fertilizer or other loose, unpackaged materials shall be contained so as to prevent any effects on adjacent uses.
 - (d) Locations for any such establishment shall be confined to major business streets and shall have the entrance to both the business and parking area for such establishment on the business street. Access from a side or residential street shall be prohibited.
 - (e) Locations for any such facility shall be no closer than 500 feet to the property line of any elementary, intermediate or high school.
 - (f) No such business shall be located within 500 feet of the property line of a similar business.
 - (g) No such business building shall be located within 500 feet of any front, rear or side yard line of any residential lot in a residential district.
 - (h) Off-street parking areas shall be developed in accord with all of the standards of Article 6.

82-732 TINY HOUSES

- (1) A tiny house is a structure intended for separate, independent living quarters for one household that meets these conditions:
 - (a) It is a detached self-contained unit that includes basic functional areas that support normal daily routines such as cooking, sleeping, and toileting; and
 - (b) It is designed and built to look like a conventional building structure;
- (2) Architectural compatibility. If visible from a public street or park, the tiny house's architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details shall be substantially the same as and visually compatible with the primary dwelling.
- (3) Maximum/Minimum floor area. Tiny houses shall have a floor area in the range of 150 to 500 square feet. The calculations only include habitable floor space. Minor deviations and/or variances are not permitted to increase the maximum floor areas
- (4) Development standards. The units shall conform to the height, setbacks, lot coverage, and other zoning requirements of the zoning district in which the site is located, the

659 development standards as may be modified per this subsection, other requirements of
660 the zoning ordinance, and other applicable city codes

661 (5) Mechanical equipment. Mechanical equipment shall be located on the ground.

662 (6) Utilities. Each tiny house requires separate gas, electric, and water meters. All utility
663 hookups must comply with the potable water and sewage disposal requirements
664 established by the City of Charlotte and the State of Michigan for buildings with human
665 occupancy.

666 (7) If the tiny house is relocated, the site must be fully restored, including any foundation or
667 base removed below grade, and the site must be restored.

668 (8) Density/ Occupancy. There shall be a maximum of two tiny houses per residential lot.
669 The maximum occupancy of a tiny house is three people, and the maximum number of
670 bedrooms is two.

671 **82-733 WIRELESS COMMUNICATIONS**

672 Wireless communications equipment is a permitted use of property. It is not be subject to special
673 land use approval or any other approval under this act if all of the following requirements are met as
674 specified in MCL 125.3514, as amended.

ARTICLE VIII. SITE PLAN REVIEW

82-800 Intent and Purpose

This Article governs the processes and standards for all uses and structures for which site plan approval is required under other provisions of this ordinance. The Planning Commission shall make the final decision on site plans that are not subject to administrative review and site plans related to special uses.

82-801 General Requirements

Site plans are required for the following uses:

- (1) Any development that would, if approved, provide for the establishment of more than one (1) principal use on a parcel, such as a single-dwelling site condominium or similar project where a single parcel is developed to include two (2) or more sites for detached single dwelling, excluding accessory dwelling units.
- (a) Development of non-residential uses in a residential zoning district.
- (b) Any development, except single-family, two-family residential, and triplex residential, for which off-street parking areas are provided as required in Article 6, Off-street parking requirements.
- (c) The development or construction of any accessory uses or structures, except for uses or structures that are accessory to residential use in the RN, RM, MH, and CN districts.
- (d) Any use or construction for which submission of a site plan is required by any provision of this Ordinance.
- (e) Establishment, expansion, or enlargement of any regulated use unless expressly exempted in this Article.
- (f) Review of plans for mobile home parks shall be conducted in accordance with R 125.1908 of the Michigan Administrative Code.

82-802 Site Plan Review Not Required

Site plan approval is not required for the following activities. However, payment of any or all applicable bonds is required for the issuance of a zoning permit.

- (1) Construction, moving, relocating, demolition, or structurally altering a principal residential structure in the RN or RM districts, including any customarily incidental accessory structures.
- (2) Excavating, filling, or otherwise removing soil, provided that such activity is usually and customarily incidental to single-dwelling uses described in this subsection for which site plan approval is not required.
- (3) A change in the ownership of land or a structure.

- (4) A change in the use of a structure to a use allowed by right in the zoning district in which it is located, provided that no modification to the site is proposed or required by the standards of this Ordinance and that the site maintains full and continuing compliance with these regulations.
- (5) Permitted home occupations.
- (6) Additions or expansions of existing, conforming uses that do not increase the additional impervious surface by one thousand five hundred (1,500) square feet or up to the maximum lot coverage of the district.

82-803 Standards for Site Plan Approval

The following criteria shall be used as a basis upon which site plans will be reviewed and approved. Additional site development requirements can be found in Article 6 – Site Development Standards.

- (1) *Adequacy of Information:* The site plan shall include all required information in a sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- (2) *Site Design Characteristics:* All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, as well as the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
- (3) *Site Appearance:* Landscaping, earth berms, fencing, signs, walls, structures, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- (4) *Compliance with District Requirements:* The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density, and all other requirements set forth in Article 3 unless otherwise provided in these regulations.
- (5) *Privacy:* The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, to protect and enhance the subject property and adjacent properties and the safety and privacy of their occupants and users.
- (6) *Emergency Vehicle Access:* All buildings or groups of buildings shall be arranged so as to permit convenient and direct emergency vehicle access per the adopted Fire Code.
- (7) *Circulation:* The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
- (8) *Parking:* The parking provided for the intended use meets the standards of Article X of this Ordinance.

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77 (9) *Drainage*: The city will review stormwater drainage for all site plans. Plans may also require
78 approval of the Michigan Department of Transportation, where stormwater drainage facilities
79 owned by the state are proposed for use.

80 (10) *Soil Erosion and Sedimentation*: The proposed development shall include measures to
81 prevent soil erosion and sedimentation during and upon completion of construction in
82 accordance with current Eaton County soil erosion control standards.

83 (11) *Exterior Lighting*: Exterior lighting shall be designed so that it is shielded from adjoining
84 properties, visual glare is minimized, and so that it does not impede the vision of drivers
85 along adjacent streets.

86 (12) *Public Services*: Adequate services and utilities shall be required, including water,
87 sewage disposal, sanitary sewer, electrical service, and stormwater control services,
88 shall be available or provided and shall be designed with sufficient capacity and
89 durability to properly serve the development. All utilities shall be installed underground.

90 (13) *Screening*: The city will review landscaping of sites with consideration of the following:

91 (a) Landscaping such as trees and shrubs should be used to screen residential areas
92 from light, sound or visual impacts of a commercial or industrial use, or to screen
93 particular on-site elements such as trash and recycling storage, utility structures,
94 accessory buildings, parking lots or other such elements. Screening elements should
95 not adversely impact clear vision areas within the site or on ingress/egress points for
96 the site.

97 (b) Provision of adequate lawns, trees and shrubs to offer a pleasant site and setting
98 where green lawns and greenbelts offer health, safety and aesthetic benefits, such
99 as cooling of hard surfaces, shading from sun, shelter from wind, open area for
100 recreation or rest by residents or employees, vegetation to soften an urban
101 environment, lawns or plant beds to absorb stormwater drainage and stabilize soils,
102 and varied landscape materials to provide visual relief and interest.

103 (14) *Danger from Fire and Hazards*: The level of vulnerability to injury or loss from incidents
104 involving fire and hazardous materials or processes shall not exceed the capability of the
105 City to respond to such incidents so as to prevent injury and loss of life and property. In
106 making such an evaluation, the City shall consider the location, type, characteristics,
107 quantities, and use of materials or processes in relation to the personnel, training,
108 equipment and materials, and emergency response plans and capabilities of the City.
109 Sites that include significant storage of flammable or hazardous materials or waste,
110 fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting
111 materials to the surface of the ground, groundwater, and public sewer system.

112 (15) *Health and Safety Concerns*: Any use in any zoning district shall comply with applicable
113 federal, state, county, and local health and pollution laws and regulations regarding
114 noise, dust, smoke, and other air pollutants, vibration, glare, and heat, fire and explosive
115 hazards, gases, electromagnetic radiation, radioactive materials, and toxic and
116 hazardous materials.

- (16) *Phases*: All development phases shall be designed logically to ensure that each phase will function independently in a safe, convenient, and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- (17) *Ingress/Egress*: Please consult the ingress/egress provisions in Article 5 – General Provisions.
- (18) *Natural Features and Historic Resources*: The site plan shall be designed in order to protect and enhance natural features and historic resources wherever feasible. Plans should be designed to minimize alteration of existing topography on the site and to reduce or eliminate disturbance of natural or historic features.

82-804 Site Plan Application Requirements

An application for site plan review shall be submitted on a form provided by the City with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
1.	Project Title		
2.	The name and address of the property owner.		
3.	Street address and Property ID Number of proposed project location		
4.	The existing zoning district in which the site is located and the zoning of adjacent lots. In the case of a request for a zoning change, the classification of the proposed new district must be shown.		
5.	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.		
6.	The date, north arrow, and scale. The scale shall be as follows: < 1 acre: One (1) inch = twenty (20) feet 1-3 acres: One (1) inch = thirty (30) feet > 3 acres: One (1) inch = fifty (50) feet	✓	
7.	Date of drawing and any revisions		
8.	The boundary lines of the property include all dimensions, setbacks, gross and net acreage, and legal description.	✓	
9.	The location and width of all abutting rights-of-way.	✓	
10.	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common-use areas, and recreational areas and facilities.	✓	✓
11.	The location and identification of all existing structures within a fifty (50) foot radius of the site.	✓	
12.	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, riparian corridors, and wildlife habitat.	✓	
13.	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	✓	

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
14.	A grading plan showing the topography of the existing and finished site shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.	✓	
15.	Location, type, and size of all above and below-grade utilities.	✓	
16.	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	✓	
17.	Location of any cross-access management easements.	✓	
18.	Location of pedestrian and nonmotorized facilities.	✓	
19.	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		✓
20.	The number of units proposed by type, including a typical floor plan for each unit, dimensions, and area in square feet.	✓	
21.	Elevations for all building facades.	✓	
22.	Phasing of the project, including proposed completed development.	✓	✓
23.	Sealed/stamped drawings from a licensed architect, engineer, surveyor or landscape architect.	✓	
24.	The location and description of the environmental characteristics of the site prior to development, such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual natural features.	✓	✓
25.	A stormwater management plan showing all existing above and below-grade drainage facilities and proposed plans incorporating low-impact development water quality technologies and other best management practices.	✓	✓
26.	Plans to control soil erosion and sedimentation, including during construction.	✓	✓
27.	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site, whether by reason of dust, noise, fumes, odors, vibration, smoke, or lights.		✓
28.	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		✓
29.	General description of deed restrictions and/or cross-access management easements, if any or required.		✓
30.	The method to be used to serve the development with water.		✓
31.	The method to be used for sewage treatment.		✓
32.	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		✓
33.	A complete signage plan that indicates the location of directional, regulatory, and site identification signs.	✓	

SITE PLAN APPLICATION REQUIREMENTS			
Item	Description	Site Plan	Narrative
34.	Delineate on the site plan snow storage areas, excluding the use of off-street parking spaces.	✓	

- (1) Upon recommendation by the Zoning Administrator, the Planning Commission may waive any of the above-required items based upon a finding that they are not applicable.
- (2) The Planning Commission, Zoning Administrator, or other party authorized by the City may request any additional information it deems necessary in the review of the submitted site plan.
- (3) Evidence the plan has been submitted for review to all affected jurisdictions, including but not limited to Eaton County Road Commission, Charlotte Department of Public Works, Zoning and Construction Resources Department (soil erosion and sedimentation review), Charlotte Fire Department, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (EGLE), and Michigan Department of Natural Resources (MDNR). If an applicable review is not submitted, a statement of a date certain for submission or the reason why the review is not applicable must be provided.
- (4) All site plan drawings, to scale, shall be submitted on two (2) sets on either 24"x36" or 30"x42" print paper and in digital PDF format.

82-805 Site Plan Application Review Procedures

- (1) *Pre-Application Conference.* An applicant may request a pre-application conference with the Zoning Administrator and/or Planner to discuss, in general, the substantive requirements for the application prior to submittal.
- (2) *Conceptual Review.* After a pre-application conference, an applicant may submit an application for conceptual review before the Planning Commission prior to the formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential concerns of the Planning Commission. Feedback provided by the Planning Commission under a conceptual review is non-binding, subject to change, and is not to be construed as a guarantee of approval. A conceptual review does not include the Zoning Administrator's completeness or technical review.
- (3) *Completeness Review.* All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent thirty (30) days before the next scheduled Planning Commission meeting, where the site plan will be considered. The Zoning Administrator shall review the application for completeness to determine if the application has been properly submitted and if the applicant has corrected all deficiencies. Completeness reviews are solely to determine whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application may proceed to technical review.

- (4) *Technical Review.* An application determined to be complete will undergo a technical review by the Zoning Administrator or City designee to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the next regularly scheduled Planning Commission meeting.
- (5) *Administrative Review Committee.* The Administrative Review Committee may review and make a decision on a qualifying site plan review application. The Administrative Review Committee shall consist of the Zoning Administrator, Planning Commission Chair or their designated representative, Planning Commission member, a representative from the Department of Public Works, a representative from the Fire Department, and a representative from the Community Development, and shall perform the duties of the Planning Commission prescribed in this Article when conducting an administrative review. No part of this subsection shall prohibit the Zoning Administrator, Administrative Review Committee, or Applicant from requesting that the site plan be submitted to the Planning Commission for review and approval. A site plan review application qualifying for administrative review shall meet all the following standards:
- (a) The use is permitted by right in the established zoning district, and
 - (b) Will result in a building footprint less than five thousand (5,000) square feet of new industrial/manufacturing development or construction, or two thousand five hundred (2,500) square feet of new commercial development or construction.
- (6) *Planning Commission Review.* All other uses requiring a site plan review shall be reviewed and decided upon by the Planning Commission.

82-806 Site Plan Application Determinations

Upon review of a site plan review application, the Planning Commission or Administrative Review Committee shall make a determination to approve the application, approval the application with conditions, or deny the application.

- (1) *Approval:* The site plan shall be approved upon determination that it is in compliance with the standards of this Ordinance, other City planning documents, other applicable ordinances, and state and federal statutes.
- (2) *Approval with Conditions:* The Planning Commission or Administrative Review Committee may approve a site plan, subject to any conditions, to address necessary modifications and obtain variances or approvals from other agencies. Conditions imposed shall meet each of the following objectives:
- (a) Be designed to protect natural resources, the health, safety, and welfare, as well as the 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.

- 207 (b) Be related to the valid exercise of police power and purposes that are affected by the
208 proposed use or activity.
- 209 (c) Be necessary to meet the intent and purpose of the zoning requirements, be related
210 to the standards established in the zoning ordinance for the land use or activity under
211 consideration and ensure compliance with those standards.
- 212 (3) *Denial:* If the Planning Commission or Administrative Review Committee determines that
213 a proposed site plan does not meet the standards of this Ordinance or otherwise will tend
214 to be injurious to the public health, safety, welfare, or orderly development of the City, it
215 shall deny the application by a written explanation which clearly sets forth the reason for
216 such denial.

217 **82-807 Record of Actions**

218 The City shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall
219 include the following information:

- 220 (1) *Minutes:* All minutes from any meeting where the site plan was considered.
- 221 (2) *Finding of Fact:* The decision on a site plan review shall be incorporated in a finding of
222 fact relative to the land use under consideration and shall specify the basis for the
223 decision and any conditions imposed.
- 224 (3) *Final Site Plan:* An electronic PDF version and one (1) full-size to scale print set of the final
225 site plans stamped by a licensed architect, landscape architect, or civil engineer.
- 226 (a) Approved site plans shall include any required revisions and the date of the revisions.
227 The print set shall be marked "Approved" and signed and dated by the Applicant and
228 Planning Commission Chair if approved by the Planning Commission or the Zoning
229 Administrator if administratively approved.
- 230 (b) Denied site plans shall be marked "Denied" and signed and dated by the Planning
231 Commission Chair if denied by the Planning Commission or the Zoning Administrator
232 if administratively denied.

233 **82-808 Development Agreement**

234 Depending on the scope and complexity of a site plan, the Planning Commission may require a site
235 plan development agreement outlining the approved use, any applicable conditions, and procedural
236 process. The development agreement shall be signed and notarized by the applicant and Planning
237 Commission Chair if the site plan was subject to Planning Commission review or the Zoning
238 Administrator if the Administrative Review Committee reviewed the site plan.

239 **82-809 Occupancy**

240 No occupancy or operation of a use and/or structure allowable under an approved site plan review
241 shall be permitted to occur prior to receiving an occupancy permit.

242 **82-810 As-Built Documentation**

243 Once the project has been issued a Certificate of Occupancy, the owner shall have three (3) months
244 to submit to the City a complete set of digital as-built, to scale, site plan drawings and final project

specifications, signed by the owner and their project architect/engineer, landscape architect, surveyor, or project manager.

82-811 Expiration

A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the City and commences construction for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Zoning Administrator before the expiration date. The Administrative Review Committee or the Planning Commission may grant one (1) extension for a period of up to one (1) year.

82-812 Revocation

If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification. If said violation is not corrected within fifteen (15) days, the Zoning Administrator may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

82-813 Reapplication

Application for a site plan review approval that has been denied wholly or in part by the Administrative Review Committee or the Planning Commission cannot be resubmitted unless the site plan has substantially changed.

82-814 Amendments and Modifications

A previously approved site plan may be modified subject to the following procedures. The Planning Commission will be notified of Insignificant Deviations and Minor Amendments by the City Administration.

(1) *Insignificant Deviations:* The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, as well as any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the general public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements to the property.

(2) *Minor Amendments:* The Administrative Review Committee may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance and any conditions imposed, unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. The Administrative Review Committee may make a decision on minor amendments upon receipt of an application. Minor amendments are those modifications the Zoning Administrator determines will have no

286 substantial impact on neighboring properties, the general public, or those intended to
287 occupy or use the proposed development but exceed the extent to which it can be
288 approved as an insignificant deviation.

289 (3) *Major Amendments:* All other requests for amendments to an approved site plan shall be
290 processed in the same manner as a new application. The Administrative Review
291 Committee or Planning Commission may impose new conditions on the approval of an
292 amendment request if such conditions are warranted as described in this Article. The
293 holder of the original site plan approval may reject such additional conditions by
294 withdrawing the request for an amendment and proceeding under the existing site plan
295 approval.

296 **82-815 Fees and Guarantees**

297 Fees and performance guarantees associated with the review and approval of a site plan review
298 application shall be consistent with the requirements in Article 13.

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ARTICLE IX: SPECIAL LAND USE APPROVALS

82-901 INTENT AND PURPOSE

This Article is intended to provide review procedures and standards for uses defined in this ordinance as requiring a special land use approval.

82-902 SPECIAL LAND USE APPLICATION REQUIREMENTS

Applications for special approval shall be submitted using a form provided by the City. Applications shall include a complete site plan satisfying all the text and graphic requirements in Article 8.

82-903 PUBLIC HEARING

Before conducting a Public Hearing, a public notice that complies with the Open Meets Act and states the time and place of the hearing shall be published at least fifteen (15) days before the Hearing date in a newspaper of general circulation in the County. Written notices stating the time and place of the Hearing shall be sent by mail at least fifteen (15) days before the hearing date to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet per Public Act 110 of 2006, as amended.

82-904 SPECIAL LAND USE REVIEW STANDARDS

The Planning Commission shall review all requests for special land use approval on an individual basis for conformity and compliance with the provisions of this Article and applicable standards of this Ordinance. In consideration of all applications, the Planning Commission shall review each of the following standards and determine that each has been satisfied before its approval of a proposed special land use:

- (1) The proposed special land use meets all standards for site plan review per Article 8.
- (2) The proposed special land use meets this Ordinance's general objectives, intent, and purposes.
- (3) The proposed special land use is of such location, size, and character that it will be harmonious with neighboring uses and relate to the physical and economic aspects of adjacent uses in relation to prevailing shopping habits, convenience of access by prospective customers, continuity of development, and the need for particular services or facilities in specific areas of the City.
- (4) The proposed special land use shall be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- (5) The proposed special land use shall not create a nuisance or be hazardous to the public health, safety, or welfare.
- (6) The proposed special land use shall not create excessive additional requirements at public expense for public facilities and services.

(7) The proposed special land use shall abide by all required conditions of the Zoning District in which it is proposed to be located.

(8) The proposed special land use shall not harm the value of other property in the surrounding area in which it is to be located. It will not be detrimental to existing, future, and other permitted land uses in the applicable Zoning District.

82-905 SPECIAL LAND USE APPLICATION REVIEW PROCEDURES

The procedures for application submittal for a special land use approval shall follow those for site plan review in Article 8, with the following modifications:

82-906 Planning Commission Review

The Planning Commission shall:

(1) Review the application to determine if it satisfies the standards for special land uses and all other applicable standards of this Ordinance. Administrative review shall not be an option for special land use approval.

(2) Hold a public hearing to consider the proposed special land use consistent with the procedures for a public hearing in § 82-903.

(3) The Planning Commission shall prepare a finding of fact concerning the standards provided in this Article and decide to approve, approve with conditions, or deny a proposed special land use.

82-907 Planning Commission Approval

(1) Approval of a proposed special land use or approval with conditions will require a majority vote of the Planning Commission. If a majority of affirmative votes on a motion to approve a proposal are not received, the proposal will be deemed to have been denied.

(2) If the Planning Commission determines that a special land use shall be approved, it shall authorize the Zoning Administrator to issue a special land use permit in conformity with such approval. A special land use permit shall be valid as long as the use continues following the terms stated in the approved permit. A special land use permit shall expire and become null and void if the corresponding special land use has not been initiated within one (1) year from the Planning Commission's approval date.

82-908 Planning Commission Approval with Conditions

The Planning Commission may impose conditions in granting approval that it deems necessary to fulfill the spirit and purpose of this Article and this Ordinance. Such conditions may include conditions necessary:

(1) To ensure that public services and facilities can accommodate increased service and facility loads caused by the proposed special land use.

(2) To protect the natural environment and conserve natural resources and energy.

(3) To ensure compatibility with adjacent uses of land.

(4) To promote land use in a socially and economically desirable manner.

82-909 Planning Commission Denial

If the Planning Commission determines that a special land use does not meet the standards of this Article, it shall deny the application and provide in writing the reasons for such denial.

82-910 RECORD OF ACTIONS

All decisions on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

82-911 EXPIRATION, REVOCATION, AND REAPPLICATION

Except as otherwise provided in this Article, the standards and procedures for expiration and revocation of an approved special land use permit or the reapplication for special land use that has expired or been denied shall be the same as those for site plan review in Article 8.

82-912 AMENDMENTS AND MODIFICATIONS

The standards and procedures for amending or modifying an approved special land use permit shall be the same as those for site plan review in Article 8, with the exception that a major amendment to an approved special land use permit will require a new public hearing before the Planning Commission following the standards and process in § 82-903.

82-913 FEES AND GUARANTEES

Fees and performance guarantees associated with reviewing and approving a special land use application shall be consistent with the requirements in § 82-1308.

82-914 APPEAL

An application that the Planning Commission has denied under this Article may not be appealed to the Zoning Board of Appeals.

ARTICLE X: LAND DEVELOPMENT OPTIONS

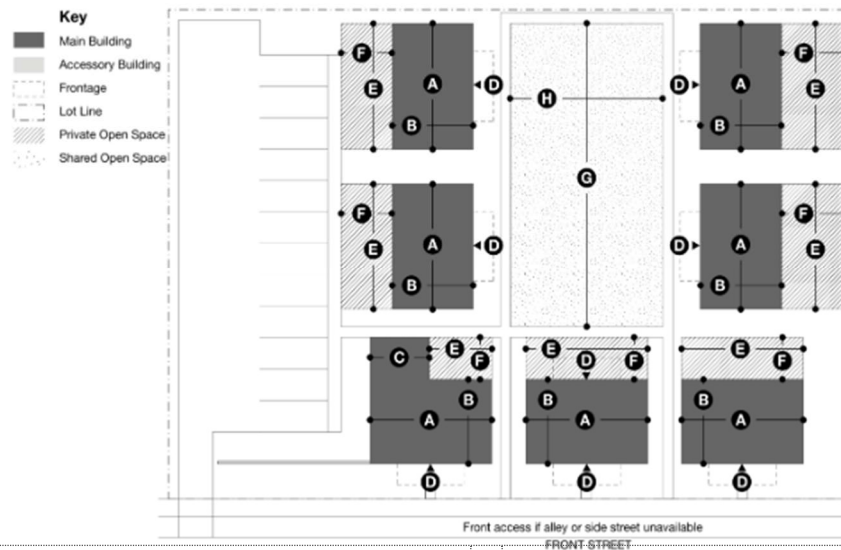
82-1001 CONDOMINIUM SUBDIVISION

- (1) The intent of this section is to permit the development of single-family detached dwellings by site planning the layout of individual dwellings, streets and open space. To accomplish development under this option, the following conditions shall apply. In the one-family residential districts, the site planning of individual single-family dwellings may be permitted after review of a site plan by the Planning Commission in accordance with the public hearing requirements set forth and regulated in 82-1310.
- (2) The Planning Commission in making its review shall find that the following minimum standards are fully met.
 - (a) The maximum number of individual single-family dwellings per acre, throughout the entire site, shall not exceed the dwelling unit density level of the district in which the site is located.
 - (b) An area equal to the minimum land area requirement of the district shall be provided for each dwelling unit, including the building envelope.
 - (c) Setbacks shall be provided for each building envelope equal to the minimum setback requirements of the district as set forth below.
 - i. Front setback shall be measured from the street right-of-way, or from the similar line of a private street easement, to the front of the building envelope.
 - ii. Side setback shall be measured from building envelope to building envelope and shall be at least equal to the total minimum side yard setback requirement of the district between two single family detached dwellings.
 - iii. Rear setback shall be measured from the rear line of the building envelope to the rear property line or to the nearest common space area.
 - (d) All streets shall be built to public street standards and may be dedicated to the city as public streets or remain as private streets. All public streets shall be located within an appropriate right-of-way as set forth in the city's Master Plan. Private streets shall be located within an easement equal in width to the appropriate street right-of-way.
 - (e) All streets, utilities and improvements required for subdivision shall be installed to applicable city standards.
 - (f) The condominium subdivision plan shall include all necessary easements granted to the city for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and stormwater run-off across, through and under the property subject to the easement, and excavating and refilling ditches and trenches necessary for the location of the structures.

- (g) The maximum number of stories and building height restrictions of the district shall be met as shall the minimum floor area requirements of the district. Any detached accessory uses shall comply with the applicable standards of this chapter for such uses. Setbacks required for such uses shall be measured from the outer perimeter of the land area boundaries as required in this section for each individual single-family detached dwelling.

82-1002 COTTAGE COURTS

A cottage court development is a grouping of small, detached houses, two-unit houses, or backyard cottages clustered around a common open space or shared courtyard. This type of housing development utilizes a shared parking lot, and access to the homes is from the open courtyard.



Building Standards			Site Standards	
Units Per Building	1		Main Entrance	
Buildings per Site	3 Min., 12 Max.		D – Face Street	
Main Building			D - Face Court	
A – Length	Dimensioned to accommodate a minimum of 600 square feet to a maximum of 1,080 square feet		Private Open Space	
B - Width			E – Width	12 Feet Minimum
			F – Depth	8 Feet Minimum
Secondary Wings			Shared Open Space	
C – Width	20 feet maximum		G – Length	Note (1)

			H – Width	Note (2)
			Area	= (G x H) +20%

Note (1) Length is determined by the number of cottages facing the width of the courtyard plus the open space between the cottages facing the courtyard.

Note (2) Width is determined by the number of cottages facing the length of the courtyard

82-1003 PLANNED UNIT DEVELOPMENT

82-1004 Intent.

The PD Planned Development District is intended to permit the private or public development or redevelopment of areas throughout the city which shall be substantially in accord with the goals and objectives of the future land use plan for the city. The reuse and new development patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while insuring adequate safeguards and standards for public health, safety, convenience and general welfare.

82-1005 Procedure For Application.

Application shall be made to the Planning Commission for consideration under this District. The applicant may be required to submit the following materials for review and recommendation to the City Council:

- (1) Property area survey of the exact area being requested;
- (2) Proof of ownership of land being requested for rezoning;
- (3) Topographic map of the entire area at a contour interval showing 1 foot changes in elevation. This map shall indicate all natural and man-made features. (Scale 1 inch = 50 feet);
- (4) Preliminary plan of the entire area carried out in such detail as to show the land uses being requested, the densities being proposed where applicable, the system of collector streets and off- street parking system;
- (5) Written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population, the extent of the nonresidential development and the resultant traffic generated and parking demands created, and providing supporting documentation such as, but not limited to, market studies, supporting land use request, and the intended scheduling of development.

§ 82-1006 Preliminary Approval.

Approval of the preliminary plan by the City Council shall be effective for a period of 1 year. The preliminary plan approval may be extended by the Council for up to 1 year, upon the request of the applicant. In reviewing and approving the plan, the following conditions shall be set forth.

- (1) The preliminary plan shall be reviewed and recommendation shall be made by the Planning Commission relative to the plan's meeting the general intent and the requirements of the future land use plan and guidelines for planned developments.
- (2) Approval shall be given only after public hearing and shall be granted by rezoning the area to the PD District. Approval under this section is based on the plan submitted and the supporting documentation, and the plan, therefore, is basic to the rezoning.
- (3) Once an area has been included within the PD District by having been granted preliminary approval, no development shall take place therein nor use made of any part thereof, until a final plan has been approved by City Council.
- (4) Approval of the preliminary plan by the City Council shall not constitute approval of the final site plan; however, it shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
- (5) The proposed PD District shall be of such area as to represent a substantial carrying out of the land use plan, it not being the intention of this district that an unrelated parcel by parcel rezoning be effectuated.
- (6) Changes or amendments to the preliminary plan shall be reviewed and approved by the City Council. A public hearing may be required if the Council deems it necessary.

82-1007 Final Plan Submittal.

A presentation of the final site plan shall be made to the Planning Commission for review and recommendation.

- (1) A final site plan for the entire area being requested under this PD District shall be submitted. This plan shall be worked out in detail showing specific uses, building location, building elevations, off-street parking, street alignment changes, open spaces, drainage utilities, and other physical plan details being proposed. The plan may be phased; however, detail relative to streets, infrastructure, and other items deemed necessary shall be provided about future phases in order to insure consistency and continuity. Supporting documentation in the form of building plans and schedules of construction may also be required, at the discretion of the Planning Commission
- (2) The final plan shall be in substantial compliance with the Guidelines for Planned Developments of current adoption.
- (3) The final plan shall reflect the use patterns as approved in the preliminary plan.
- (4) A landscape plan shall be submitted with the final plan.
- (5) Plats, condominium documents, and similarly approved official documents may be used to satisfy final plan submittal requirements. Final plan, final plat, and condominium approval may be sought concurrently. Additional information may be required for final plan approval.

82-1008 Final Approval.

Approval of the final plan shall be effective for a period of 1 year. If development has not commenced in this period, the Planning Commission shall review progress to date and make a recommendation to the City Council as to action relative to permitting continuation under original approval. In reviewing and approving the final plan, the following conditions shall be set forth.

- (1) Approval shall be granted by the City Council after review and recommendation by the Planning Commission. Public hearings shall be required on the final plan.
- (2) All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- (3) In residential redevelopment areas, any prorated open space shall be irrevocably committed and retained as open space for park, recreation and related uses. All such lands dedicated in fee or easement shall meet the requirements of the City Council.
- (4) Upon approval by the City Council of this chapter amendment, the site, building elevations and other development proposals, including the proposed uses, shall become an integral part of the zoning amendment to the PD District and for purposes of recordation, shall be referred to as "Planned Development No." which number shall correspond to the number of the amending ordinance. All proposed plans shall be filed with the City Clerk.

82-1009 Required Conditions.

Before approving the plan in either the preliminary or final submittal, the Planning Commission and the City Council shall determine that:

- (1) Provisions, satisfactory to the City Council, have been made to provide for the financing of any improvements shown on the open spaces and common use areas which are to be provided by the applicant and that maintenance of such improvements is assured by a means satisfactory of the City Council;
- (2) The cost of installing all streets, necessary utilities, and other improvements has been assured by a means satisfactory to the City Council;
- (3) The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall suspend approval on the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal;
- (4) Proceeding with a Planned Development District shall only be permitted if it is mutually agreeable to the City Council and the developer.

82-1010 Minimum Development Standards.

- (1) The minimum setback between buildings and/or structures shall be 10 feet.
- (2) Parking shall be provided in accordance with 82-611 of the zoning ordinance.
- (3) Signs shall be in accordance with the City's Sign Code.

82-1011 SINGLE-FAMILY CLUSTERING OPTION.

The intent of this section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for the sound physical handling of site plans in situations where the normal subdivision approach would otherwise be unnecessarily restrictive. To accomplish this, the following modifications to the single-family residential standards shall be permitted subject to the conditions herein imposed.

- (1) Under this section, the attaching of single family homes will be permitted when the homes are attached through a common party wall which does not have over 60% of its area in common with an abutting dwelling wall; by means of an architectural wall detail which does not form interior room space; or through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit.
- (2) The number of units attached in the above manner shall not exceed 4.
- (3) Yard requirements may be modified as follows.
 - (a) Yards abutting a street may be reduced to not less than 25 feet.
 - (b) Spacing between groups of attached units or individual units shall conform to building and fire codes. That side of a cluster adjacent to a service drive or private land shall not be nearer to said drive or land than 10 feet.
- (4) In all single-family residential districts on parcels of land meeting certain criteria, densities in a cluster development may be increased by 20%, subject to approval of the Planning Commission.
 - (a)
- (5) The Planning Commission may approve the clustering or attaching of buildings on parcels of land, under single ownership and control, which, in the opinion of the Planning Commission, have characteristics which would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because of steep topography, soil problems or similar natural conditions. In approving an area for cluster development at the densities permitted in subsection (4) of this section, the Planning Commission shall find at least 1 of the following conditions to exist.
 - (a) The parcel to be developed is generally parallel to, and generally does not exceed 400 feet in depth, on those unsubdivided parcels of land abutting a major thoroughfare or freeway of at least 120 feet of right-of-way width so as to provide a transition between the major thoroughfare and adjacent single-family detached housing.
 - (b) The parcel contains major topographic problems which, in the opinion of the Planning Commission, would make sound physical development under the normal subdivision approach impractical. In approving these areas for single-family cluster development, the Planning Commission shall find that one or more of the following shall apply:

- 206 i. Slopes within the site in excess of 10% appear as a typical feature of the
207 site rather than an exceptional or infrequent feature of the site;
- 208 ii. The achieving of the road grades of less than 10% is impossible unless
209 the site was mass graded. The providing of one-family clusters will, in the
210 opinion of the Planning Commission, allow a greater preservation of the
211 natural setting.
- 212 (c) A small parcel which is shaped in such a way that it contains acute angles which
213 would make a normal subdivision difficult to achieve and has frontage on a major or
214 secondary thoroughfare.
- 215 (d) A substantial part of the parcel's perimeter is bordered by a major thoroughfare
216 which would result in a substantial proportion of the lots of the development abutting
217 the major thoroughfare.
- 218 (e) The parcel contains a floodplain or poor soil conditions which result in a substantial
219 portion of the total area of the parcel being unbuildable. Soil test borings, floodplain
220 maps or other documented evidence must be submitted to the Planning Commission
221 in order to substantiate the parcel's qualification for cluster development.
- 222 (f) The parcel contains natural assets which could be preserved through the use of
223 cluster development. Such assets may include natural stands of large trees, land
224 which serves as a natural habitat for wildlife, unusual topographic features, or other
225 natural assets which, in the opinion of the Planning Commission, should be
226 preserved. Requests for qualification under these conditions must be supported by
227 documented evidence which indicates that the natural assets would qualify the
228 parcel under this option.
- 229 (6) The area in open space accomplished through the use of one-family clusters shall
230 represent at least 15% of the horizontal development area of a one-family cluster
231 development.
- 232 (7) In order to provide an orderly transition where the project proposed for use as a cluster
233 development abuts a one-family residential district, the Planning Commission shall
234 determine that the abutting one family district is effectively buffered by means of 1 of the
235 following within the cluster development: single-family lots subject to the standards of
236 the schedule of regulations, open or recreation space, changes in topography which
237 provides an effective buffer, a major or secondary thoroughfare, some other similar
238 means of providing a transition.
- 239 (8) Any area to be dedicated for park, recreation or open space purposes as a result of the
240 application of this section shall be subject to review and approval of the Planning
241 Commission for minimum size, shape, location, access, the character of any
242 improvement and assurance of the permanence of the open space and its continued
243 maintenance.
- 244 (9) In submitting a proposed layout under this section, the sponsor of the development shall
245 include, along with the site plan, the proposed building elevations and typical floor plans,
246 an indication of existing and proposed public easements, soil information or data
247 sufficient to determine the buildability of the site, topography drawn at a 2 foot contour

- interval, all computation relative to acreage and density, and any other details which will assist in reviewing the proposed plan.
- (10) Approval of a site plan under this section shall be effective for a period of 1 year. Development not started in this period shall be considered as abandoned and authorization shall expire requiring that any proposed development thereafter shall be reviewed and approved by the Planning Commission. Any proposed change in site plan or building plans, after approval has been received, shall require review and approval by the Planning Commission prior to effecting the change.
- (11) Application of this option shall only be permitted when the site plan has been reviewed and approved by the Planning Commission.

82-1012 SUBDIVISION OPEN SPACE PLAN

- (1) The intent of the subdivision open space plan is to promote the following objectives:
- (a) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets;
 - (b) Encourage developers to use a more creative approach in the development of residential areas;
 - (c) Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to by-pass natural obstacles on the site;
 - (d) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.
- (2) Modifications to the standards as outlined in the schedule of regulations in this article may be made in the one-family residential districts when the following conditions are met.
- (a) The lot area in all one-family residential districts, which are served by a public sanitary sewer system, may be reduced up to 20%. In the RNDistrict, this reduction may be accomplished in part by reducing lot widths up to 5 feet. These lot area reductions shall be permitted provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each one-family district under the schedule of regulations in this article. All calculations for density shall be predicated upon the zoning districts in which the property is located.
 - (b) Rear yards may be reduced to 30 feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of the dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.
 - (c) Under the provisions of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in the schedule of regulations, at least equal amounts of

- 288 land shall be dedicated to the common use of the lot owners of the subdivision in a
289 manner approved by the municipality.
- 290 (d) The area to be dedicated for subdivision open space purposes shall in no instance be
291 less than 4 acres and shall be in a location and shape approved by the Planning
292 Commission.
- 293 (e) The land area necessary to meet the minimum requirements of this section shall not
294 include bodies of water, swamps or land with excessive grades making it unsuitable
295 for recreation. All land dedicated shall be so graded and developed as to have natural
296 drainage. The entire area may, however, be located in a floodplain.
- 297 (f) This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to
298 the City Council and the subdivider or developer.
- 299 (g) This plan, for reduced sizes, shall be started within 6 months after having received
300 approval of the final plat and must be completed in a reasonable time. Failure to start
301 within this period shall void all previous approval.
- 302 (h) Under this planned unit approach, the developer or subdivider shall dedicate the
303 total park area at the time of filing of the final plat or any portion of the plat.

ARTICLE XI: NONCONFORMING USES

82-1101 NONCONFORMING LOTS, USES OF LAND, STRUCTURES, AND USES OF STRUCTURES AND PREMISES.

(1) *Intent.*

(a) Within the districts established by this chapter or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment.

(b) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(c) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

(d) It is further recognized that certain nonconforming uses and structures do not significantly depress the value of nearby properties and are not contrary to the public health, safety and welfare and that such use or structure was lawful at the time of its inception and that no useful purpose would be served by the strict applications of requirements for nonconformities under this chapter and, therefore, 2 classes of nonconforming use and structure are designated, being class A and class B.

(e) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved and provided further that all work shall be done pursuant to a valid permit.

(2) *A nonconforming uses or structures.* Those nonconforming uses or structures which have been designated by the Planning Commission, after hearing, as class A, providing findings that the following conditions exist with respect to the use or structure.

(a) The use or structure was lawful at its inception.

- 41 (b) Continuance of the use or structure does not significantly depress property values of
42 nearby properties.
- 43 (c) Continuance of the use or structure would not be contrary to the public health, safety
44 or welfare or the spirit of this chapter.
- 45 (d) An improvement to an existing nonconforming condition will result.
- 46 (e) No useful purpose would be served by strict application of the provisions of this
47 chapter with which the use or structure does not conform.
- 48 (3) *Class A conditions.* The decision to grant a class A designation shall be made in writing,
49 setting forth the findings and reasons on which it is based. Conditions may be attached,
50 including time limits where deemed necessary to assure the use or structure does not
51 become contrary to the public health, safety or welfare or the spirit and purpose of this
52 chapter and further to assure that at least the following standards are met.
- 53 (a) Screening and landscaping should be provided in keeping with community standards
54 to provide compatibility with adjacent uses.
- 55 (b) Effects which may have a negative impact such as lighting, noise or visual impact
56 should be minimized.
- 57 (c) Where such use is in close proximity to homes, parking should not be permitted to
58 utilize curb side parking to an extent greater than the immediate property frontage of
59 the nonconforming use.
- 60 (d) New signage should meet zoning district requirements. Existing nonconforming signs
61 may be required to be eliminated or reduced in size and number as the Commission
62 may, in its judgment, determine.
- 63 (e) The exterior building materials utilized in any alteration to the building shall be
64 harmonious with materials on abutting properties whenever practical.
- 65 (f) Enlargement of a building may be allowed provided such enlargement does not
66 create a more nonconforming yard setback condition which would impact on
67 conforming properties in the immediate vicinity.
- 68 (g) The Commission may require such other safeguards and improvements as it may
69 deem necessary to protect conforming uses in the surrounding area.
- 70 (h) No class A nonconforming use or structure shall be resumed if it has been
71 discontinued for six (6) consecutive months or 18 months in any 3-year period. No
72 class A nonconforming use or structure shall be used, altered or enlarged in violation
73 of any condition imposed in its designation.
- 74 (4) *Revocation of class A designation.* Any class A designation shall be revoked, following
75 the same procedure required for designation, upon a finding that as a result of any
76 change of conditions or circumstances the use or structure no longer qualifies for class
77 A designation.

- (5) *Class B nonconforming uses or structures.* All nonconforming uses or structures, not designated class A, shall be class B nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this chapter relative to nonconforming uses and structures. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.
- (6) *Reactivation of discontinued nonconforming use or structure.* A nonconforming use of land or structure which is discontinued or ceases to exist as specified in subsections (3)(h) and (10)(e) of this section may be reinstated as a class A nonconforming use or structure by the Planning Commission after hearing and after finding that the following conditions exist or will be met with respect to the use or structure.
- (a) The proposed use will be the same type of use as the previous use, which occupied the property, or a new use that is no more intensive than the previous use.
 - (b) That conditions specified in subsections (3)(a) through (h) of this section will be complied with.
 - (c) A determination shall be made by the Planning Commission that the use or structure will be a blighting influence on the neighborhood if not allowed to be occupied.
- (7) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision 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 yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance to yard requirements may be obtained through the Board of Appeals.
- (8) *Non conforming uses of land.* Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions.
- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

- 118 (b) No such nonconforming use shall be moved in whole or in part to any other portion
119 of the lot or parcel occupied by such use at the effective date of adoption or
120 amendment of this chapter.
- 121 (c) If such nonconforming use of land ceases for any reason for a period of more than 30
122 days, any subsequent use of such land shall conform to the regulations specified by
123 this chapter for the district in which such land is located.
- 124 (9) *Nonconforming structures.* Where a lawful structure exists at the effective date of
125 adoption or amendment of this chapter that could not be built under the terms of this
126 chapter by reason of restrictions on area, lot coverage, height, yards or other
127 characteristics of the structure or its location on the lot, such structure may be continued
128 so long as it remains otherwise lawful, subject to the following provisions.
- 129 (a) No such structure may be enlarged or altered in a way that increases its
130 nonconformity. Such a structure may be enlarged or altered in a way that does not
131 increase its nonconformity.
- 132 (b) Should such structure be destroyed by any means to an extent of more than 50% of
133 its replacement cost at the time of destruction, it shall not be reconstructed except
134 in conformity with the provisions of this chapter.
- 135 (c) Should such structure be moved for any reason for any distance whatever, it shall
136 thereafter conform to the regulations for the district in which it is located after it is
137 moved.
- 138 (d) Should such a structure be a pre-existing porch or deck, and provided that the
139 structure's footprint remains the same or is made smaller, it may be replaced due to
140 age or structural issues.
- 141 (10) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure
142 and land in combination, exists at the effective date of adoption or amendment of this
143 chapter, that would not be allowed in the district under the terms of this chapter, the
144 lawful use may be continued as long as it remains otherwise lawful, subject to the
145 following provisions.
- 146 (a) No existing structure devoted to a use not permitted by this chapter in the district in
147 which it is located shall be enlarged, extended, constructed, reconstructed, moved
148 or structurally altered except in changing the use of the structure to a use permitted
149 in the district in which it is located.
- 150 (b) Any nonconforming use may be extended throughout any parts of a building which
151 were manifestly arranged or designed for such use, and which existed at the time of
152 adoption or amendment of this chapter, but no such use shall be extended to occupy
153 any land outside such building.
- 154 (c) If no structural alterations are made, any nonconforming use of a structure, or
155 structure and land in combination, may be changed to another nonconforming use
156 of the same or a more restricted classification, provided the use is equally
157 appropriate or more appropriate to the district than the existing nonconforming use.
158 Where a nonconforming use of a structure, land, or structure and land in

combination is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

(d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

(e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months or for 18 months during any 3-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.

(f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(11) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

(a) Uses under exception provisions are not nonconforming uses. Any use for which a general exception or conditional use approval is required, as provided in this chapter, shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

(12) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures, or structures and land in combination.

ARTICLE XII. ZONING BOARD OF APPEALS

82-1201 Authority

There is hereby established a Zoning Board of Appeals (referred to as the “ZBA”), which shall perform its duties and exercise its power as provided for in this Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, in such a way that the objectives of this Ordinance shall be served, public health, safety, and welfare protected, and substantial justice done.

82-1202 Membership

The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates confirmed by the City Council for three (3) year terms as follows:

- (1) One member of the Planning Commission shall be appointed to the ZBA.
- (2) Members shall be selected from individuals who reside within the City.
- (3) The members selected shall be representative of the population distribution and of the various interests present in the City.
- (4) Members of the ZBA may be removed from office for inefficiency, neglect of duty, or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the City Clerk and a public hearing has been held by the City Council.
- (5) Vacancies shall be filled for the remainder of the unexpired term by resolution of the City Council.
- (6) Members shall be appointed not more than one (1) month after the term of the preceding member has expired.

82-1203 Alternates

The legislative body may appoint to the zoning board of appeals not more than two alternate members for the same term as regular members. An alternate member may be called as specified in the zoning ordinance to serve as a member of the zoning board of appeals in the absence of a regular member if the regular member is unable to attend one or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the zoning board of appeals has the same voting rights as a regular member.

82-1204 Organization

The ZBA shall adopt rules of procedure as may be deemed necessary to properly conduct business and organize meetings, in addition to the following:

- (1) The ZBA shall elect a Chair and a Vice-Chair. The City Clerk, or their designated representative, shall act as the Secretary of the ZBA.

- (2) All meetings of the ZBA shall be held at the call of the Chair at such times as the ZBA may determine.
- (3) The ZBA shall render decisions upon all matters within a reasonable time.
- (4) The ZBA may distribute the application materials to the Zoning Administrator or other designated City consultants to review the application and provide a report to the ZBA that addresses applicable Ordinance issues, whether the issue in question can be resolved by other means defined in this Ordinance, and how the request may affect the Master Plan and any other City planning documents.
- (5) The ZBA may request that any or all the following information be provided to the ZBA by the Zoning Administrator where available and applicable to the issue in question:
- (a) The history of development on the site in question.
 - (b) A summary of past City approvals, orders, and decisions related to the site or issue in question.
 - (c) Whether all outstanding infractions related to this Ordinance or other City ordinances have been resolved, other than the issue to be addressed by the ZBA.
- (6) A concurring vote of a majority of the total ZBA membership shall be necessary to render a decision.
- (7) The ZBA shall not conduct business unless a quorum of its members are present.
- (8) The Secretary shall keep minutes of the proceedings, record the vote of each member upon each question, indicate absences and abstentions, and keep records of hearings and other official actions. Such minutes shall also be filed with the City Clerk.
- (9) The ZBA shall have the power to require the attendance of witnesses, compel testimony, and produce documents, files, and other information pertinent to the matters before it.

82-1205 Applications

Applications to the ZBA shall be filed with the City, and a fee established by the City Council shall be paid at the time the application is filed. Applications shall be accompanied by the following information, where applicable:

- (1) Applicant's name, postal address, telephone number, and email address.
- (2) The address, location, and tax identification number for each lot involved in the request.
- (3) Zoning classification of the subject lot(s) and all abutting lots.
- (4) A site plan conforming to the requirement outlined in Article 8: Site Plan Review, Section 8.4.
- (5) A letter from the applicant summarizing the request and stating the reasons for the request.

(6) Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

(7) Payment of a fee established periodically by resolution of the City Council.

82-1206 Appeals of Administrative Decisions

The ZBA shall hear and decide appeals where it is alleged there is an 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 ZBA 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 the City within a reasonable time of the order, requirement, decision, or determination, not to exceed thirty (30) days. An appeal shall stay all administrative or enforcement proceedings associated with the appeal unless the Zoning Administrator certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the Zoning Administrator would cause imminent peril to life or property.

The ZBA shall reverse an administrative decision only after finding 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.

82-1207 Interpretations 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 ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intents and purposes of the City of Charlotte Zoning Ordinance and Master Plan. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways, watercourses, or alleys shall be construed to follow such center lines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following municipal boundaries shall be construed as following such municipal boundaries.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Boundaries indicated as parallel to or extensions of features indicated in subsections "A" through "D" above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the ZBA shall interpret the district boundaries.

(7) Where a district boundary line divides a lot that was in single ownership at the time of passage of this Ordinance, the ZBA may permit, as a special exception, the extension of

the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

82-1208 Interpretation of Zoning Ordinance Provisions

- (1) *Interpretations.* The ZBA 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 intent and purpose of this Ordinance, the Master Plan, or any other planning documents. This shall not include use determinations as provided for in this Ordinance, except upon appeal of a determination that has been made.
- (2) *Determinations of Similar Uses.* The ZBA shall have the power to hear and decide appeals of the determination of similar use decisions rendered by the Planning Commission. The ZBA shall make its determination based on the standards in Article 3, Regulated Uses and Dimensions.

82-1209 Variances

The ZBA shall have authority in specific cases to authorize one or more variances, including dimensional or "non-use" variances and use variances, from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is authorized to grant use variances by this Ordinance. Such authority to make dimensional and use variances shall be exercised in accordance with the following standards:

- (1) *Dimensional Variances.* The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist. A finding of practical difficulties is when the applicant has demonstrated all the following:
 - (a) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render Ordinance conformity unnecessarily burdensome.
 - (b) The variance will do substantial justice to the applicant, as well as to other property owners.
 - (c) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - (d) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district and cannot be solely economic in nature.
 - (e) The problem and the resulting need for the variance have been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.

82-1210 Use Variances

The ZBA may grant a requested “use” variance only upon finding that an unnecessary hardship exists. An unnecessary hardship is when the restrictions of the Zoning Ordinance on the property, when its environment is considered, are so unreasonable as to constitute arbitrary and capricious interference with basic private property rights. A finding of unnecessary hardship shall require demonstration by the applicant of all the following:

- (1) The property cannot be reasonably used for any purpose permitted in the zoning district without a variance.
- (2) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
- (3) The variance will not alter the essential character of the area. In determining the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
- (4) The problem and the resulting need for the variance have not been self-created by the applicant.
- (5) A use variance requires a 2/3 vote of the ZBA pursuant to MCL 125.3604.

82-1211 Exceptions

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the ZBA to act. Any exception shall be subject to such conditions as the ZBA may require to reserve and promote the purpose of this Ordinance, as well as the character of the zoning district in question.

82-1212 Hearings and Decisions

The ZBA shall make no determination on a specific case until after a public hearing is conducted in accordance with the requirements in Article 12. Each decision of the ZBA shall include a written record of the ZBA’s findings and determinations in the case.

82-1213 Fees and Performance Guarantees

Fees and performance guarantees associated with the review and determination of a request before the ZBA shall be consistent with the requirements in Article 13.

82-1214 Limitations of Authority

- A. No order of the ZBA permitting the erection or alteration of a structure shall be valid for a period longer than one (1) year unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and completed in accordance with the terms of such permit.
- B. No order of the ZBA pertaining to the use of a structure or land shall be valid for a period longer than one (1) year unless such use is established within such period, except where

such use is dependent upon the erection or alteration of a structure, in which case the one (1) year period shall begin after the certificate of occupancy is issued for the structure.

- C. The ZBA shall not consider appeals of any decisions by the Planning Commission or City Council regarding requests for approval of amendments, special land uses, or planned unit developments, as defined in this Ordinance.
- D. ZBA jurisdiction to consider appeals of site plan determinations shall be limited to cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the ZBA. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials, and Planning Commission meeting minutes to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.
- E. The ZBA shall not have the authority to alter this Zoning Ordinance or Zoning Map.
- F. Sign Variances. The zoning board of appeals shall only have the authority to grant sign variances for sign dimensions, height, and the relocation of existing non-conforming signs. The zoning board of appeals shall consider the intent of the sign ordinance, the practical difficulty presented by the proposed sign and sign location, and public safety. Where the strict application of the regulations enacted would result in peculiar or practical difficulties to the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance.
- G. International Property Maintenance Code. The zoning board of appeals shall have the power to hear appeals under the International Property Maintenance Code.
- H. Fire Code. The zoning board of appeals shall have the power to hear appeals under the Fire Code adopted by the City of Charlotte.
- I. Commercial Cannabis Overlay District. The zoning board of appeals shall have the power to hear appeals under the Commercial Cannabis Overlay District (Section 82-420).

ARTICLE XIII. ADMINISTRATION & ENFORCEMENT

82-1301 Violations of Chapter.

(1) *Unlawful Acts.* It shall be unlawful for a person, firm, or corporation to erect, construct, alter, repair, remove, demolish, or utilize a building, occupancy, premises, or system regulated by this zoning ordinance, or cause the same to be done, in conflict with or in violation of any of the provisions of this zoning ordinance or Code.

(2) *Municipal civil infraction/District Court civil infraction.* Any person violating any of the provisions of this zoning ordinance or chapter shall be responsible for a municipal or District Court civil infraction.

(3) *Public nuisance per se.* Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions of this zoning ordinance or chapter, is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

The owner or occupant of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, who has assisted knowingly in the commission of such violation shall be guilty/responsible of a separate offense and upon conviction thereof shall be liable to the fines herein provided.

(4) *Abatement of Violation.* In addition to the imposition of the penalties herein described, the Code Official is authorized to institute appropriate legal action to enforce this zoning ordinance, prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(5) *Penalties; Civil Infraction.* Civil penalties may be imposed for violations designated as civil infractions by a fine not to exceed five hundred dollars (\$500.00) plus court costs, which may include all expenses, direct or indirect, which the City has incurred in connection with the infraction. Penalties may be subject to specific Code sections. The court or magistrate may also impose any and all other remedies applicable to municipal civil infractions provided for under state law. Each day of such violation shall constitute a separate offense.

(6) *Modification of Fines and Penalties.* All fines and changes levied hereunder, including charges levied in connection with the issuance of a permit, may be amended from time to time by Resolution of the City Council or by amendatory ordinance.

(7) *Each day a separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(8) *Other Civil Remedies; Abatement of Violation.* In the discretion of the City, appropriate legal action may be instituted to prevent further violation hereof and/or to abate existing violations by pursuit of equitable relief, such as issuance of mandatory injunctions and restraining orders.

40 **82-1302 Enforcement.**

41 The provisions of this chapter shall be administered and enforced by the Code Official or by such
42 deputies of his department as the Code Official may delegate to enforce the provisions of this
43 chapter exclusive of the provisions of the Mobile Home Commission Act, Public Act 96 of 1987, being
44 M.C.L.A. §§ 125.2301 et seq., as amended, which are under the jurisdiction of the state.

45 **82-1303 Duties Of Code Official.**

- 46 (1) The Code Official shall have the power to grant zoning compliance and occupancy
47 permits and to make inspections of buildings or premises necessary to carry out his
48 duties in the enforcement of this chapter. It shall be unlawful for the Code Official to
49 approve any plans or issue any permits or certificates of occupancy for any excavation or
50 construction until he has inspected such plans in detail and found them to conform with
51 this chapter.
- 52 (2) The Code Official, and/or such other officers or departments as shall be designated by
53 the City Manager, shall record in duplicate, 1 copy of which shall be filed with the City
54 Clerk, all nonconforming uses of structures and land existing at the effective date of this
55 chapter for the purpose of carrying out the provisions of 82-1101 of this chapter.
- 56 (3) The Code Official is under no circumstances permitted to make changes to this chapter
57 nor to vary the terms of this chapter in carrying out his duties as Code Official.
- 58 (4) The Code Official shall not refuse to issue a permit when conditions imposed by this
59 chapter are complied with by the applicant despite violations of contracts, such as
60 covenants or private agreements which may occur upon the granting of the permit.

61 **82-1304 Plot Plan.**

- 62 (1) The Code Official shall require that all applications for building permits for uses not
63 covered in Article 8 shall be accompanied by plans and specifications, including a plot
64 plan, in duplicate, drawn to scale, showing the following:
- 65 (a) The actual shape, location and dimensions of the lot;
- 66 (b) The shape, size and location of all buildings or other structures to be erected, altered
67 or moved, and of any building or other structures already on the lot;
- 68 (c) The existing and intended use of the lot and of all such structures upon it, including,
69 in residential areas, the number of dwelling units the building is intended to
70 accommodate;
- 71 (d) Such other information concerning the lot or adjoining lots as may be essential for
72 determining whether the provisions of this chapter are being observed.
- 73 (2) One copy of the plans shall be returned to the applicant by the Code Official, after he
74 shall have marked such copy either as approved or disapproved. The second copy shall
75 be retained in the office of the Code Official.

76 **82-1305 Permits.**

77 The following shall apply in the issuance of any permit.

- (1) *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.
- (2) *Permits for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (3) *Permits for new use of building.* No building, structure, or part thereof shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.
- (4) *Permits required.* No building, structure, or part thereof shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code, Housing Law of Michigan, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.
- (5) *Deposit of guarantee.* Any guarantee required by this chapter shall be deposited with the City Clerk prior to the issuance of permits.

82-1306 Certificate Of Occupancy.

- (1) No land, building, structure, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate.
- (a) *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
- (b) *Certificates required.* No building, structure, or part thereof, which is hereafter erected or altered shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building, structure, or part thereof.
- (c) *Certificates including zoning.* Certificates of occupancy as required by the building code for new buildings, structures, or part thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- (d) *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or part thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures, or part thereof, or such use of land, are in conformity with the provisions of this chapter. Certificates of occupancy may be issued for buildings in CN, CC, and CD zones existing at the effective date of this chapter which change occupancy and which do not provide sufficient parking as required under 82-611, provided there is no decrease in the number of spaces existing at the effective date of this chapter.

- (e) *Temporary certificates.* Nothing in this chapter 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 6 months, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this chapter.
- (f) *Records of certificates.* A record of all certificates issued shall be kept on file in the office of the Code Official 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.* Application for certificates of occupancy shall be made in writing to the Code Official on forms furnished by the Department, and such certificates shall be issued within 10 days after receipt of such application if it is found that the building, structure, or part thereof, or the use of land, is in accordance with the provisions of this chapter.
- (2) If such certificate is refused for cause, the applicant shall be notified in writing of such refusal and cause thereof, within the 10 day period.

82-1307 Final Inspection.

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

82-1308 Fees

- (1) Fees for rezoning application, site plan review inspection and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this chapter, may be collected by the Code Official in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.
- (2) Land areas of ten (10) acres or more in use districts RM, MH, CC, and IRO and Planned Developments:
- (a) *Escrow funds.* Where Planning Commission approval of a site plan or PDD plan is required, and where it is reviewed by an outside consultant, those charges shall be borne by the applicant, in addition to the basic application fee. Planning Commission may, after its formal review, determine that outside consultation is required regardless of size limitations.
- (b) Escrow funds shall be collected by the city and placed in escrow, to be administered by the City Treasurer. Escrow will be replenished if necessary and any excess funds remaining in the escrow account after the application has been processed and a final

159 decision rendered regarding the project, will be refunded to the applicant with no
160 interest on the funds. If the cost of the review exceeds the amount remaining in
161 escrow, a statement shall be sent to the applicant for the additional costs. No
162 permits shall be issued until the balance is paid. If unpaid for more than 14 days, the
163 City Code Official may take legal action to halt work on the project and take legal
164 action to collect the fees.

165 **82-1309 Performance Guarantees**

166 To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission
167 may require that a cash deposit, irrevocable letter of credit, certified check, or surety bond
168 acceptable to the City covering the estimated cost of improvements be deposited with the City Clerk
169 to ensure faithful completion of the improvements. The performance guarantee shall be deposited
170 at the time of the issuance of the building permit. The City shall not require the deposit of the
171 performance guarantee until it is prepared to issue the zoning permit. If requested by the applicant
172 of the site plan review, the City shall rebate any cash deposits in reasonable proportion to the ratio
173 of work completed on the required improvements as work progresses.

174 **82-1310 Notice**

- 175 (1) Except as otherwise provided under this chapter, if the city is required to provide notice
176 and hearing under this chapter, the city shall publish notice of the request in a newspaper
177 of general circulation in the city;
- 178 (2) Notice shall also be sent by mail or personal delivery to the owners of property for which
179 approval is being considered and the applicant if different than the owners. Notice shall
180 also be sent to all persons to whom real property is assessed within 300 feet of the
181 property and to the occupants of all structures within 300 feet of the property regardless
182 of whether the property or occupant is located in the city.
- 183 (3) The notice shall be given not less than 15 days before the date the application will be
184 considered for approval. If the name of the occupant is not known, the term "occupant"
185 may be used in making notification under this subsection. The notice shall do the
186 following.
- 187 (a) Describe the nature of the request.
- 188 (b) Indicate the property that is the subject of the request. The notice shall include a
189 listing of all existing street addressed within the property. Street addresses do not
190 need to be created and listed if no such addresses currently exist within the property.
191 If there are no street addresses, other means of identification may be used.
- 192 (c) State when and where the request will be considered.
- 193 (d) Indicate when and where written comments will be received concerning the request.

194 **82-1311 Planning Commission**

- 195 (1) Powers and duties. The Planning Commission is designated the Commission, as
196 specified in Public Act 110 of 2006, § 4, being M.C.L. § 125.3101, and shall perform the
197 duties of such Commission as provided in these acts, as amended, together with such
198 other powers and duties as are given to such Commission by the provisions of this

chapter, including authority to act on all matters requiring approval or recommendation of such Commission.

- (2) Authority to approve uses. Whenever in this chapter the lawful exercise or existence of a use requires the approval of the Planning Commission, such Commission is hereby authorized and directed to investigate the matter requiring such approval, to conduct a hearing thereon, to make a determination, to either grant or refuse the approval and to do all things reasonably necessary to the making of such investigation and determination. With respect to the authority granted to Planning Commission members in this chapter, a member of the Planning Commission may be removed for misfeasance, malfeasance, or nonfeasance in office by the City Council upon written charges after a public hearing.

- (3) Hearing; notice.

(a) The Planning Commission shall hold a minimum of 2 regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the city. Notice shall be given not less than 15 days before the meeting. The Planning Commission is subject to the Open Meetings Act, PA 267 of 1976, M.C.L. §15.261et seq.

(b) Upon receipt of an application for a special land use approval, a conditional use approval, a planned residential development approval, a site plan approval of a Class A nonconforming use approval or any other land use approval which requires a decision on discretionary grounds, 1 notice that a request has been received shall be given as provided in 82-1308. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, 1 occupant of each unit or spatial areas shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

- (4) *Surveys and plans.* Where the Planning Commission is empowered to approve certain uses of premises under the provisions of this chapter or in cases where the Commission is required to make an investigation, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the Commission for the proper evaluation and consideration of the matter.

- (5) *Hearings; matters to be considered.* In making any recommendations or approvals on special land uses, conditional uses, planned residential districts, site plans or other matters authorized by law, the Planning Commission and the City Council, where its approval is also required, shall consider and apply the following standards.

(a) Whether or not the use involved is consistent with and promotes the intent and purpose of this chapter.

(b) Whether or not the use involved is compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

(c) Whether or not the use involved is consistent with the public health, safety and welfare of the city.

(6) Conditions for approval.

(a) Reasonable conditions may be required in conjunction with the approval of a special land use, conditional use, planned residential district or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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 do all of the following:

- i. Be designed to protect natural resources, and the health, safety and welfare, as well as the 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;
- ii. Be related to the valid exercise of the policy, power and purposes which are affected by the proposed use or activity;
- iii. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this chapter for the land use or activity under consideration; and be necessary to insure compliance with those standards.

(b) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

82-1312 Changes And Amendments.

(a) The City Council may, from time to time, on its own motion, on recommendation of the Planning Commission or on petition, after public notice, hearing and report by the Planning Commission as provided by law, amend, supplement or change the boundaries or regulations in this chapter or subsequently established pursuant to the authority and procedure established in Public Act 110 of 2006, § 4.202, being M.C.L. § 125.3306, as amended. At least 1 public hearing shall be held by the Planning Commission, and a report made thereon, before the City Council shall adopt any amendment to this chapter or the maps adopted under this chapter. A zoning ordinance shall take effect upon the expiration of 7 days after publication as required by this section or at such later date after publication as may be specified by the legislative body.

(b) Following adoption of a zoning ordinance and any subsequent amendments by the legislative body, the zoning ordinance or subsequent amendments shall be filed with the City Clerk and a notice of ordinance adoption shall be published in a newspaper of general circulation in the local unit of government within 15 days after adoption.

(c) The notice required under this section shall include all of the following information:

- i. In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the City of Charlotte."
- ii. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- iii. The effective date of the ordinance or amendment.
- iv. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

(d) The filing and publication requirements under this section supersede any other statutory requirements relating to the filing and publication of city ordinances.

82-1313 Protest Petition

- (1) An amendment to a zoning ordinance by the City is subject to a protest petition per the requirements of MCL 125.3403.

82-1314 Vested Rights.

Nothing in this chapter 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.

ARTICLE XIV AMENDMENTS & SEVERABILITY

82-1400 Amendments

The City Council may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the following:

82-1401 Initiation of Amendment

Amendments to the provisions of this Ordinance may be initiated by the City Council, Planning Commission, City Planner, Zoning Administrator, or by petition from one (1) or more residents or property owners of the City. An amendment to the Official Zoning Map (rezoning) may be initiated by the City Council, Planning Commission, Zoning Administrator, or the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the City Council, Planning Commission, City Planner, or Zoning Administrator.

82-1402 Application

An amendment to this Ordinance (except those initiated by the City Council, Planning Commission, City Planner, or Zoning Administrator shall be initiated by submission of a complete and accurate application to the City, along with the required fee established by the City Council. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

- (1) A legal description and street address of the subject property with a location map identifying the subject property in relation to surrounding properties.
- (2) The name and address of the owner of the subject property and a statement of the applicant's interest in the subject property, if not the owner of the fee simple title.
- (3) The existing and proposed zoning district designation of the subject property and surrounding properties.
- (4) A written description of how the requested amendment meets the criteria stated in this Section.

82-1403 Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

- (1) *Completeness Review:* Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.
- (2) *Technical Review:* Prior to the Planning Commission's consideration, the proposed amendment and application materials shall be distributed to appropriate city officials for review and comment. The Zoning Administrator may also submit the application materials to designated City consultants for review.

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- (3) *Public Hearing:* The Planning Commission shall hold a public hearing for all proposed amendments in accordance with the procedures in Article 12.

- (4) *Planning Commission Consideration and Recommendation:* 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 relevant factors and shall report its findings and recommendations to the City Council. In considering an amendment to the Official Zoning Map (rezoning) or Ordinance text, the Planning Commission shall consider the following factors in making its findings and recommendations, although not all standards must be met in order to recommend approval of an amendment:
 - (a) Consistency with the Master Plan’s goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 - (b) Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site’s physical, geological, topographical, hydrological, and other environmental features.
 - (c) Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
 - (d) Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of City residents or burdening the City or Eaton County with unplanned capital improvement costs or other unplanned public expenses.
 - (e) The road system must be able to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
 - (f) The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the City and surrounding communities to accommodate the demand.
 - (g) The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
 - (h) The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
 - (i) Other factors deemed appropriate by the Planning Commission and City Council.

(5) *City Council Action:* The City Clerk shall forward a copy of the proposed amendment, findings, and recommendation from the Planning Commission to the City Council for consideration and final action.

(a) The City Council may adopt or reject the proposed amendment or may refer the amendment back to the Planning Commission for revision or further consideration. The City Council may modify the proposed amendment if the modifications are de minimis. If the City Council requests any substantial revisions to the proposed amendment, the amendment and requested revisions shall be referred to the Planning Commission for further consideration.

(b) The City Council may, at its discretion, hold additional public hearings on the proposed amendment. Furthermore, the City Council shall hold a public hearing if requested by an interested property owner. Any public hearing held by the City Council shall follow the procedures in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

82-1404 Effective Date

A notice of adoption of an approved amendment shall be published in a newspaper of general circulation in the City within fifteen (15) days of adoption. The amendment shall take effect twenty (20) days after its adoption by the Council.

82-1405 Re-Application

Whenever the City Council has rejected an application for an amendment to this Ordinance, a new application for the same amendment shall not be accepted by the City for a period of one (1) year unless the Zoning Administrator determines that one (1) or more of the following conditions has been met:

- (1) There is a substantial change in circumstances relevant to the issues or facts considered during the review of the application.
- (2) New or additional information that was not available at the time of the review is available.
- (3) The new application is materially different from the prior application.

82-1406 Conditional Rezoning

An applicant for a rezoning may voluntarily offer a Conditional Rezoning along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit a Conditional Rezoning shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) and this section.

82-1407 General

- (1) A Conditional Rezoning shall be a written agreement executed by the applicant and the City, shall be in recordable form, and shall be recorded with the Eaton County Register of Deeds after execution.

- (2) A Conditional Rezoning may include limitations on the uses permitted on the property in question, specify lower or varying density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features that would otherwise be provided in this Ordinance.
- (3) A Conditional Rezoning may not authorize uses or developments of greater intensity or density or which are not permitted in a proposed zoning district, nor may a Conditional Rezoning permit variations from height, area, setback, or similar dimensional requirements that are less restrictive than a proposed zoning district.
- (4) A Conditional Rezoning shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. A Conditional Rezoning may include conditions related to the use and development of the property that are necessary to:
- (a) Serve the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, or other infrastructure serving the site.
 - (b) Minimize the impact of the development on surrounding properties and the City overall.
 - (c) Preserve natural features and open space beyond what is normally required.

82-1408 Content of Agreement

In addition to any limitations or use or development of the property features or preservation of property features or improvements as described above, a Conditional Rezoning shall also include the following:

- (1) An acknowledgment that the applicant proposed conditional zoning voluntarily.
- (2) An agreement and understanding that the property shall not be developed or used in any manner that is not consistent with a Conditional Rezoning.
- (3) An agreement and understanding that the approval of a rezoning and a Conditional Rezoning shall be binding upon and ensure to the benefit of the property owner and the City and their respective heirs, successors, assigns, receivers, or transferees.
- (4) An agreement and understanding that if a rezoning with a Conditional Rezoning becomes void for any reason including, but not limited to, reasons identified in this section, then no further development shall take place, and no permits shall be issued unless and until a new zoning district classification for the property has been established.
- (5) An agreement and understanding that no part of a Conditional Rezoning shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
- (6) A legal description of the land to which the agreement pertains.
- (7) Any other provisions as are agreed upon by the parties.

82-1409 Process

A Conditional Rezoning shall be reviewed concurrently with a petition for rezoning following the process in this Article and the following:

- (1) A Conditional Rezoning may be submitted prior to or following the Planning Commission public hearing. If the agreement is submitted following the Planning Commission public hearing, it must be reviewed by the Planning Commission, and a second public hearing shall be held prior to the Planning Commission's recommendation on the rezoning and conditional rezoning to the City Council. A Conditional Rezoning shall be reviewed by the City Attorney to determine that it conforms with the requirements of this Section, this Ordinance, and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and that the Conditional Rezoning is in a form acceptable for recording with the Eaton County Register of Deeds.
- (2) Following a public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the City Council based upon the criteria listed in this Article. In addition, following a public hearing to consider a Conditional Rezoning, the Planning Commission shall consider and address in writing findings whether a proposed Conditional Rezoning:
 - (a) Is consistent with the intent of this Article.
 - (b) Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
 - (c) It is necessary to ensure that the property develops in such a way that it protects the surrounding neighborhood.
 - (d) This leads to better development than would have been likely if the property had been rezoned without conditional Zoning or if the property had been left to develop under the existing zoning classification.
 - (e) Is clearly in the public interest.
- (3) If a Conditional Rezoning has been offered by the applicant and recommended for approval by the Planning Commission, the City Council may approve a Conditional Rezoning as a condition to the rezoning if it meets all requirements of this Section. The Conditional Rezoning shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.
- (4) If a rezoning and Conditional Rezoning are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned plus a reference to the Conditional Rezoning. The City Clerk shall maintain a listing of all properties subject to the Zoning Agreement and shall provide copies of the Agreements upon request.
- (5) All other requirements of this Ordinance or any other City ordinances shall apply to the property to which a Conditional Rezoning applies.

190 **82-1410 Expiration.**

- 191 (1) Unless extended by the City Council for good cause, a rezoning and Conditional Rezoning
192 shall expire two (2) years after adoption of the rezoning and Conditional Rezoning, unless
193 substantial construction on the approved development of the property pursuant to
194 building and other required permits issued by the City commences within the two-year
195 period and proceeds diligently to completion.
- 196 (2) In the event that substantial construction on the approved development has not
197 commenced within the aforementioned two years, or if construction and development
198 do not proceed diligently to completion thereafter, a Conditional Rezoning and rezoning
199 shall be void and of no effect.
- 200 (3) Should a Conditional Rezoning become void, all development on the subject property
201 shall cease, and no further development shall be permitted. Until action satisfactory to
202 the City is taken to bring the property into compliance with this Ordinance, the City may
203 withhold or, following notice to the applicant and being given an opportunity to be heard,
204 revoke permits and certificates, in addition to or in lieu of any other lawful action to
205 achieve compliance.
- 206 (4) Notwithstanding the above, if the property owner applies in writing for an extension of a
207 rezoning and a Conditional Rezoning at least 30 days prior to the expiration date, the City
208 Council may, in its sole discretion, grant an extension of up to one year. Future
209 extensions may be granted, although the number of previous extensions granted to a
210 particular rezoning and Conditional Rezoning shall be considered by the City Council.

211 **82-1411 Reversion of Zoning**

212 If a rezoning and conditional rezoning becomes void as outlined above, then the property's zoning
213 classification shall be reverted back to its previous zoning classification. The reversion process shall
214 be initiated by the City Council by requesting that the Planning Commission proceed with
215 consideration of rezoning of the land to its former zoning classification. The procedure for
216 considering and making this reversionary rezoning shall be the same as applies to all other rezoning
217 requests, including the notice and hearing as required by the Michigan Zoning Enabling Act (Public
218 Act 110 of 2006), as amended. No building or other permit shall be issued or valid during the process
219 described in this subsection.

220 **82-1412 Continuation**

221 Provided that all development and/or use of the property in question is in compliance with a
222 Conditional Rezoning, use, or development authorized there may be continued indefinitely, provided
223 that all terms of a Conditional Rezoning continue to be adhered to.

224 **82-1413 Amendment**

- 225 (1) During an initial two-year period, or during any extension granted by the City as permitted
226 in this Article, the City shall not add to or alter a Conditional Rezoning, even with the
227 landowner's consent.

229 (2) A Conditional Rezoning may be amended after the expiration of an initial two-year period
230 and any extensions, in the same manner as was prescribed for the original rezoning and
231 Conditional Rezoning.

232 **82-1414 Violation of Agreement**

233 Failure to comply with a Conditional Rezoning at any time after approval will constitute a breach of
234 the agreement and also a violation of this Ordinance. Further use of the property may be subject to
235 legal remedies available to the City. Any violation of a Conditional Rezoning that is not cured within
236 30 days after written notice of the violation is given shall permit the City Council, in its sole discretion,
237 to declare a Conditional Rezoning void ab initio and of no effect.

238 **82-1415 Subsequent Rezoning of Land**

239 Nothing in a Conditional Rezoning, nor any statement or other provision, shall prohibit the City from
240 later rezoning all or any portion of the property that is the subject of a Conditional Rezoning to
241 another zoning classification. Any rezoning shall be conducted in compliance with the Michigan
242 Zoning Enabling Act (Public Act 110 of 2006), as amended.

243 **82-1416 Failure to Offer Conditions**

244 The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an
245 offer of conditions shall not affect the owner's rights under this Ordinance.

246 **82-1417 Severability**

247 If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to
248 be invalid or unconstitutional by any court of competent jurisdiction, the City intends said portion to
249 be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law.
250 The City further states that it would have passed and adopted what remains of this Ordinance
251 following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

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ARTICLE XV DEFINITIONS.

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

“A” WORDS

ACCESSORY USE or ACCESSORY. A use which is clearly incidental to, customarily found in connection with, and located on the same zoning lot, unless otherwise specified, as the principal use to which it is related. When ACCESSORY is used in this text, it shall have the same meaning as ACCESSORY USE. An ACCESSORY USE includes, but is not limited to, the following:

- (1) Residential accommodations for servants and/or caretakers;
- (2) Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence or their guests;
- (3) Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure;
- (4) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays;
- (5) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations;
- (6) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations;
- (7) Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located;
- (8) Uses clearly incidental to a main use, such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex;
- (9) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;
- (10) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located;
- (11) Common household gardening in a residential district when located only in the rear yard and/or nonrequired side yard areas;
- (12) Solar panels, wind generators, television reception antennas, satellite dish antennas and air conditioning units.

ADULT ENTERTAINMENT BUSINESS. One or a combination of more than one of the following types of businesses: adult bookstore, adult cabaret, or adult motion picture theater.

- (1) **ADULT BOOKSTORE.** An establishment as defined in § 15-26 of City Code.
- (2) **ADULT CABARET.** An establishment as defined in § 15-26 of City Code.

(3) **ADULT MOTION PICTURE THEATER.** An establishment as defined in § 15-26 of the City Code.

(4) **SUBSTANTIAL PORTION.** A use or activity accounts for more than 20% of any one or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

(5) **SPECIFIED ANATOMICAL AREAS.** Any one or more of the following:

(a) Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(6) **SPECIFIED SEXUAL ACTIVITIES.** Any one or more of the following:

(a) The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) Human sex acts, normal or perverted, actual or simulated, including but not limited to, intercourse, oral copulation, and sodomy;

(c) Human masturbation, actual or simulated;

(d) Human excretory functions, as part of or as related to, any of the activities described above; and

(e) Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or as related to, any of the activities described above.

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

ALTERATIONS. Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as **ALTERED** or **RECONSTRUCTED**.

APARTMENT, EFFICIENCY. A dwelling unit consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.

APARTMENTS. A suite of rooms in a multiple-family building, arranged and intended for use as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

ARCADE. A building or structure, or any part thereof, which is devoted to the commercial use of amusement devices, pinball machines, electronic tables featuring pool, billiards, bowling, basketball, football, or the like, or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations, and the like, automatic sport devices or tables or similar activities for hire, or for amusement.

ARCHITECTURAL FEATURES. Steps, window sills, belt courses, brick and/or wrought iron wing walls, chimneys, architraves or pediments.

AUTOMOBILE REPAIR, MAJOR. The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and painting of automobiles.

AUTOMOBILE REPAIR, MINOR. Repairs other than major repair, including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.

“B” WORDS

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

BED AND BREAKFAST OPERATIONS. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, and a use in which transient guests are provided a sleeping room and board in return for payment.

BERM, OBSCURING. An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this chapter.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARD. The Zoning Board of Appeals as established under this chapter.

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

BUILDING HEIGHT. The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, and the mean height between the eaves and the ridge for gable, hip and gambrel roofs. Penthouses, towers, cupolas, steeples, antennas and other roof structures used only for mechanical operation of the building shall not be included as the height of the building. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE. A line formed by the face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line.

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

“C” WORDS

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

CONDOMINIUM DEFINITIONS. The following definitions are related to condominiums.

(1) **CONDOMINIUM ACT.** Public Act 59 of 1978, being M.C.L.A. §§ 559.101 et seq., as amended.

- (2) CONDOMINIUM DOCUMENTS. The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- (3) CONDOMINIUM SUBDIVISION PLAN. The drawings and information prepared in accordance with § 66 of the Condominium Act.
- (4) CONDOMINIUM UNIT. The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- (5) CONSOLIDATING MASTER DEED. The final amended master deed for a contractible or 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.
- (6) CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this chapter and the Condominium Act.
- (7) CONVERSION CONDOMINIUM. A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under § 7 of the Condominium Act.
- (8) EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added in accordance with this chapter and the Condominium Act.
- (9) MASTER DEED. The condominium document recording the condominium project, to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project, and all other information required by § 8 of the Condominium Act.
- (10) NOTICE OF PROPOSED ACTION. The notice required by § 71 of the Condominium Act, to be filed with the city and other agencies.
- (11) SITE CONDOMINIUM. A development concept for a condominium development containing residential, commercial, office, industrial or other structures for uses permitted in the zoning district in which it is located, in which each co-owner owns exclusive rights in a condominium unit, as described in the master deed.
- (12) YARDS, CONDOMINIUM SUBDIVISIONS.
- (a) FRONT YARD SETBACK. Equal to the distance between the front yard area line and the condominium dwelling.
- (b) REAR YARD SETBACK. Equal to the distance between the rear yard area line and the condominium dwelling.
- (c) SIDE YARD SETBACK. Equal to the distance between the side yard area line and the condominium dwelling.

CONDOMINIUM SUBDIVISION. A method of subdivision where land ownership of sites is regulated by the Condominium Act, as opposed to Public Act 288 of 1967 (M.C.L. §§ 560.101 et seq.).

CONDOMINIUM SUBDIVISION shall be equivalent to the term SUBDIVISION as used in this zoning chapter and the city subdivision regulations.

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.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

“D” WORDS

DATA CENTER. A facility primarily used to house computer systems and associated components, such as telecommunications and storage systems, including backup power supplies, redundant data communications connections, environmental controls, and security devices. Data center use may also include an electrical generation facility.

DAY CARE CENTER. A group facility for more than six children which gives care to children away from their homes.

DAY CARE HOME (FAMILY). A one-family dwelling which receives not more than six children for care during the day.

DAY CARE HOME FOR ELDERLY ADULTS. A one-family dwelling which receives not more than six elderly or infirmed adults, for care during the day.

DAY CARE HOME (GROUP). A one-family dwelling which receives not more than 12 children for care during the day.

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.

DISTRICT. A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this chapter.

DRIVE-IN. An establishment where food, frozen desserts or beverages are sold to the customers in a ready-to-consume state and where the customer consumes food, frozen desserts or beverages in an automobile parked upon the premises or at other facilities provided for customers which are located outside the building.

DRIVE-THROUGH. An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carrying out and consumption or use after the vehicle is removed from the premises.

DWELLING, MULTIPLE-FAMILY. A building, or a portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, ONE-FAMILY. A building designed exclusively for and occupied exclusively by one family.

DWELLING, TWO-FAMILY. A building designed exclusively for occupancy by two families living independently of each other.

DWELLING UNIT. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

“E” WORDS

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

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 systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

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

“F” WORDS

FAMILY. Either of the following:

- (1) A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling;
- (2) The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building Official in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by application to the Planning Commission for a special land use based upon the applicable standards in this chapter.

FARM. The carrying on of any agricultural activity and the raising of livestock or small animals as a source of income.

FENCE. A manmade structure constructed for the purpose of or to have the effect of enclosing the area it is constructed upon.

FENCE, ORNAMENTAL. A manmade structure, the surface area of which is more than 50% open. Ornamental fences do not include chainlink fences or fences of wire construction. (See Appendix A).

FLOOR AREA, USABLE. For the purposes of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

“G” WORDS

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles and such other lawn and home care equipment owned and used by the occupant of the building to which it is accessory.

GARAGE SALE. Any sale of personal effects, jewelry or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

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

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT. A planting of trees and shrubs to serve as a screening device between abutting land uses.

GUARANTEE. A cash deposit, certified check, irrevocable bank letter of credit or such other instrument acceptable to the city.

“H” WORDS

HARDSHIP. Situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question and which circumstances make the use of such property infeasible under conditions imposed by this chapter. HARDSHIP shall not include personal or financial hardship or economic disadvantage nor shall it constitute circumstances that are self-created.

HOME OCCUPATION. An occupation carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

HOSPICE. A lodging place for the ill where persons are housed and furnished meals and attendant care.

HOTEL. A building or part of a building, with a common entrance, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A HOTEL may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

263

“I” WORDS

264 **IMPROVEMENTS.** Those features and actions associated with a project which are considered
265 necessary by the municipality to protect natural resources or the health, safety and welfare of the
266 residents of the city, and future users or inhabitants of the proposed project or project area, including
267 parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening and drainage.
268 Improvements do not include the entire project which is subject to zoning approval.

269

“J” WORDS

270 **JUNKYARD.** An area where waste, used or secondhand materials are bought and sold, exchanged,
271 stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other
272 metals, paper, rags, rubber tires and bottles. JUNKYARD includes automobile wrecking yards and
273 includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

274

“K” WORDS

275 **KENNEL, COMMERCIAL.** Any lot or premises on which three or more dogs, cats or other household
276 pets are either permanently or temporarily boarded or bred and raised for remuneration.

277

“L” WORDS

278 **LOADING SPACE.** An off-street space on the same lot with a building, or group of buildings, for the
279 temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

280 **LOT.** A parcel of land occupied, or intended to be occupied, by a main building or a group of such
281 buildings and accessory buildings, or utilized for the principal use and uses accessory thereto,
282 together with such yards and open spaces as are required under the provisions of this chapter. A LOT
283 may or may not be specifically designated as such on public records. LOT shall mean the same as
284 homesite and condominium unit in site condominium developments.

285 **LOT AREA.** The total horizontal area within the lot lines of the lot.

286 **LOT, CORNER.** A lot where the interior angle of two adjacent sides at the intersection of two streets
287 is less than 135 degrees. A lot abutting upon a curved street shall be considered a CORNER LOT for
288 the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve,
289 at the two points where the lot lines meet the curve or the straight street line extended, form an
290 interior angle of less than 135 degrees. (See Appendix A .)

291 **LOT COVERAGE.** The part or percent of the lot occupied by buildings, including accessory buildings
292 and pools, but excluding porches, patios and decks.

293 **LOT DEPTH.** The horizontal distance between the front and rear lot lines, measured along the
294 median between the side lot lines.

295 **LOT, INTERIOR.** Any lot other than a corner lot.

296 **LOT LINES.** The lines bounding a lot as defined in divisions (1) through (3) following.

297 (1) **FRONT LOT LINE.** In the case of an interior lot, means that line separating the lot from the
298 street. In the case of a through lot, FRONT LOT LINE means that line separating the lot from
299 either street.

(2) **REAR LOT LINE.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the REAR LOT LINE shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A SIDE LOT LINE separating a lot from a street is a side street lot line. A SIDE LOT LINE separating a lot from another lot is an interior side lot line. A SIDE LOT LINE separating a lot from a street is an exterior lot line.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by city 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, THROUGH. Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a double frontage lot, all yards of such lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the 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. A ZONING LOT shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A ZONING LOT, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

"M" WORDS

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE. The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAJOR THOROUGHFARE. An arterial street which is intended to serve as a large volume traffic- way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

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

MECHANICAL AMUSEMENT DEVICE. Any machine or device which, upon the insertion of a coin, currency, slug, token, plate or disc, operates or may be operated as a game of contest of skill or amusement when the element of skill in such operation predominates over chance or luck. It shall include mechanical, electrical or electronic video games, mechanical grabbing devices, pinball games, mechanical, electrical or electronic baseball, football, basketball, hockey and similar

sports-type games, mechanical, electrical or electronic card games, shooting games, target games, or any other machine, device or apparatus which may be used as a game of skill and wherein the player initiates, employs or directs any force generated by such machine.

MEZZANINE. An intermediate floor in any story occupying not less than one third of the floor area of such story.

MINI STORAGE UNITS. Storage buildings for lease to the general public for storage of personal and household effects and for dry storage of office or business effects, not including the warehousing of products or supplies.

MOBILE HOME. Any building or structure, transportable in one or more sections, which is built on a chassis and designed to be sold as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Mobile home does not include recreational equipment.

MOBILE HOME PARK. A parcel or tract 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 of 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.

MOTEL. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. This definition does not include apartments.

MUNICIPALITY. The City of Charlotte, Michigan.

“N” WORDS

NONCONFORMING LOT. A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

NONCONFORMING STRUCTURE. A structure or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

NONCONFORMING USE OR STRUCTURE - CLASS A. A nonconforming use or structure which has been designated to be allowed to be perpetuated and improved under the provisions of this chapter.

NONCONFORMING USE OR STRUCTURE - CLASS B. A nonconforming use or structure which has been designated to be allowed to be continued within the restricted provisions of this chapter.

NUISANCE FACTORS. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics

379 of activity or use across a property line which can be perceived by or affects a human being, or the
380 generation of an excessive or concentrated movement of people or things, such as, but not limited
381 to:

- 382 (1) Noise;
- 383 (2) Dust;
- 384 (3) Smoke;
- 385 (4) Odor;
- 386 (5) Glare;
- 387 (6) Fumes;
- 388 (7) Flashes;
- 389 (8) Vibration;
- 390 (9) Shock waves;
- 391 (10) Heat;
- 392 (11) Electronic or atomic radiation;
- 393 (12) Objectionable effluent;
- 394 (13) Noise of congregation of people, particularly at night;
- 395 (14) Passenger traffic;
- 396 (15) Invasion of nonabutting street frontage by traffic;
- 397 (16) A burned structure;
- 398 (17) A condemned structure.

399 **NURSERY, PLANT MATERIALS.** A space, building or structure, or combination thereof, for the
400 storage of live trees, shrubs or plants offered for retail sale on the premises, including products used
401 for gardening or landscaping. The definition of NURSERY within the meaning of this chapter does not
402 include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

403 **NURSERY SCHOOL.** A daytime facility which has as its main objective a development program for
404 preschool children and whose staff meets the educational requirements established by the state.

405 **NURSING HOME.** A structure with sleeping rooms where persons are housed or lodged and are
406 furnished with meals, nursing and medical care.

407 “O” WORDS

408 **OFF-STREET PARKING LOT.** A facility providing off-street vehicular parking spaces and drives or
409 aisles for the parking of more than three vehicles.

410 **OPEN STORAGE.** The storage of any materials or objects outside the confines of a building.

411

“P” WORDS

412 **PARKING SPACE.** An area of definite length and width; such area shall be exclusive of drives, aisles
413 or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

414 **PERFORMANCE STANDARDS.** Criteria developed to control nuisance factors.

415 **POOL OR BILLIARD HALL.** A commercial establishment which provides two or more pool and/or
416 billiard tables for use by patrons.

417 **PRINCIPAL USE.** The main use to which the premises are devoted and the principal purpose for
418 which the premises exist.

419 **PUBLIC UTILITY.** A person, firm or corporation, municipal department, board or commission duly
420 authorized to furnish and furnishing under federal, state or municipal regulations to the public gas,
421 steam, electricity, sewage disposal, communications, telegraph, transportation or water.

422

“R” WORDS

423 **RECREATIONAL EQUIPMENT.** Trailer coaches, travel trailers, utility trailers, pick-up campers or
424 coaches, motorized dwellings, tent trailers, boats, and boat trailers, snowmobiles, horse trailers,
425 dune buggies, race cars, demolition derby cars and other similar equipment and conveyances.

426 **ROOM.** For the purpose of determining lot area requirements and density in a Multiple-Family
427 District, means a living room, dining room or bedroom, equal to at least 80 square feet in area. A
428 room shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways
429 and storage areas. Plans presented showing one, two or three bedroom units and including a den,
430 library or other extra room shall count such extra room as a bedroom for the purpose of computing
431 density.

432

“S” WORDS

433 **SATELLITE DISH ANTENNA.** A structure designed, intended or used to receive communications or
434 other signals from geostationary, communications satellites or other extraterrestrial sources.

435 **SEX ORIENTED BUSINESS.** See “Adult Entertainment Business.”

436 **SETBACK.** The distance required to obtain minimum front, side or rear yard open space provisions
437 of this chapter. Setbacks for buildings shall be measured from the foundation wall.

438 **SHOPPING CENTER/SHOPPING PLAZA.** A privately owned commercial area having four or more
439 stores that share a common parking lot or common driveways.

440 **SPOT ZONING.** Rezoning a lot or parcel of land for a use incompatible with surrounding uses.

441 **STORY.** That part of a building, except a mezzanine, as defined in this section, included between the
442 surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling
443 next above. A basement shall not be counted as a story. (See Appendix A.)

444 **STORY, HALF.** An uppermost story lying under a sloping roof, at least 200 square feet in area, with a
445 clear ceiling height of seven feet, six inches. For the purposes of this chapter, the usable floor area
446 is only that area having at least five feet clear height between floor and ceiling.

STREET. A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

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

SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of the sale or lease for more than one year, or of building development, where the act of division creates five or more parcels of land, each of which is ten acres or less in area; or where five or more parcels of land, each of which is ten acres or less in area, are created by successive divisions within a period of ten years.

“T” WORDS

TEMPORARY USE OR BUILDING. A use or building permitted to exist during a specified period of time.

TOWNHOUSE. (Also known as a “Townhome.”) Refers to a multi-floor home that shares one or more walls with neighboring units but has its own private entrance.

TRANSITION or TRANSITIONAL. A zoning district that may serve as a district of transition, i.e., a buffer zone between various land use districts or land use types.

“U” WORDS

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

“V” WORDS

“W” WORDS

WALL, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this chapter.

“X” WORDS

“Y” WORDS

YARDS. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter and as defined below.

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be the yard opposite the street address.

483 (3) SIDE YARD. An open space between a main building and the side lot line, extending from the
484 front yard to the rear yard, the width of which is the horizontal distance from the nearest point
485 on the side lot line to the nearest point of the main building.

486 (4) SIDE YARD, EXTERIOR. A side yard abutting a street.

487 (5) SIDE YARD, INTERIOR. A side yard abutting a yard on another lot or parcel.

488 **“Z” WORDS**

489