

Bay City Zoning Ordinance

Bay City, Michigan

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Commission on August 20, 2012
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ARTICLE I. SHORT TITLE, LEGAL BASIS, PURPOSE, INTERPRETATION AND APPLICATION.	1-1
Sec. 1. Short title.	1-1
Sec. 122-2. Legal basis.	1-1
Sec. 122-3. Purpose.	1-1
Sec. 122-4. Interpretation and application.	1-1
Secs. 122-5—122-30. Reserved.	1-2
ARTICLE II. RULES OF CONSTRUCTION AND DEFINITIONS.	2-1
Sec. 122-31. Rules of construction.	2-1
Sec. 122-32. Definitions.	2-2
Secs. 122-33—122-50. Reserved.	2-20
ARTICLE III. GENERAL PROVISIONS.	3-1
Sec. 122-51. Administrative regulations.	3-1
Sec. 122-52. Accessory buildings and structures.	3-1
Sec. 122-53. Porches.	3-3
Sec. 122-54. Decks, uncovered stoops and steps and terraces.	3-3
Sec. 122-55. Barrier free access ramps.	3-4
Sec. 122-56. Home occupations.	3-5
Sec. 122-57. Essential services.	3-6
Sec. 122-58. Entranceway structures.	3-6
Sec. 122-59. Exceptions to height standards.	3-6
Sec. 122-60. Lighting.	3-6
Sec. 122-61. Performance guarantee.	3-10
Sec. 122-62. Reception antennae.	3-11
Sec. 122-63. Sidewalks.	3-11
Sec. 122-64. Standards for dwellings.	3-12
Sec. 122-65. Streets, roads, and other means of access.	3-13
Sec. 122-66. Temporary structures including modular buildings, enclosures, portable toilets, trailers, trucks, or similar vehicles used for nonresidential purposes	3-19
Sec. 122-67. Temporary mobile storage container.	3-19
Sec. 122-68. Trash dumpsters and other refuse receptacles.	3-19
Sec. 122-69. Unobstructed sight zone.	3-20
Sec. 122-70. Wireless communication towers and antennas.	3-22

Sec. 122-71. Yard and bulk regulations. _____	3-26
Sec. 122-72. Use of legal nonconforming lots of record. _____	3-27
Sec. 122-73. Uses prohibited by law. _____	3-27
Secs. 122-74—122-80. Reserved. _____	3-27
ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS. _____	4-1
Sec. 122-81. Creation of districts. _____	4-1
Sec. 122-82. Adoption of zoning map. _____	4-1
Sec. 122-83. Interpretation of location of district boundaries. _____	4-2
Sec. 122-84. Zoning of vacated areas. _____	4-2
Sec. 122-85. Zoning of filled land. _____	4-3
Secs. 122-86—122-100. Reserved. _____	4-3
ARTICLE V. R -1, SINGLE-FAMILY RESIDENTIAL DISTRICT, R-2, SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT, RM-1, MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT, RM-2, HIGH RISE MULTIPLE-FAMILY RESIDENTIAL DISTRICT. _____	5-1
Sec. 122-101. Purpose. _____	5-1
Sec. 122-102. Permitted uses and structures. _____	5-1
Sec. 122-103. Special approval uses. _____	5-4
Sec. 122-104. Site plan review. _____	5-5
Secs. 122-105—122-115. Reserved. _____	5-5
ARTICLE VI. RMH, MOBILE HOME PARK DISTRICT. _____	6-1
Sec. 122-116. Intent and purpose. _____	6-1
Sec. 122-117. Permitted uses. _____	6-1
Sec. 122-118. Development regulations. _____	6-1
Sec. 122-119. Review and approval process. _____	6-1
Secs. 122-120—122-130. Reserved. _____	6-1
ARTICLE VII. O-1, OFFICE DISTRICT. _____	7-1
Sec. 122-131. Intent and purpose. _____	7-1
Sec. 122-132. Permitted uses and structures. _____	7-1
Sec. 122-133. Development standards. _____	7-3
Secs. 122-134—122-150. Reserved. _____	7-3
ARTICLE VIII. C-1, NEIGHBORHOOD BUSINESS DISTRICT, C-2-A, GENERAL BUSINESS DISTRICT, C-2-B, HIGHWAY BUSINESS DISTRICT, C-3, CENTRAL BUSINESS DISTRICT. _____	8-1

Sec. 122-151. Purpose.	8-1
Sec. 122-152. Permitted uses and structures.	8-1
Sec. 122-153. Development standards.	8-7
Secs. 122-154. Temporary outdoor retail sales.	8-8
Secs. 122-155—122-170. Reserved.	8-8
ARTICLE IX. WF, WATERFRONT DISTRICT.	9-1
Sec. 122-171. Purpose.	9-1
Sec. 122-172. Permitted uses and structures.	9-1
Sec. 122-173. Development standards.	9-2
Secs. 122-174—122-190. Reserved.	9-2
ARTICLE X. M-1, LIGHT INDUSTRIAL DISTRICT, M-2, GENERAL INDUSTRIAL DISTRICT.	10-1
Sec. 122-191. Purpose.	10-1
Sec. 122-192. Permitted uses and structures.	10-1
Sec. 122-193. Supplemental standards and regulations.	10-9
Sec. 122-194. Area, height, bulk and placement regulations.	10-12
Secs. 122-195—122-210. Reserved.	10-12
ARTICLE XI. PLANNED UNIT DEVELOPMENT.	11-1
Sec. 122-211. Purpose.	11-1
Sec. 122-212. Qualifying criteria.	11-1
Sec. 122-213. PUD design standards.	11-2
Sec. 122-214. Informal PUD review process.	11-4
Sec. 122-215. Application for Formal PUD review and approval process.	11-5
Sec. 122-216. Formal PUD review and approval process.	11-7
Sec. 122-217. Amendments to approved PUDs.	11-8
Secs. 122-218 - 122-240. Reserved.	11-8
ARTICLE XII. HP, HISTORIC PRESERVATION OVERLAY DISTRICTS. DIVISION 1. MIDLAND STREET AND CENTER AVENUE HISTORIC DISTRICTS (REPEALED ON JANUARY 9, 2012).	12-1
ARTICLE XIII. FARMERS AUTO AND MACHINERY HISTORIC OVERLAY DISTRICT (REPEALED ON JANUARY 9, 2012).	13-1

ARTICLE XIV. SCHEDULE OF REGULATIONS.	14-1
Sec. 122-301. Purpose.	14-1
Sec. 122-302. Schedule of regulations.	14-1
Sec. 122-303. Residential zoning districts schedule of regulations.	14-1
Sec. 122-304. Office, business & waterfront zoning district schedule of regulations.	14-3
Sec. 122-305. Industrial zoning districts schedule of regulations.	14-4
Sec. 122-306. Lot area, floor area and building spacing regulations for multiple-family and town house developments.	14-5
Secs. 122-307—122-320. Reserved.	14-6
ARTICLE XV. SITE PLAN REVIEW.	15-1
Sec. 122-321. Purpose.	15-1
Sec. 122-322. When required.	15-1
Sec. 122-323. Pre-application consultation.	15-1
Sec. 122-324. Application for site plan review.	15-2
Sec. 122-325. Distribution.	15-4
Sec. 122-326. Review and approval.	15-4
Sec. 122-327. Approval standards.	15-5
Sec. 122-328. Conditions.	15-6
Sec. 122-329. Performance guarantee.	15-6
Sec. 122-330. Validity.	15-6
Sec. 122-331. Changes to approved site plans.	15-6
Secs. 122-332—122-350. Reserved.	15-7
ARTICLE XVI. SPECIAL USES.	16-1
Sec. 122-351. Purpose.	16-1
Sec. 122-352. Planning commission approval required.	16-1
Sec. 122-353. Mandatory pre-application consultation.	16-1
Sec. 122-354. Application regulations.	16-2
Sec. 122-355. Distribution.	16-2
Sec. 122-356. Review and approval.	16-2
Sec. 122-357. Approval standards.	16-3
Sec. 122-358. Conditions.	16-4
Sec. 122-359. Performance guarantee.	16-4
Sec. 122-360. Validity.	16-5

Sec. 122-361. Amendments.	16-5
Sec. 122-362. Finality of decisions.	16-5
Secs. 122-363—122-380. Reserved.	16-5
ARTICLE XVII. OFF-STREET PARKING AND LOADING.	17-1
Sec. 122-381. Off-street parking regulations.	17-1
Sec. 122-382. Minimum number of spaces required.	17-4
Sec. 122-383. Number of spaces required for various use.	17-7
Sec. 122-384. Loading space regulations.	17-12
Secs. 122-385—122-400. Reserved.	17-14
ARTICLE XVIII. LANDSCAPING AND SCREENING.	18-1
Sec. 122-401. Purpose.	18-1
Sec. 122-402. General landscaping regulations.	18-2
Sec. 122-403. Off-street parking areas.	18-4
Sec. 122-404. Standards for landscape materials.	18-4
Sec. 122-405. Installation and maintenance.	18-5
Sec. 122-406. Treatment of existing plant material.	18-6
Sec. 122-407—122-420. Reserved.	18-7
ARTICLE XIX. WALLS AND FENCES.	19-1
Sec. 122-421. General fence and wall standards.	19-1
Sec. 122-422. Obscuring fences and walls.	19-2
Sec. 122-423. Fences and walls in residential districts.	19-3
Sec. 122-424. Height in nonresidential zones.	19-4
Sec. 122-425. Fences around swimming pools.	19-4
Sec. 122-426. Maintenance and repair.	19-4
Sec. 122-427. Responsibility of fence owner.	19-4
Sec. 122-428. Responsibility of city.	19-4
Secs. 122-429—122-440. Reserved.	19-5
ARTICLE XX. SIGNS.	20-1
Sec. 122-441. Purpose.	20-1
Sec. 122-442. Scope of regulations.	20-1
Sec. 122-443. Definitions.	20-2
Sec. 122-444. Enforcement.	20-8
Sec. 122-445. General provisions.	20-10

Sec. 122-446. Sign design standards.	20-17
Sec. 122-447. Residential district signs.	20-19
Sec. 122-448. Nonresidential district signs.	20-22
Secs. 122-449—122-470. Reserved.	20-33
ARTICLE XXI. STANDARDS FOR SPECIFIC USES.	21-1
Sec. 122-471. Intent and scope of application.	21-1
Sec. 122-472. Accessory apartments.	21-1
Sec. 122-473. Bars, lounges & standard restaurants where alcohol may be served	21-1
Sec. 122-474. Bed and breakfast Inns.	21-2
Sec. 122-475. Car washes.	21-3
Sec. 122-476. Shopping center.	21-4
Sec. 122-477. Day care centers.	21-4
Sec. 122-478. Fast food and drive-through restaurants.	21-5
Sec. 122-479. Group day care home.	21-5
Sec. 122-480. Hospitals.	21-5
Sec. 122-481. Indoor recreation facilities.	21-6
Sec. 122-482. Institutional uses.	21-6
Sec. 122-483. Kennels, commercial.	21-7
Sec. 122-484. Model homes.	21-7
Sec. 122-485. Motor vehicle, recreational vehicle, trailer, and mobile home sales and rental agencies.	21-8
Sec. 122-486. Motor vehicle filling stations.	21-9
Sec. 122-487. Motor vehicle service stations and repair garages.	21-10
Sec. 122-488. Outdoor retail sales.	21-11
Sec. 122-489. Open storage yards.	21-11
Sec. 122-490. Public or commercial radio and television towers.	21-11
Sec. 122-491. Self-service storage facility.	21-11
Sec. 122-492. Sexually oriented businesses.	21-13
Sec. 122-493. Utility buildings, structures and substations.	21-19
Secs. 122-494. Hotels and motels.	21-19
Secs. 122-495. Half-way Houses.	21-19
Secs. 122-496—122-520. Reserved.	21-20

ARTICLE XXII. NONCONFORMING USES.	22-1
Sec. 122-521. Intent.	22-1
Sec. 122-522. General regulations.	22-1
Sec. 122-523. Nonconforming contiguous lots under single ownership.	22-3
Sec. 122-524. Permitted improvements.	22-3
Sec. 122-525. Purchase or condemnation.	22-4
Sec. 122-526. Change of tenancy or ownership.	22-4
Sec. 122-527. Unlawful uses.	22-5
Secs. 122-528—122-540. Reserved.	22-5
ARTICLE XXIII. ZONING BOARD OF APPEALS.	23-1
Sec. 122-541. Purpose.	23-1
Sec. 122-542. Appointment.	23-1
Sec. 122-543. Membership and organization.	23-1
Sec. 122-544. Authority.	23-2
Sec. 122-545. Applications and notices.	23-3
Sec. 122-546. Disposition and duration of approval.	23-4
Secs. 122-547—122-560. Reserved.	23-5
ARTICLE XXIV. AMENDMENTS.	24-1
Sec. 122-561. Procedure.	24-1
Sec. 122-562. Protests.	24-2
Secs. 122-563—122-580. Reserved.	24-2
ARTICLE XXV. ADMINISTRATION, ENFORCEMENT AND PENALTIES.	25-1
Sec. 122-581. Responsibilities of the zoning administrator.	25-1
Sec. 122-582. Responsibilities of the planning commission, city commission and zoning board of appeals.	25-1
Sec. 122-583. Fees.	25-1
Sec. 122-584. Enforcement.	25-1
Sec. 122-585. Permits required.	25-2
Sec. 122-586. Violations.	25-2
Secs. 122-587—122-600. Reserved.	25-3
ARTICLE XXVI. WIND ENERGY CONVERSION SYSTEMS	26-1
Sec. 122-601. Purpose.	26-1
Sec. 122-602. Scope of regulations.	26-1

Sec. 122-603. Definitions.	26-1
Sec. 122-604. Development standards.	26-2
Sec. 122-605. Approval of wind energy conversion systems located in regulated historic districts.	26-5
Sec. 122-606. Specific standards for wind energy conversion systems.	26-6
Sec. 122-607—620. Reserved.	26-11
ARTICLE XXVII. SOLAR SYSTEMS	27-1
Sec. 122-621. Purpose.	27-1
Sec. 122-622. Scope of regulations.	27-1
Sec. 122-623. Definitions.	27-1
Sec. 122-624. Development standards.	27-2
Sec. 122-625. Approval of solar systems located in regulated historic districts.	27-4
Sec. 122-626. Specific standards for wind energy conversion systems.	27-5
Sec. 122-627. Responsibility of City.	27-8
Sec. 122-628—620. Reserved.	27-8

ARTICLE I. SHORT TITLE, LEGAL BASIS, PURPOSE, INTERPRETATION AND APPLICATION.

Sec. 122-1. Short title.

This chapter shall be known and may be cited as the “City of Bay City Zoning Ordinance”.

Sec. 122-2. Legal basis.

This chapter is enacted in accordance with the authority granted cities under the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

(Ord. No. 2008-, 12-15-08)

Sec. 122-3. Purpose.

The purpose of this chapter is to promote public health, safety or welfare; to regulate the use of land, buildings and structures; to meet the needs of the state’s residents for food, fiber, energy and other natural resources, places of residence, recreation, commerce, industry, trade, service, and other uses of land; to insure that the uses of land shall be situated in appropriate locations and relationships; to limit inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; to establish zoning districts in which the use of land, buildings and structures, the area and width of lots and the height, area, size and location of buildings and structures may be regulated, and for which zoning district regulations shall be established for light and ventilation of buildings, and for which zoning districts the density of population may be regulated; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation or otherwise of private property that does not conform to the regulations of the various zoning districts provided; to provide for the administration of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, and the administration of this chapter; to provide for amendments, supplements or changes in the regulations of this chapter and the zoning map; to provide for conflict with other acts, ordinances and regulations; and to provide sanctions for violations of this chapter.

(Ord. No. 2008-, 12-15-08)

Sec. 122-4. Interpretation and application.

In interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum regulations for the promotion of the public safety, health,

convenience, morals, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any ordinance, rules, regulations or permits which were previously adopted or issued, and are not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings, structures or land, or upon the height of buildings, or requires larger yards and other open spaces, or larger lot areas and lot widths, or wider or narrower streets and sidewalks than those or required by such ordinance, covenants or other agreement, the provisions of this chapter shall control.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-5—122-30. Reserved.

ARTICLE II. RULES OF CONSTRUCTION AND DEFINITIONS.

Sec. 122-31. Rules of construction.

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

- (1) The particular shall control the general.
- (2) Words used in the present tense shall include the future.
- (3) Words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
- (4) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (5) The masculine gender includes the feminine and neuter.
- (6) All measurements shall be to the nearest integer, unless otherwise specified herein.
- (7) The phrase "used for" includes "arranged for," "designed for," "intended for," "occupied for," and "maintained for."
- (8) The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
- (9) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any similar entity.
- (10) Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as defined herein. Words or terms not herein defined shall have the meaning customarily assigned to them.
- (11) Unless the context clearly indicates the contrary, where a regulation involves two 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 singularly or in any combination.
 - c. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- (12) Catch words and catch lines shall in no way by their presence or absence limit or affect the meaning of this chapter.
- (13) Unless the context clearly indicates to the contrary, where an illustration accompanies any item within this chapter, the written text shall have precedence over the illustration.
- (14) Where a specific agency, department, law, or rule is referred to in this chapter, such reference shall include any successor agency, department, law or rule.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-32. Definitions.

Whenever used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section:

Accessory apartment means a type of dwelling unit that is accessory to and contained within a single-family dwelling that is leased or rented to someone that is not a member of the homeowner's family.

Accessory building means a building that: a) has a roof that is supported by columns or walls, b) is intended for the shelter or enclosure of persons, animals, goods or chattel, and c) is further intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use to which it is exclusively related. Examples of accessory buildings include garages, carports, storage sheds, gazebos, and greenhouses.

Accessory structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location, and which is intended to be used in a manner that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use to which it is exclusively related.

Accessory use means a use that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot as the principal use to which it is related.

Adult foster care facility means an establishment licensed and regulated by the State of Michigan Public Act 218 of 1979 that provides foster care to adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care.

Adult foster care facility does not include nursing homes, hospitals, alcohol or substance abuse rehabilitation centers, or a residential center for persons released from or assigned to a correctional facility.

Adult foster care facilities include the following:

- (1) *Adult foster care family home* means a private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week or for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- (2) *Adult foster care small group home* means a facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal

care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(3) *Adult foster care large group home* means a facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

Alley means a dedicated public way, usually between or behind buildings, that affords a secondary means of vehicular access to abutting property, but is not intended for general traffic circulation.

Alterations means any change, addition or modification to a building, structure, use of land or buildings, occupancy, or any change in the structural members of a building, such as walls or partitions, columns, or beams or girders, or any change in location of a building, or any change that may be referred to herein as "altered" or "reconstructed".

Animal hospital. See Veterinary clinic.

Apartment. See Dwelling, multiple-family.

Arcade means any establishment that provides on its premises three or more machines that may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

Architectural features means the features of a building, including but not limited to cornices, eaves, gutters, belt courses, sills, lintels, chimneys, and decorative ornaments.

Automobile. See Motor vehicle.

Basement means that portion of a building that is partially or totally below grade, where the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

Bed and breakfast inn means a dwelling that was originally constructed for single family residential use, is the principal residence of the innkeeper, and the principal use for which is the renting of bedrooms on a nightly basis to guests.

Berm. See Article XXVIII, Landscaping and Screening.

Block means the property bounded by a street or by a combination of streets and public lands, rights-of-way, a waterway, boundary lines of the city, or any other barrier to the continuity of development.

Board of appeals means the City of Bay City zoning board of appeals, created pursuant to the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

Boarding house means a dwelling where lodging and meals are provided for compensation or by prearrangement for definite periods of time of not less than one week. This term shall not be construed to include the term bed and breakfast.

Buildable area means the area of a lot that is defined by the minimum setback regulations within which building construction is permitted by the terms of this chapter.

Buildable area, net means that portion of a site that is not encumbered by state-regulated wetlands (except as specifically noted), steep slopes, street rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

Building means any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, chattels, or property or materials of any kind.

Building, accessory. See Accessory use, building, or structure.

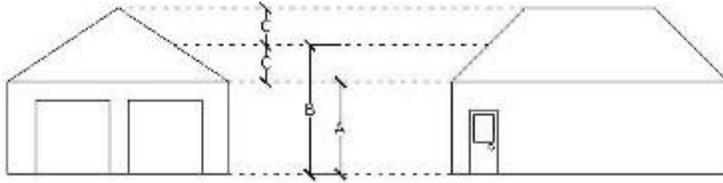
Building height means the vertical distance measured from the established grade to:

- (1) The highest point of the coping of a flat roof;
- (2) The deck line of a mansard roof;
- (3) The average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
- (4) Seventy-five percent of the height of an A-frame.

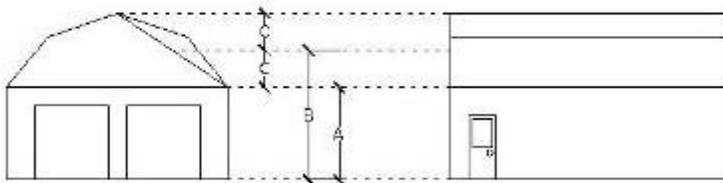
Where a building is located on sloping terrain, the height shall be computed using the average grade measured at the building wall on all four sides. See Illustration 2-1.

Illustration 2-1. Building Heights.

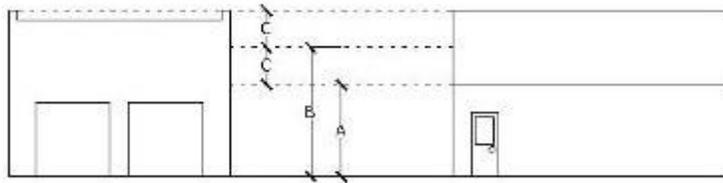
A - WALL HEIGHT
B - ROOF HEIGHT (MID-PEAK)
C - 1/2 ROOF PEAK



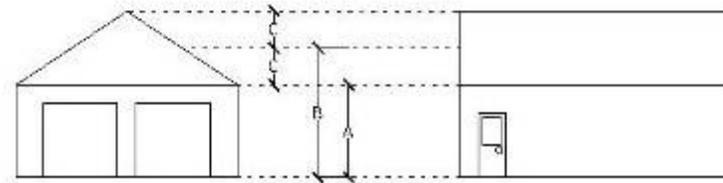
HIP ROOF



GAMBREL ROOF



FLAT ROOF



GABLE ROOF

Bulk means a general term indicating floor area, height, and setbacks of buildings and other structures in relation to lot lines and other buildings, and minimum lot area and lot coverage regulations.

Canopy means an unenclosed fixed structure that has a fixed roof, is supported by one or more supporting columns, and may be freestanding or attached to a building.

Carport means a roofed structure that is used for the parking of motor vehicles and is not enclosed.

Car wash means a business contained within a building or premises or portion thereof where motor vehicles are washed.

Child care organization means a facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

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

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

(3) *Family day care home* means a private home in which one but not more than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, excluding children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

(4) *Group day care home* means a private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, excluding children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Composting center means a lot or portion thereof where organic matter consisting primarily of yard waste is delivered from off-site for a large-scale composting operation.

Community Garden means a parcel of land that is used for the collective growing of fruits, vegetables, and/or flowers.

Condominium means dwelling units, offices, retail or industrial establishments, boat slips, and other similar individual uses that are owned individually, and the structure or structures, common areas, and facilities that are owned by all the owners on a proportional undivided basis.

Congregate housing means a senior housing facility containing common kitchen, dining, and living areas, and which may provide special support services, such as transportation and limited medical care.

Contractor's yard means a lot or portion thereof used for the storage of construction or excavation equipment, other vehicles, tools, building materials, and other appurtenances used in or associated with the building or construction industry. This is not intended to refer to concrete batch plants.

Convenience store means any retail establishment offering for sale prepackaged or freshly prepared food products for off-site consumption, household items, newspapers, or magazines.

Day care center means a facility, other than a private residence, providing group care for periods of less than 24 hours a day, and where the parent, guardian, or caregiver is not immediately available. The facility is generally described as an adult day care or activity center, child care center, day care center, day nursery, nursery school, parent cooperative, preschool, play group, or drop-in center.

Deck means an unroofed structure that may be attached to a home or other building, or which may be freestanding, and is typically elevated above ground level.

Drive-through means a business establishment that provides service to customers while they are in their motor vehicle.

Duplex. See Dwelling, two-family.

Dwelling means any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family.

Dwelling, single-family means a detached dwelling designed for occupancy by one family.

Dwelling, single-family attached or townhouse means an attached single-family dwelling unit, with its own front and rear entrances, separated from adjoining dwelling units by party walls, and located in a building containing three or more such units.

Dwelling, two-family means a building designed and constructed for the purpose of providing two single-family dwelling units, also known as a duplex.

Dwelling, multiple-family means a building that contains three or more dwelling units.

Dwelling, manufactured means factory-built dwellings that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401, U.S. Department of Housing and Urban Development), also known as a mobile home.

Dwelling unit means one or more rooms, along with bathroom, kitchen facilities, and storage facilities designed as a dwelling for one family.

Essential services means services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located. This term does not include wireless communication towers and antennas.

Established building line means a line parallel to the street lot line touching that part of a building closest to the street, excluding unenclosed porches, decks patios and terraces.

Family means 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.

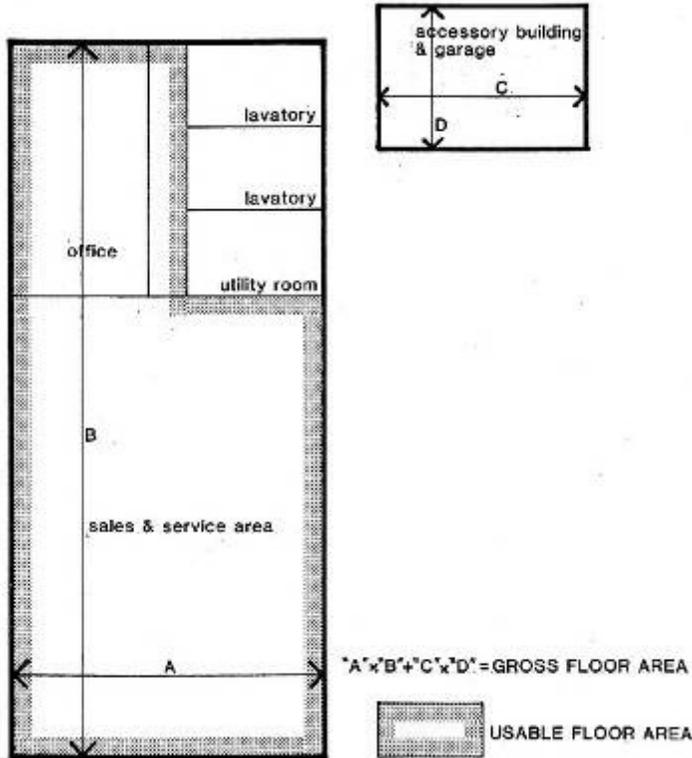
(2) The functional equivalent of the domestic family consists of persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit, and who cook and otherwise conduct housekeeping activities 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.

Floor area, gross means the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor area, usable residential means the gross floor area minus areas in basements, unfinished attics, attached garages, breezeways, decks, and enclosed or unenclosed porches.

Floor area, usable nonresidential means the sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of usable nonresidential floor area (see Illustration 2-2).

Illustration 2-2. Floor area terminology.



Frontage, building means the length or width of a building measured generally parallel to a front lot line.

Frontage, lot means the distance between side lot lines where they intersect the front lot line.

Garage, private means an accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory, but not including public repair facilities.

Half-way house means a facility where people who have left an institution, such as a hospital, chemical dependency program, correctional institution, or by court appointment are sent to live under in-house supervision and helped to readjust to the outside world prior to their full release from supervision. For the purpose of this chapter, a voluntary transitional housing facility, such as one provided through the Michigan Prisoner Reentry Initiative, shall not be considered a half-way house.

Home occupation means an occupation or profession conducted within a dwelling or on a residential lot by the inhabitants thereof, where such use is clearly incidental to the principal use of the dwelling as a residence.

Hotel means a building containing nine or more rooms occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and secretarial or desk service, a dining room and general kitchen, and meeting rooms.

Independent Living Group Home means a home shared by individuals with disabilities who do not require supervision on an ongoing basis.

Indoor recreation facility means any establishment that provides indoor recreation facilities such as bowling establishments, tennis courts, billiard halls, skating rinks, indoor archery or driving ranges, arcades, and similar uses.

Innkeeper means the manager or owner of a bed and breakfast inn.

Institutional use means a nonprofit, religious, or public use, such as a church, library, service club or fraternal organization, public or private school, or government owned or operated building, or land use for public purpose.

Kennel means a municipal or privately owned facility in which dogs or domesticated animals are housed, bred, and boarded for a fee or free.

Legal nonconforming lot of record means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present regulations of the zoning district in which it is located.

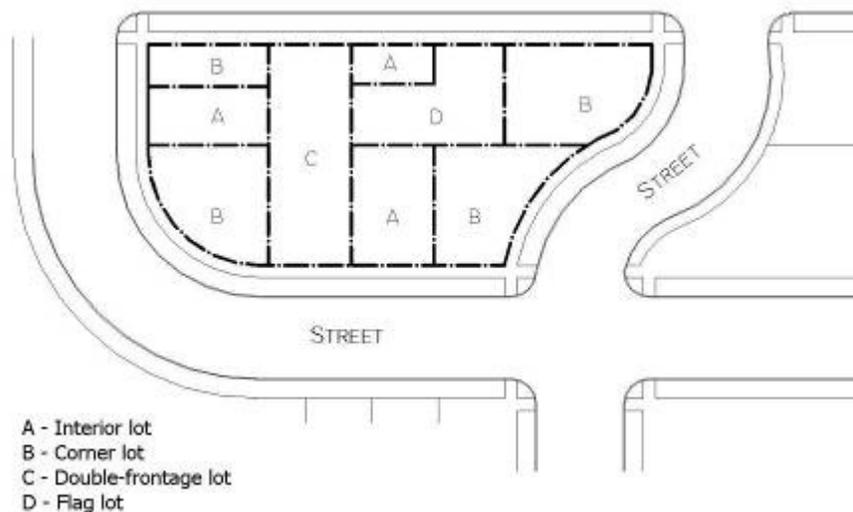
Legal nonconforming building or structure means a structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present regulations of the zoning district in which it is located.

Legal nonconforming use means a use or activity that was lawful prior to the adoption, revision, or amendment of this chapter but that fails by reason of such adoption, revision, or amendment to conform to the present regulations of the zoning district in which it is located.

Loading space means an area of land used for the temporary parking of delivery vehicles during the loading and unloading of merchandise and materials.

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

Illustration 2-3. Lot types.



Lot, corner means a lot abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than 135 degrees. Where a lot has frontage on a curved street, if the tangents through the extreme point of the street lines make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with curved street frontage, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner. (See Illustration 2-3).

Lot coverage means the percentage of a lot that is occupied by buildings and structures, excluding uncovered decks.

Lot depth means the horizontal distance between front and rear lot lines.

Lot, double frontage means a lot other than a corner lot having frontage on two nonintersecting streets, also known as a through lot. (See Illustration 2-3).

Lot, flag means a lot not meeting minimum lot width regulations and where access to the public street is by way of a narrow private right-of-way or driveway located fully within the lot lines of such lot. (See Illustration 2-3).

Lot, interior means a lot other than a corner lot or through lot that has frontage on one street. (See Illustration 2-3).

Lot lines means the lines bounding a lot as follows:

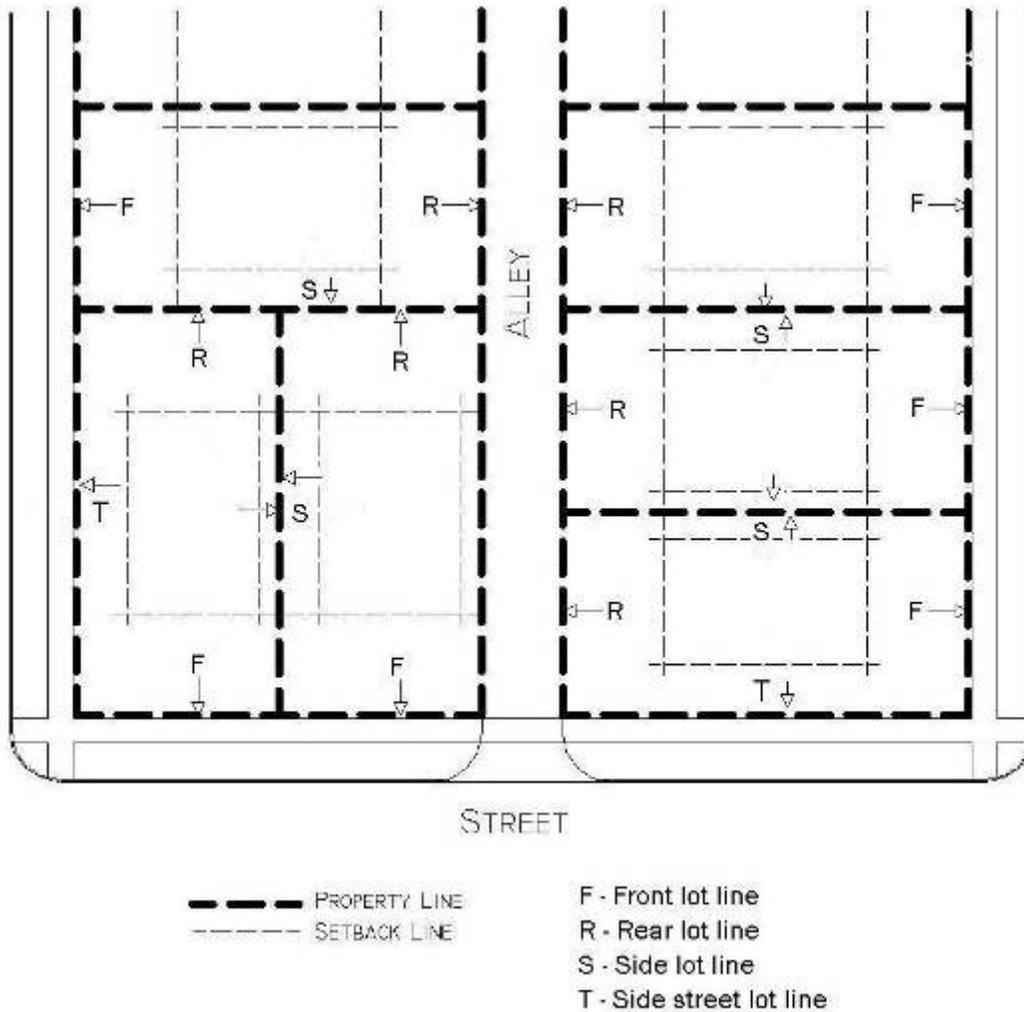
(1) *Front lot line* means the lot line separating a lot from a public or private street. In the case of a corner lot the front lot line shall be that lot line having the narrowest frontage on the public or private street.

(2) *Rear lot line* means the lot line that is opposite and most distant from the front lot line. In the case of irregularly-shaped lots, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet in length between side lot lines, lying farthest from the front lot line and wholly within the lot.

(3) *Side lot line* means any lot line other than a front, rear or side street lot line.

(4) *Side street lot line* means a lot line that is opposite from a side lot line and has frontage on a public or private street.

Illustration 2-4. Lot lines.



Lot of record means a lot in a platted subdivision or described by metes and bounds that is recorded in the office of the Bay County Register of Deeds.

Lot width means the straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

Medical clinic means an out-patient medical facility that may include laboratories and pharmacies.

Mini-storage. See Self-service storage facility.

Mobile home. See Dwelling, manufactured.

Mobile home park means 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

Motel means a building or group of buildings occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, a dining room or standard restaurant, and manager or caretaker living quarters. The term "motel" shall include buildings designed as "auto-courts", "tourist courts," "motor courts", "suites" and similar terms.

Motor vehicle means any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

Motor vehicle dealership means a building or premises used primarily for the sale of new and used motor vehicles.

Motor vehicle filling station means a place used for the retail sale and dispensing of fuel or lubricants, and excluding motor vehicle repair, that may also incorporate a convenience store, restaurant, or car wash.

Motor vehicle repair:

(1) *Minor repair* means engine tune-ups, servicing of brakes, air conditioning or exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storage of motor vehicles on the premises overnight.

(2) *Major repair* means engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storage of motor vehicles on the premises overnight.

Motor vehicle repair garage means an enclosed building where minor and major motor vehicle repair services may be carried out.

Motor vehicle service station means a place where gasoline or other fuel, kerosene, motor oil and lubricants, and other commodities are sold directly to the public. A service station may include the sale and installation of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass), minor repair, and temporary storage.

Nuisance means any offensive, annoying, or disturbing practice or object that prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endanger life and health.

Nursing home, convalescent home, rest home or hospice means a facility, other than a hospital, for the care of the aged, infirm, or those suffering from bodily disorders, wherein seven or more persons are housed or lodged and furnished with nursing care. This definition does not include a unit in a state correctional facility, a hospital, or a veterans facility created under Michigan Public Act 152 of 1885, as amended.

Occupancy or use, change of means the term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

Occupied means used in any way at the time in question.

Outdoor retail sales means the display and sale of products and services primarily outside of a building or structure, including garden supplies, gas, tires and motor oil, food and beverages, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

Place of worship means this may include a church, synagogue, or mosque, and may also include a parsonage, rectory, convent, school, day care center, activity center, food pantry, and indoor and outdoor recreation facilities, subject to the provisions of section 122-482.

Porch, enclosed means a roofed area with direct access to a building that projects out from the main wall of such building, and which is totally enclosed by walls, windows, canvas, screens, or solid masonry.

Porch, unenclosed means a roofed area with direct access to a building that projects out from the main wall of such building, and which is unenclosed except for columns and railings.

Principal building means a building or group of buildings in which a principal use is conducted.

Principal use means the primary or predominant use of any lot.

Recreation facility means a place designed and equipped for the conduct of sports and leisure-time activities.

Recreational vehicle shall include the following:

(1) Travel trailer means a portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses.

(2) Pickup camper means a structure designed to be mounted on a pickup truck or truck chassis, that is designed to be used as a temporary dwelling during travel, recreational, and vacation uses.

(3) Motor home means a motor vehicle that is designed to be used as a temporary dwelling during travel, recreational, and vacation uses.

(4) Folding tent trailer means a folding structure, mounted on wheels and designed for travel and vacation use.

(5) Boats and boat trailers means boats, floats, rafts, canoes, personal watercraft, and the normal equipment used to transport them on the highway.

The term recreational vehicle shall also include snowmobiles, all terrain or special terrain vehicles, and the normal equipment used to transport them on the highway.

Restaurant means any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state.

(1) Restaurant, carry-out means a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable containers or wrappers in a ready-to-consume state for consumption off the premises.

(2) Restaurant, drive-in means a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

(3) Restaurant, fast-food means a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter for consumption at the counter where it is served, or at tables, booths, or stands inside the building or out, or for consumption off the premises, but not in a motor vehicle at the site. Such restaurants may or may not include drive-through service.

(4) Restaurant, standard means a restaurant whose method of operation involves either:

a. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or

b. Customers acquiring prepared food at a cafeteria line and consuming it at tables within a completely enclosed building.

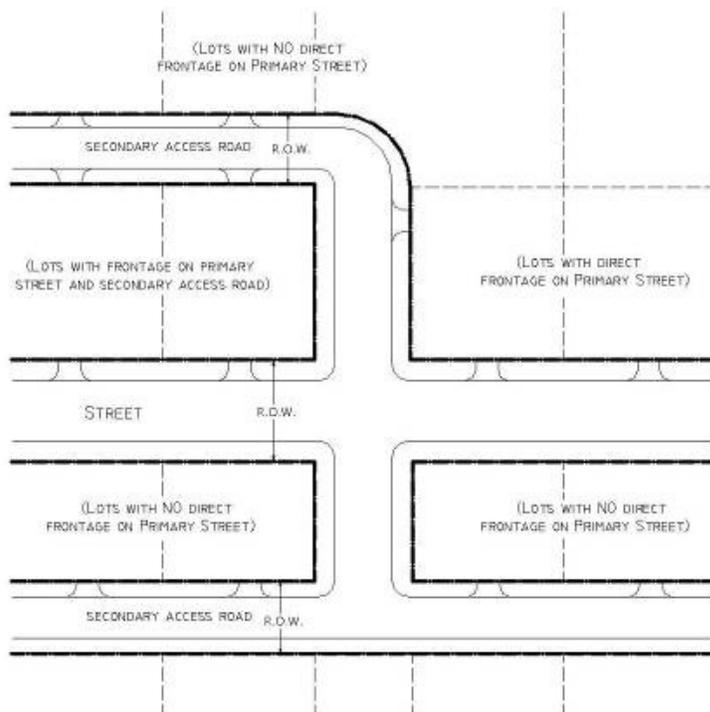
(5) Bar/lounge means a type of restaurant that is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted.

Secondary access drive means a street that meets the following criteria:

- (1) It is generally parallel to and adjacent to an arterial or collector street.
- (2) It is designed to provide access to abutting properties, so that such properties are separated from through traffic on the arterial or collector street.
- (3) The flow of traffic on the arterial or collector street is not impeded by direct driveway access from a large number of abutting properties.

Also known as a marginal access road.

Illustration 2-5. Secondary access road.



Self-service storage facility means a building or group of buildings, each of which contains individual storage units, with each unit having a separate door and lock and which can be leased on an individual basis, also known as mini-storage.

Service Club or fraternal organization means an organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit. See Institutional use.

Setback means the minimum distance between a front, side, or rear lot line and the nearest portion of a building or structure. Also known as a required yard.

Shopping center means a grouping of retail businesses and service uses arranged as a coherent unit on a single lot with common off-street parking. Also known as a strip mall.

Sign means any device, structure, fixture, or placard that displays or depicts words, numbers, figures, graphic designs, logos or trademarks to convey information visually for the purpose of informing or attracting the attention of persons.

Street means any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot, or parcel. Various types of streets are defined as follows:

(1) *Private street* means any street that has not been accepted for maintenance by the City of Bay City or any other governmental entity.

(2) *Collector street* means a street whose principal function is to carry traffic between local and arterial streets, but may also provide direct access to abutting properties.

(3) *Local street* means a street whose sole function is to provide access to properties.

(4) *Arterial street* means a street or highway that is intended to service a large volume of traffic for both the immediate area and the region beyond, and which serves as an avenue for circulation of traffic into, out of, or around the city.

(5) *Residential street* means a street whose principal function is to provide direct access to residential properties in a subdivision or other type of residential development.

(6) *Major thoroughfare* means a main traffic artery designated by the Bay City Master Plan as a principal arterial or minor arterial on the National Functional Road Classification Map.

Structure means anything constructed or erected including, but not limited to, principal and accessory buildings, towers, decks, antennae, and signs.

Townhouse. See Dwelling, single-family attached.

Temporary mobile storage container means a mobile storage container that is used for on-site storage at a residence or business. The container is able to be transported to another location via truck, trailer or other form of transportation.

Use means the purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

Veterinary clinic means a facility for the care, diagnosis, and treatment of sick or injured animals. A veterinary clinic may include fully enclosed pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices, also known as an animal hospital.

Yard means an open space between a building and a lot line.

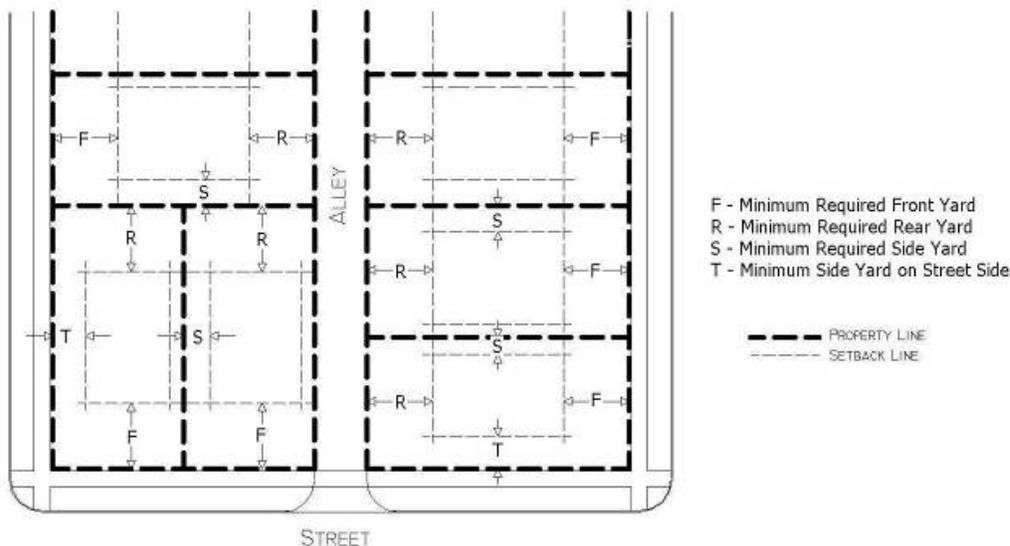
(1) *Front yard* means a space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

(2) *Rear yard* means a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

(3) *Side yard* means a space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

(4) *Side-street side yard* means a side yard that has frontage on a public or private street.

Illustration 2-6. Yards terms.



Zoning administrator means the person designated by the city as being responsible for administration of this chapter.

(Ord. No. 2012-, 6-18-12)

Secs. 122-33—122-50. Reserved.

ARTICLE III. GENERAL PROVISIONS.

Sec. 122-51. Administrative regulations.

The maintenance of front, side and rear yards, other open space, minimum lot area, lot width, minimum floor area and maximum building or structure height shall be a continuing obligation of the owner of a building or property for as long as the building is in existence. No portion of a lot used in complying with the provisions of this chapter in connection with an existing or planned building shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

No required front, side or rear yard or other required open space shall be diminished, nor shall any building be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the provisions of this chapter.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-52. Accessory buildings and structures.

(a) General regulations

(1) *Timing of construction.* No accessory building, including private garages and utility buildings, shall be constructed upon or moved to any parcel of property until the principal building or use is at least 2/3 completed, except for the construction of an attached private garage which may proceed with the construction of the dwelling to which it is attached.

(2) *Conformance with lot coverage standards.* Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage regulations.

(3) *Construction on easements.* Accessory buildings and structures shall not encroach on any easement unless the terms of the easement permit such encroachment.

(4) *Attached accessory buildings.* Unless permitted by this section, an attached accessory building shall comply with the lot coverage and setback regulations established by applicable zoning district regulations for the principal building to which it is attached.

(5) *Use restrictions.* No detached accessory building or portion thereof shall be used or occupied for dwelling purposes.

(b) Accessory buildings in residential zoning districts as provided in article V

(1) *Location.*

- a. A detached or attached accessory building or portions thereof shall not be erected in nor extend into a required front yard setback
- b. A detached accessory building or portions thereof shall not extend beyond the established building line of the dwelling.
- c. An attached accessory building may extend beyond the established building line of the dwelling provided it does not extend into a required front yard.

(2) *Setbacks.*

a. *Accessory buildings on Interior lots.* Detached accessory buildings on interior lots shall be erected no closer than 2 feet from a side or rear lot line and shall be set back at least 20 feet from the front lot line.

b. *Accessory buildings in side yards.* Accessory buildings located between any portion of a dwelling and a side lot line shall comply with setback regulations applicable to dwellings.

c. *Setbacks from alleys.* When vehicle access to a building is by way of an alley, the building shall be set back not less than 4 feet from the lot line adjacent to the alley.

d. *Accessory buildings on corner lots:*

1. When an entrance for vehicles to a detached or attached accessory building faces a side street, the accessory building shall be set back at least 20 feet from the side street lot line.

2. If the rear lot line of a corner lot is also the rear lot line of an adjacent lot then the required setback from the side street lot line shall be 10 feet, when an entrance for vehicles to a detached or attached accessory building faces a front street.

e. *Double frontage lots.* On double frontage lots, accessory buildings shall comply with applicable front yard setback regulations on both street frontages.

(3) *Floor area.* Detached accessory buildings shall not exceed a floor area of 864 square feet.

(4) *Length.* The length of an accessory building may not exceed 36 feet. This requirement shall not apply to carports and garages in multiple-family developments.

(5) *Building and wall height.* Detached accessory buildings may have a building height of 14 feet. In rear yards, accessory building height may be increased where the roof pitch of a proposed detached accessory building is equal to, but not greater than, the roof pitch of the principal building. In such cases, planning department staff shall be provided with elevations of the proposed accessory building to make final determination. This height restriction shall not apply to attached accessory buildings.

Walls shall not exceed more than 10 feet in height above grade.

(6) *Distance from other buildings.* There shall be a minimum distance of 2 feet between detached accessory buildings and the principal building, provided that the buildings comply with the setback and fire rating regulations in the building and fire codes.

(7) *Number.* There shall be no more than 3 accessory buildings on a residential lot.

(Ord. No. 2012-, 6-18-12)

Sec. 122-53. Porches.

(a) New enclosed and unenclosed front porches must be constructed in accordance with applicable side lot line setback requirements.

(b) Unenclosed porches may be constructed within 10 feet of a front or side street lot line.

(c) Enclosed porches may not encroach into required setbacks.

(d) Existing unenclosed porches located less than 15 feet from a front or side street lot line shall not be enclosed.

(e) Existing unenclosed porches located less than 10 feet from a front or side street lot line may be repaired or reconstructed provided no dimensional increases are made during repair or reconstruction.

(Ord. No. 2010-, 12-20-10)

Sec. 122-54. Decks, stoops and steps, and terraces.

(a) *Decks*

(1) Decks shall not be located between the front lot line and the front wall of dwellings.

(2) If the rear lot line of a corner lot is also the rear lot line of an adjoining corner lot, a deck may be constructed within 10 feet of a side street lot line.

(3) If the side street lot line of a corner lot is a continuation of the front lot line of an adjoining corner or interior lot, a deck must be set back not less than 15 feet from that side street lot line.

(4) An unattached deck may be located in the rear yard at least two feet from the principal building and not be attached to the principal building in any manner. In such cases, a deck may be constructed within two feet of a side or rear lot line.

(5) A deck that is considered attached to a principal building may be set back 10 feet from a rear lot line, and must comply with the side lot line setback requirements applicable to the principal building.

(b) *Stoops and steps*

(1) Stoops are elevated masonry or wood platforms that provide landing space for stairs leading to an entrance to a building or dwelling.

(2) Unenclosed stoops and steps required by the city's building code and not more than thirty square feet in size, exclusive of steps, are exempt from setback regulations applicable to decks and unenclosed porches. Stoops shall not project farther than five feet from the front wall of a dwelling.

(3) Enclosed stoops are subject to setback regulations applicable to enclosed porches.

(c) *Terraces*

(1) Terraces are level, landscaped, and/or surfaced areas, also referred to as a patio, directly adjacent to a principal dwelling at or within three feet of finished grade and not covered with a permanent roof.

(2) New terraces may be constructed of earth, masonry, concrete or other hardscape materials, excluding wood.

(3) Terraces existing before 12-20-10 may be covered with wood decks, provided that the new decking does not expand the size of the existing terrace.

(4) Terraces are subject to setback regulations applicable to unenclosed porches.

(Ord. No. 2012-, 6-18-12)

Sec. 122-55. Barrier Free Access Ramps

In all zoning districts, barrier free access ramps are exempt from setback and lot coverage regulation. Barrier free access ramps located within any regulated historic preservation district shall be subject to review and approval by the Historic District Commission.

(Ord. No. 2008-, 12-15-08)

Sec. 122-56. Home occupations.

(a) *General regulations.* A home occupation shall be allowed as a permitted accessory use, provided that all of the following conditions are met:

(1) Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence and conducted entirely within the dwelling or in an accessory building.

(2) The home occupation shall not change the residential character or appearance of the home. The appearance of home shall not be altered, nor shall the home occupation be conducted in a manner which would cause the home to differ from its residential character either by the use of colors, materials, construction, and lighting.

(3) The residents of the home and not more than one employee who does not reside in the home may be engaged in the home occupation.

(4) No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises in residential districts. No retail sales shall be permitted on the premises, with the exception that telephone orders or other orders taken off the premises may be filled on the premises.

(5) There shall be no noise, vibration, smoke, dust, odors, heat or glare generated by the home occupation that is noticeable at or beyond the property line.

(6) The home occupation shall occupy not more than 25 percent of the home based on the floor area of the first story of the dwelling.

(7) The home occupation shall provide additional off street parking to accommodate all needs created by the home occupation.

(8) One nonilluminated sign, not more than two square feet in area, attached to the building where the business is located and one yard sign, not more than two square feet in area, shall be permitted. Said yard sign shall be hung on one or

two posts, the top of the sign shall not more than four feet in height and shall be placed no closer than ten feet from any lot line.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-57. Essential services.

Essential services shall be permitted as authorized and regulated by franchise agreements and by state, federal, and local ordinances and laws. Essential services will be permitted in all zoning districts subject to applicable district regulations.

Essential services buildings and uses should be reasonably necessary for the public convenience, and should be designed, erected and landscaped to conform harmoniously with the general architecture and character of such district.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-58. Entranceway structures.

Entranceway structures, such as walls, columns, gates, gatehouses or similar structures that mark the entrance to nonresidential and residential developments shall be permitted within required front, side and rear yard setbacks. Such structures shall not be located in the public right-of-way without an encroachment permit from the city engineering department.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-59. Exceptions to height standards.

The following structures may exceed the height limitations of the zoning district in which they are located by no more than 20 feet: roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls; skylights, solar collectors, steeples, stage lofts and screens; flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and whip antennas, and satellite dishes; water tanks or similar structures. Such structure shall not have a total area of greater than 25 percent of the roof area of the building. Such structure shall not be used for any purpose other than a use incidental to the main use of the building. This exception shall not apply to wireless communication towers and antennas regulated by section 122-70.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-60. Lighting.

Subject to the provisions set forth below, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas

involving commercial, industrial, office, multiple-family uses, or manufactured housing parks shall be illuminated in accordance with the following regulations.

(1) *Permitted lighting.* Only nonglare, color-corrected lighting shall be permitted. Lighting shall be placed and shielded so as to focus the light downward onto the site and not onto adjoining property. The lighting source shall not be directly visible from adjoining properties. Lighting shall be shielded so that it does not cause glare or interfere with the vision of motorists (see Illustration 3-1).

(2) *General regulations.*

- a. All outdoor lighting shall be shielded.
- b. Nonessential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security.
- c. Light trespass from a property shall not to exceed 0.3 foot-candles at any property line that abuts residentially zoned property or 0.5 foot-candles at the property line for any other zoning district, measured five feet from the ground.
- d. Parking lot and building-mounted security lighting shall be full cut-off fixtures that are directed downward. Fixtures shall be designed and shielded so as to prevent light from projecting above a 90 degree horizontal plane (see Illustration 3-1).
- e. Uplighting of buildings for aesthetic purposes shall be confined to the target surface.
- f. Canopies and similar structures used by gas stations, banks, and other uses shall be limited to providing fully recessed lighting fixtures so that sources of illumination and glare are not visible from adjoining lots, sidewalks, and streets. The total lamp output shall be limited to 20.0 foot-candles maximum under the canopy.

(3) *Intensity.* In parking areas, the light intensity shall average a maximum of 10.0 foot-candles. In motor vehicle dealerships, the light intensity shall average a maximum 15.0 foot-candles and shall be confined within the lot lines of the lot on which the dealership is located. Illumination used for pedestrian areas, shall average a minimum of 2.0 foot-candles.

(4) *Height.* Except as noted below, lighting fixtures shall not exceed a height of 20 feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven feet above ground level. The planning commission or planning department staff may modify these height standards in commercial and industrial districts during site plan review, special use, and PUD review and approval procedures, based on consideration of the following:

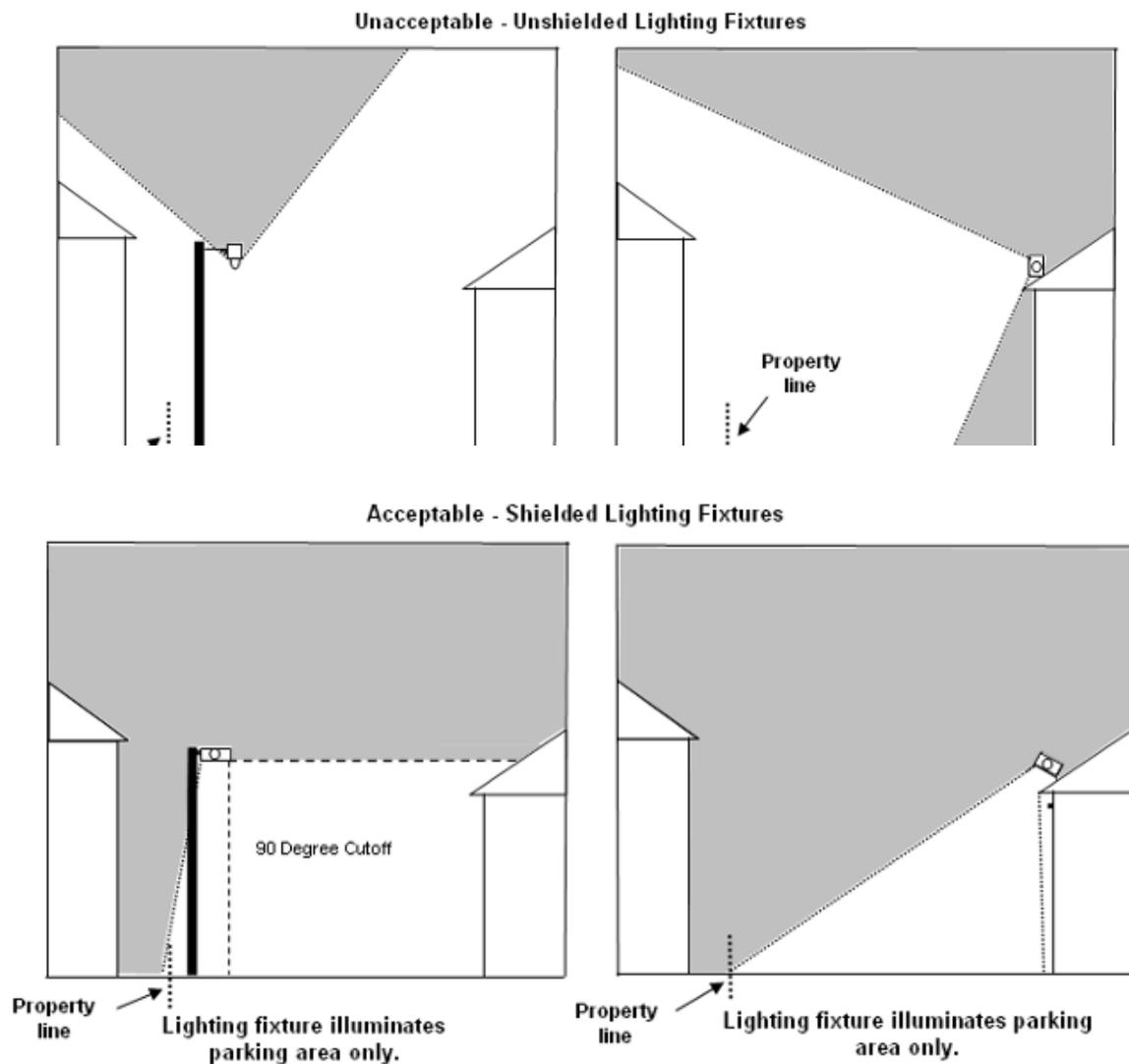
- a. The position and height of buildings, other structures, and trees on the site;

- b. The potential off-site impact of the lighting;
- c. The character of the proposed use; and
- d. The character of surrounding land use.

(5) *Sign lighting.* Signs shall be illuminated in accordance with the regulations set forth in article XX.

(6) *Site plan regulations.* All lighting, including lighting that is intended to be primarily decorative in nature, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow.

Illustration 3-1. Lighting orientation and shielding.



(Ord. No. 2010-, 12-20-10)

Sec. 122-61. Performance guarantee.

(a) *Intent and scope of regulations.* To insure compliance with the provisions of this chapter and any conditions imposed thereunder, the planning commission or city commission may require that a performance guarantee be deposited with the city to insure faithful completion of improvements, in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

Improvements means those features and/or actions considered necessary by the city planning commission to protect natural resources or the health, safety, and welfare of the city residents and/or the future users or inhabitants of the proposed project. Improvements for which the planning commission may require a performance guarantee include, but are not limited to, roadways, parking, lighting, utilities, sidewalks, screening and drainage.

(b) *General regulations.* The performance guarantee shall meet the following regulations:

(1) The city may require a deposit of a performance guarantee in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

(2) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate, based on the type of performance guarantee submitted, the city shall deposit the funds in an interest-bearing account in a financial institution with which the city regularly conducts business.

(3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by planning department staff.

(4) The entire performance guarantee, plus interest accrued, if any, shall be returned to the applicant following inspection by city staff and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent shall be held back on each element until satisfactory completion of the entire project.

(5) An amount not less than ten percent of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the zoning administrator that all landscape materials are being maintained in good condition.

(c) *Unsatisfactory completion of improvements.* Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this chapter, the city may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. If the performance guarantee is not sufficient to cover the cost of required improvements, the city may complete the required improvements and then place a lien on the property to recover the full cost of such improvements. Prior to completing said improvements, the city shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-62. Reception antennae.

Reception antennae are permitted in all zoning districts, subject to the following regulations:

- (1) Ground or tower-mounted antennas shall comply with the setback regulations for the district in which they are located.
- (2) Ground or tower-mounted antennas in a residential zoning district shall not be located in a required front yard or closer to any street than an existing building, whichever is greater.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-63. Sidewalks.

Sidewalks shall be required where deemed necessary to facilitate safe pedestrian and nonmotorized travel as a condition of site plan, PUD, or plat approval of nonresidential, residential, or new subdivision developments. Sidewalks shall be subject to the following regulations:

- (1) General regulations.
 - a. Location and width. Required sidewalks shall have a minimum width of five feet and shall be located one foot off the property line in the street right of way. The planning commission may modify this requirement in consideration of the location of utilities, existing landscaping, or other site improvements.
 - b. Design standards. Sidewalks shall be constructed in accordance with the city's established design and construction standards.

c. Alignment with adjacent sidewalks. Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The planning commission may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards set forth herein.

d. Signage. The planning commission may require installation of signage for the purposes of safety, such as to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the sidewalks.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-64. Standards for dwellings.

Any residential structure or addition to a structure, including manufactured housing not located in manufactured housing parks, shall be erected or constructed only if in compliance with the following residential design standards. These standards shall not be construed to prohibit innovative design concepts involving solar energy, efforts to preserve natural features on a site, or efforts to adjust to the contour of the site.

(1) *Area and bulk regulations.* Residential dwellings shall comply with the minimum floor area regulations specified for the zoning district where such structure is located. Residential dwellings are encouraged to be compatible in height, size and shape to surrounding residential structures.

(2) *Fenestration and entrance.* Total fenestration (rough window openings) on the front elevation of a dwelling shall range between ten percent and 30 percent of the total surface area of that elevation. Sliding glass patio doors shall not be used on the front elevation of a dwelling, when visible from the street.

(3) *Roof design.* The pitch of the main roof shall have a minimum vertical rise of one foot for each four feet of horizontal run, and the minimum distance from the eaves to the ridge shall be ten feet, except where the specific housing design dictates otherwise (i.e., art deco, Italianate, etc.).

(4) *Exterior materials.* All bare wood surfaces utilized on the exterior of any dwelling or portion thereof shall be painted or stained. Chimneys whether functional or ornamental shall be of masonry construction or be faced with brick veneer, stone, or stucco on all exposed surfaces.

(5) *Manufactured housing.*

a. If the dwelling is a mobile home, it must either be:

1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards

of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in section 122-64(E)(1)(a).

b. All manufactured housing must meet the following regulations:

1. Manufactured housing shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a manufactured housing unit to its permanent foundation.

2. All dwellings shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the city, and with applicable federal or state standards or regulations for construction.

3. The dwelling shall comply with the minimum floor area regulations of the zoning district in which it is located and shall have a minimum horizontal dimension across any front, side or rear elevation of 20 feet at time of manufacture, placement or construction.

4. The foregoing standards shall not apply to a manufactured home located in a mobile home park licensed by the Michigan Manufactured Housing Commission and approved by the city according to the provisions of article VI.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-65. Streets, roads, and other means of access.

(a) *Intent.* The regulations of this article are intended to promote the efficient use of public streets, provide safe access to land within the city, provide adequate police and fire protection, and other public services. The standards and specifications set forth below are determined to be the minimum standards and specifications necessary to meet these objectives.

(b) *Public access required/minimum frontage.* All newly created lots shall have frontage on and access to a public street or private easement. Frontage shall meet the minimum lot width required in article XIV, schedule of regulations.

(c) *Easements required for private streets.* When private streets are created all easements necessary to provide access to private lots must meet the following standards:

- (1) Easements shall be recorded with the county register of deeds;
- (2) Easements shall have a width of not less than 60 feet, except where an easement of record existed prior to the adoption of this section; and
- (3) Easements shall be improved with streets constructed to city specifications. The owners of lots having frontage on such easements shall be responsible for all costs associated with the construction and maintenance of such streets. All such lots shall have frontage on such easements in accordance with applicable zoning district lot width regulations as if the easement were a public right-of-way.

(d) *Access across residential zoned land.* The means of vehicular access to land in a nonresidential district shall not traverse land in a residential zoning district.

(e) *Service roads/secondary access roads.* Provisions for circulation between contiguous lots can be provided through coordinated or jointly constructed parking areas, service roads, and secondary access roads (see section 122-32(91) and Illustration 2-5). Accordingly, the planning commission shall have the authority to require the construction of service roads and secondary access roads, if during site plan review, special use, or PUD procedures it determines that such roads are necessary to limiting the number of driveways providing access to two or more contiguous lots for the purpose of:

- (1) Reducing or mitigating potentially hazardous traffic conditions that would result from the construction of an excessive number of driveways on contiguous lots; and
- (2) Reducing or mitigating a potential reduction in the carrying capacity of an adjoining public street.

Such roads shall be improved in accordance with generally acceptable street construction standards.

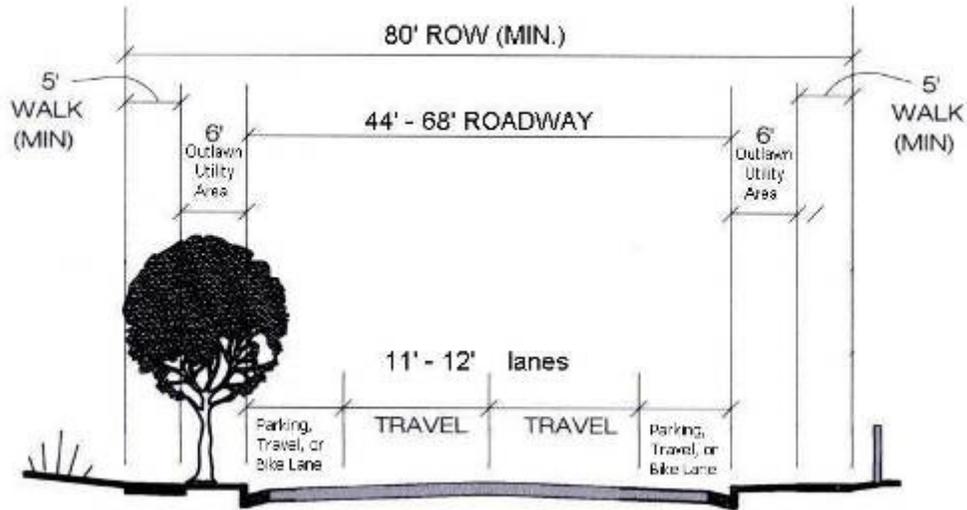
The planning commission shall also have the authority to require the establishment of easements across contiguous lots to provide for future cross-lot access service road and secondary access road construction.

(f) *Dimensions for public rights-of-way.* All public rights-of-way shall be designed in accordance with the following standards and illustrations provided below.

- (1) Major thoroughfare, 80 feet.
- (2) Arterial street, 80 feet.
- (3) Collector street, 66 feet.
- (4) Local street, 60 feet.
- (5) Cul-de-sac, 60 feet.
- (6) Marginal access street, 60 feet.

(7) Alley, 20 feet

MAJOR THOROUGHFARE



Roadway Width: Maximum 68' wide. Roadway width may be reduced if on-street parking is not provided.

Right-Of-Way Width: 80'.

Travel Lanes: Two to four lanes, 11' to 12' wide, bike lanes 7' 8'.

Left Turn Lanes: 12' wide at intersections, where needed.

Parking: On-street parking may be permitted within designated areas.

Sidewalk: 5' (min.) width.

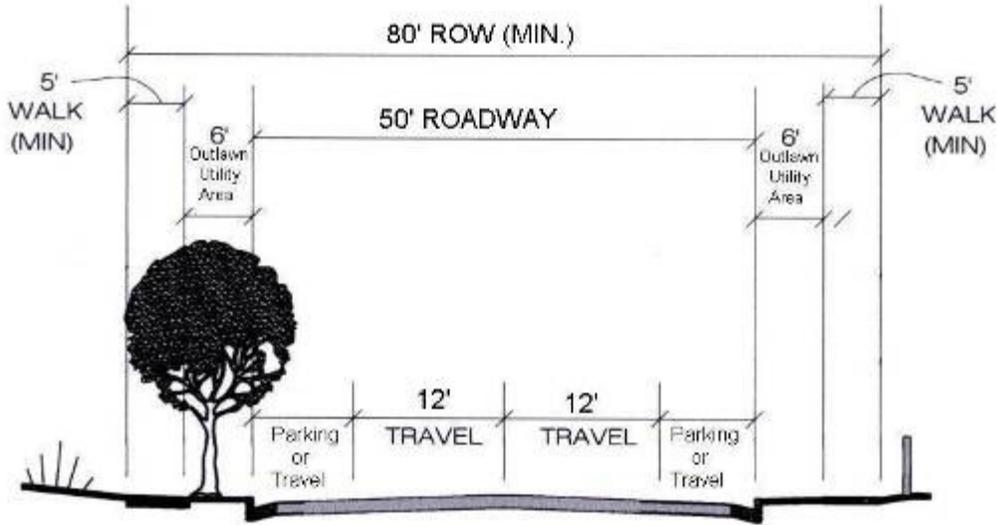
Median: Optional.

Where Used: These specifications shall apply to streets classified as principal arterial or minor arterial and serve as a main traffic artery, when the average daily traffic volume is anticipated to be over 20,000 vehicles per day.

Design Speed: 35-45 MPH.

Curb And Gutter: Vertical.

ARTERIAL STREET



Roadway Width: 50' wide (with parking). Roadway width may be reduced if on-street parking is not provided.

Right-Of-Way Width: 80' (min.).

Travel Lanes: Two to four lanes, 12' wide.

Left Turn Lanes: 12' wide at intersections, where needed.

Parking: On-street parking is permitted within designated areas.

Sidewalk: 5' (min.) width.

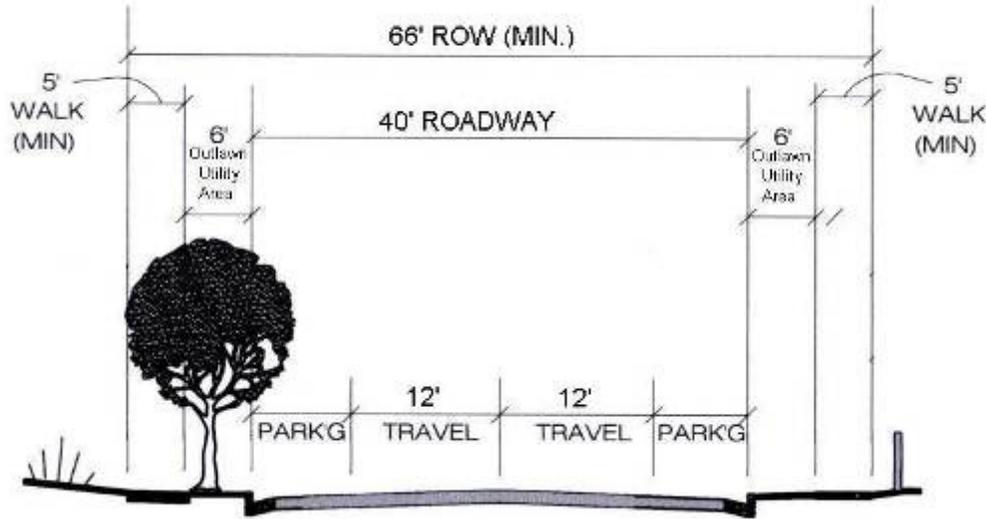
Median: Additional right-of-way required for medians.

Where Used: These specifications shall apply to streets intended to serve a large volume of traffic for both the immediate area and the region, when the average daily traffic volume on the street is anticipated to be in the range of 10,000 to 20,000 vehicles per day.

Design Speed: 25-35 MPH.

Curb And Gutter: Vertical.

COLLECTOR STREET



Roadway Width: 40' wide (with parking). Roadway width may be reduced if on-street parking is not provided.

Right-Of-Way Width: 66' (min.).

Travel Lanes: Two lanes, 12' wide.

Left Turn Lanes: 12' wide at intersections, where needed.

Parking: On-street parking is permitted within designated areas.

Sidewalk: 5' (min.) width.

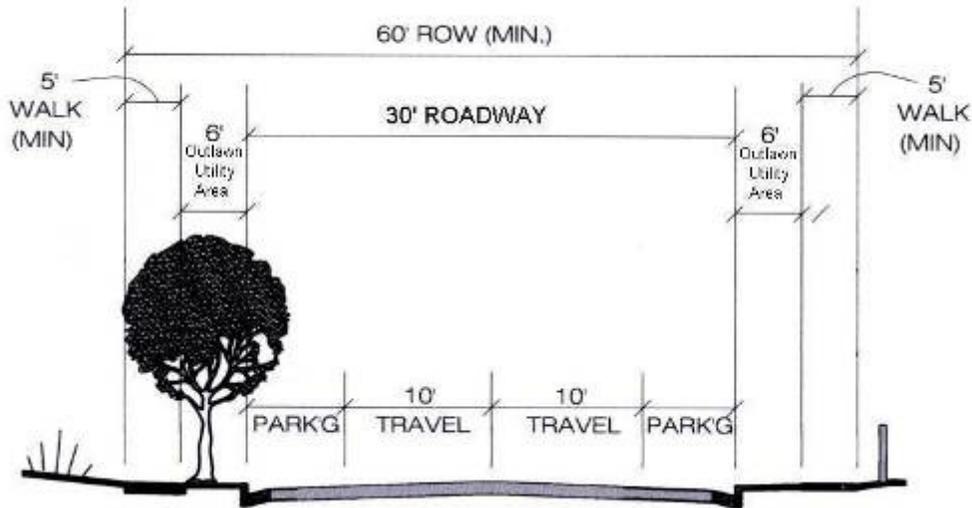
Median: Additional right-of-way required for medians.

Where Used: These specifications shall apply to streets whose function is to carry traffic between local and arterial roads, when the average daily traffic volume on the street is anticipated to be in the range of 1,000 to 9,999 vehicles per day.

Design Speed: 25-35 MPH.

Curb And Gutter: Vertical.

LOCAL/RESIDENTIAL STREET



Roadway Width: 24' wide (with parking on one side) to 30' wide (with parking on two sides). Roadway width may be reduced if on-street parking is not provided.

Right-Of-Way Width: 60' (min.).

Travel Lanes: One or two lanes, 10' wide.

Left Turn Lanes: None.

Parking: Permitted.

Sidewalk: 5' (min.) width.

Median: Additional right-of-way required for medians.

Where Used: These specifications shall apply to streets used in residential areas for local access and circulation, when the average daily traffic volume on the street is anticipated to be in the range of 1 to 999 vehicles per day.

Design Speed: 25 MPH.

Curb And Gutter: Vertical.

(Ord. No. 2008-, 12-15-08)

Sec. 122-66. Temporary structures including modular buildings, enclosures, portable toilets, trailers, trucks, or similar vehicles used for nonresidential purposes

Temporary structures are permitted in all zoning districts, subject to the following regulations:

- (1) Temporary structures housing construction contractor offices, temporary sales offices, concrete batch plants, and similar facilities shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project.
- (2) The use and location of temporary structures shall be subject to review and approval by planning department staff and the building official.
- (3) Temporary structures shall be removed upon completion of the construction project and as a condition of issuance of a certificate of occupancy for the project.
- (4) The use of temporary structures for sales or storage of material in connection with a commercial or industrial land use is prohibited.

(Ord. No. 2008-, 12-15-08)

Sec. 122-67. Temporary mobile storage container.

Mobile storage containers are permitted in all zoning districts, subject to the following regulations:

- (1) Mobile storage containers are to be used on a temporary basis and may not be stored for more than 120 days in any 12 month period.
- (2) Mobile storage containers are not to be placed within a required front yard setback or closer than 5 feet to a side yard setback, unless it is determined by planning department staff that no other option exists and that placement within these areas will not have an adverse affect on neighboring properties.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-68. Trash dumpsters and other refuse receptacles.

Adequate refuse disposal facilities shall be required in all districts. Dumpsters for multiple-family, and any nonresidential uses shall be located and screened in accordance with the following regulations:

(1) *Location.*

a. Dumpsters shall not be located in a front yard or side-street side yard. Dumpsters shall be located so as to minimize their visibility from adjacent streets and properties, and shall be set back at least ten feet from any side or rear lot line.

b. Dumpsters shall have an adequate means of vehicular access, shall not encroach on a required parking area, and shall not conflict with entrances to principal buildings.

(2) *Concrete pad.* Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of three feet in front of the dumpster enclosure.

(3) *Enclosure.*

a. A dumpster shall be placed within an enclosure consisting of a masonry wall or opaque fence, which is equipped with gate(s) that are of adequate height to screen it from view from adjoining property and streets.

b. Such screening shall not be required where M-2, general industrial zoned property abuts other M-2 zoned property.

(4) *Bollards.* Bollards (concrete filled metal posts) or similar protective devices shall be installed at the gated opening of the enclosure to prevent damage to the screening wall or fence.

(5) *Maintenance.* Masonry walls, fences, and gates must be maintained in a serviceable condition and must be repaired as requested by the zoning administrator, so as to provide for continued compliance with this section. Dumpsters must remain within the enclosures at all times.

(Ord. No. 2005-11, 11-21-05)

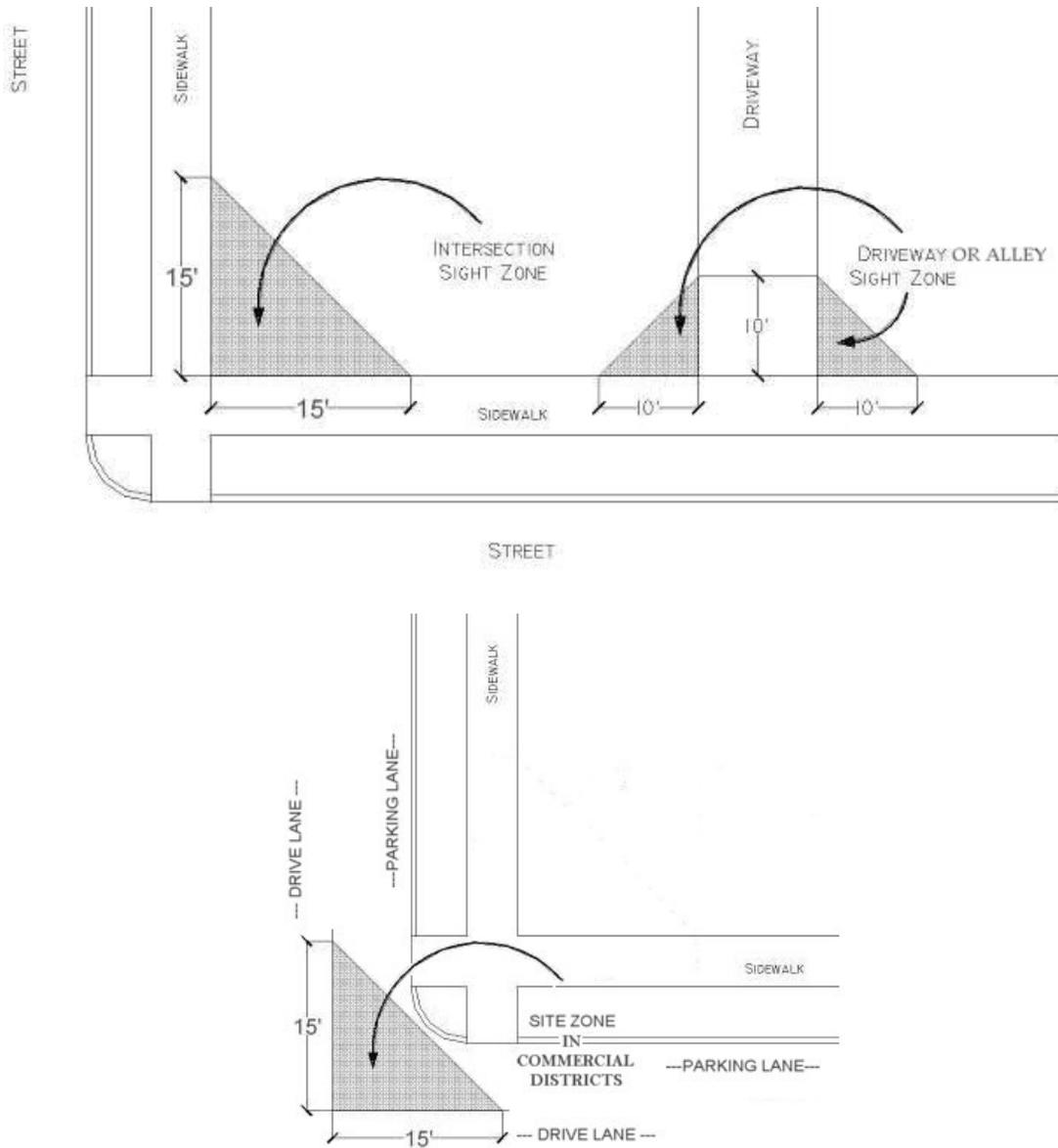
Sec. 122-69. Unobstructed sight zone.

No sign, fence, wall, structure, parking or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two streets or the intersection of a street and a driveway, except as provided below. This area shall be known as the unobstructed sight zone.

The unobstructed sight zone shall be determined as follows:

- (1) The area formed at the corner intersection of two public right-of-way lines, or of two drive lanes in commercial districts. The two sides of the triangular area being 15 feet in length measured along abutting public rights-of-way lines or of two drive lanes if applicable, and third side being a line connecting these two sides, or
- (2) The area formed at the corner intersection of a public right-of-way and a driveway or alley, the two sides of the triangular area being 10 feet in length measured along the right-of-way line and edge of the driveway or alley, and the third side being a line connecting these two sides.

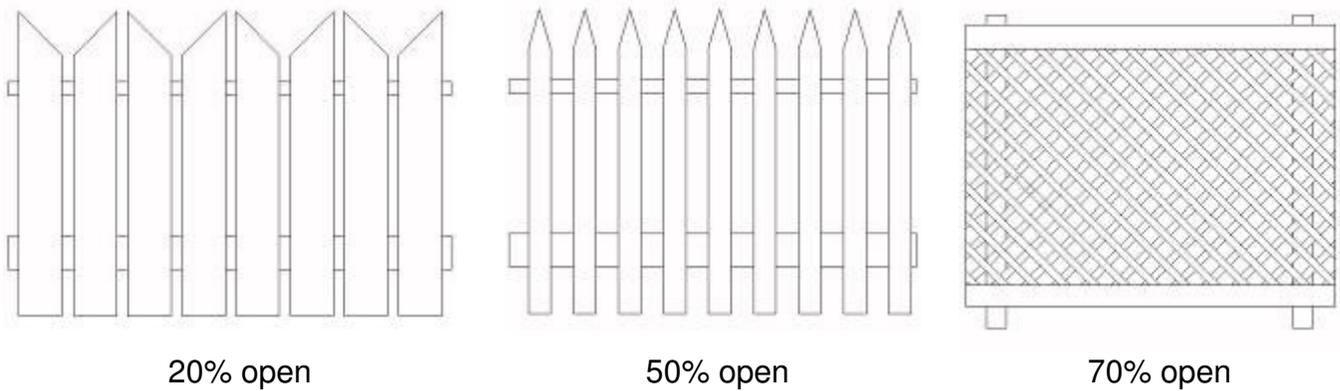
Illustration 3-2. Unobstructed sight zones.



Fences, walls, structures, or plantings located in the unobstructed sight zone shall not be permitted to obstruct cross-visibility and shall not exceed a height of 3 feet above the curb level.

Within the limits of sight zones, fences shall not exceed three feet in height above grade, except that such restriction shall not apply to fences that are at least 50% open (see illustration 3-3).

Illustration 3-3. Fences.



Trees shall be permitted in the unobstructed sight zone provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than 3 feet to the edge of any driveway or street pavement within the unobstructed sight zone.

(Ord. No. 2010-, 12-20-10)

Sec. 122-70. Wireless communication towers and antennas.

(a) *Background.*

- (1) The city has received or expects to receive requests to site wireless communication towers (hereinafter referred to as towers) and antennas (hereinafter referred to as antennas) within its corporate boundaries;
- (2) The city finds that it is in the public interest to permit towers, antennas and the collocation of antennas on alternative structures within those boundaries;
- (3) It is the city's intent to permit the location of towers and antennas within its boundaries;

(4) It is the city's intent to protect and promote the public health, safety or welfare by regulating the location of towers and antennas within its boundaries; and

(5) The city has determined that the presence of numerous towers, particularly if located within residential and historic preservation zoning districts, would decrease the attractiveness and have an adverse impact on the intent, purpose, character and integrity of such districts.

(b) *Purpose and intent.* The provisions of this section are intended to enable the city to accomplish the following:

(1) Authorize the installation of towers and antennas required for the operation of wireless communication systems within the city's corporate boundaries;

(2) Protect and promote the public health, safety or welfare of the city and its residents;

(3) Minimize the total number of towers and antennas throughout the city;

(4) Provide for the location of towers and antennas in commercial and industrial districts;

(5) Promote:

a. The placement of antennas on alternative tower structures;

b. The joint use of existing tower sites; and

c. The collocation of antennas on existing towers and alternative tower structures rather than the construction of additional towers;

(6) Promote the location of towers and antennas in areas where their potential for creating an adverse impact on the city is minimal;

(7) Promote effective and efficient telecommunications and data communications services;

(8) Minimize the adverse impacts of technological obsolescence of towers, antennas and operating facilities by requiring the removal of abandoned towers, antennas and facilities; and

(9) Minimize the negative visual impact of towers, antennas, and buildings housing operating equipment and equipment cabinets, on neighborhoods, community landmarks, and historic sites and buildings, by utilizing careful design, siting, landscaping, screening and innovative camouflaging techniques.

(c) *Applicability.*

(1) Towers and antennas shall not be regulated or permitted as essential services, public utilities, or private utilities. They shall be regulated and permitted pursuant to this section.

(2) All new wireless communications towers and antennas and the collocation of new antennas on existing towers and alternative structures shall be subject to the provisions of this section.

(3) Any tower or antenna that is owned and operated by a federally-licensed amateur radio station, or is used exclusively for receive-only data, voice or television reception shall not be subject to the provisions of this section.

(d) *Definitions.*

Alternative Tower Structure: Buildings, Water towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or alternative tower structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies, radar signals, wireless communications signals or other communication signals.

Height: For the purpose of this section, and when referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from finished grade of the lot at the center of the front of the tower or other building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed lattice towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular or digital telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.

(e) *Special use approval required.* The location of new towers, or new antennas on alternative tower structures, shall be permitted subject to special use approval in accordance with the provisions of article XVI, except as provided in section 122-70 (H).

(f) *Administrative review.* Collocating new antennas on existing towers or additional antennas on existing alternative tower structures shall be permitted subject to

administrative review by planning department staff and subject to the standards for collocation in accordance with the provision of this section.

(g) *Location.*

(1) New towers are permitted as a special, use in the C-2B, M-1, and M-2 districts.

(2) The collocation of wireless communication antennas on alternative tower structures is permitted in all districts subject to special approval in accordance with the provisions of article XVI.

(h) *General regulations.* In addition to the other provisions of this article and the standards applicable to the review and approval of special uses under section 122-357, all wireless communication facilities regulated by this article shall be subject to the following regulations:

(1) Wireless communication towers, antennas, accessory buildings and cabinets housing operating equipment shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surrounding buildings and uses.

(2) New towers shall not exceed 120 feet in height. Existing towers shall not be modified so as to exceed 120 feet in height.

(3) All new towers shall be designed and constructed to accommodate the collocation of additional antennas.

(4) Buildings and cabinets housing operating equipment shall not exceed 12 feet in height.

(5) New towers, as well as buildings and cabinets housing operating equipment, shall be set back 100 feet from the lot line that separates the lot on which the facility is located from any lot in a residential or waterfront zoning district. In all other cases towers, buildings and cabinets shall comply with the setback regulations for the zoning district in which they area located.

(6) Driveways for service vehicles shall be provided and paved in accordance with the regulations of 122-381(B)(5).

(7) Wireless communication towers may be located as individual uses on individual lots, or as an additional use on a leased portion of a lot provided that compliance with the provisions of this article can be attained. The division of a lot for the purpose of siting a tower is permitted subject to the lot size, lot width and other applicable zoning district regulations.

(8) Roof-mounted buildings and cabinets housing operating equipment shall be designed or screened so as to be architecturally compatible with the building on which they are located.

(9) Advertising signs shall not be allowed on an antennas, towers or on the exterior of buildings or cabinets housing operating equipment or on fences enclosing antenna or tower facilities.

(i) *Removal of abandoned and obsolete wireless communication facilities.*

Wireless communication facilities shall be removed by their owners within six months of the date on which such facilities are no longer used or which become obsolete for the purpose or purposes for which they were granted special use.

(Ord. No. 2008-, 12-15-08)

Sec. 122-71. Yard and bulk regulations.

(a) *Minimum lot size.* Every lot created subsequent to the effective date of this chapter shall comply with the minimum lot area and width regulations of applicable zoning district regulations.

(b) *Yard and setback regulations.* No yards in existence on the effective date of this chapter, shall subsequently be reduced below, or further reduced if already less than, the minimum yard regulations of this chapter.

(c) *Front lot lines on through lots.* On through lots both street rights-of-way shall be considered front lot lines and front yard setbacks shall apply.

(d) *Number of principal uses per lot.* Only one principal building shall be placed on a lot in R-1 or R-2, single-family residential zoning districts. In a single-family site condominium project, only one principal building shall be placed on each condominium lot.

(e) *Projections into required yards.*

(1) In any zoning district, fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and similar projections shall be considered part of the building, subject to setback regulations for the district in which the building is located.

(2) Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required yard not more than two inches for each one foot of width of such yard.

(f) *Air conditioning equipment.* In residential zoning districts, permanent air conditioning equipment shall not be permitted in a required front yard.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-72. Use of legal nonconforming lots of record.

A legal nonconforming lot of record, may be used for any use allowed in the zoning district in which such lot is located subject to compliance with setbacks, lot coverage and other provisions applicable to the zoning district.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-73. Uses prohibited by law.

Any business or organization in violation of local, state or federal law is prohibited from locating or operating within the corporate limits of the city.

(Ord. No. 2010-, 12-20-10)

Secs. 122-74—122-80. Reserved.

ARTICLE IV. ESTABLISHMENT OF ZONING DISTRICTS.

Sec. 122-81. Creation of districts.

For the purposes of this chapter, the City of Bay City is hereby divided into the following zoning districts as shown on the official zoning map:

R-1	Single-family residential district
R-2	Single and two-family residential district
RM-1	Medium density multiple-family residential district
RM-2	High-rise multiple-family residential district
RMH	Residential mobile home district
O-1	Office district
C-1	Neighborhood business district
C-2-A	General business district
C-2-B	Highway business district
C-3	Central business district
WF	Waterfront district
M-1	Light Industrial district
M-2	General Industrial district
HP	Historic preservation overlay district
FA&M	Farmer's Auto & Machinery historic preservation overlay district

(Ord. No. 2005-11, 11-21-05)

Sec. 122-82. Adoption of zoning map.

The boundaries of the zoning districts listed in section 122-81 are hereby established as shown on the map titled: Official Zoning Map of Bay City, Michigan. The zoning map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this chapter as if fully described herein.

In accordance with the provisions of this chapter and the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, changes made in district boundaries and other matters portrayed on the zoning map shall be entered on the zoning map after the amendment has been approved by the city commission and has been published in a newspaper of general circulation in the city or as otherwise allowed by statute. No changes of any nature shall be made to the zoning map except in conformity with the procedures set forth in section 122-561 of this chapter.

Regardless of the existence of copies of the zoning map which may, from time to time, be made or published, the official zoning map shall be on file with the planning department and shall be the final authority with regard to the current zoning status of all land in the city. This official zoning map shall be identified by the signature of the Mayor

attested by the city clerk, and bearing the following statement: "This is to certify that this is the official zoning map of the City of Bay City adopted on day of , 20"

(Ord. No. 2008-, 12-15-08)

Sec. 122-83. Interpretation of location of district boundaries.

The following rules shall apply to the interpretation of zoning district boundaries:

(1) Boundaries indicated as approximately following the center lines of streets, railroad rights-of-way, or alleys shall be construed to follow such center line.

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

(3) Boundaries indicated as approximately following the corporate limits of the city at the time of the adoption of this chapter shall be construed as following such limits.

(4) Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.

(5) Zoning district boundaries that are shown as being a continuation of or parallel to centerline of a street, alley, plat boundary line, or other feature, shall be construed as being a continuation of or parallel to such a feature. Distances not specified on the official zoning map shall be determined using the scale on the map. All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights-of-way.

(6) Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the zoning board of appeals shall interpret the exact location of zoning district boundaries with the recommendation of the city planning commission.

(7) Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-84. Zoning of vacated areas.

Whenever any street or alley within the city is vacated, such street or alley shall be automatically classified in the same zoning district as the property to which it attaches.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-85. Zoning of filled land.

Whenever any fill is permitted in any body of water, the land created becomes subject to the same zoning regulations that are applicable to the land to which it is attached.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-86—122-100. Reserved.

Table 122-102 Table of District Uses					
Use	Districts				Comments
	R-1	R-2	RM-1	RM-2	
● = Use is Permitted X = Use is Not Permitted SU = Special use. A = Permitted accessory uses					
3. Essential services.	●	●	●	●	See § 122-57.
4. Funeral homes	X	X	SU	SU	
5. General office buildings/uses provided that goods are not manufactured, exchanged, or sold on the premises.	X	X	SU	SU	
6. Model homes.	A	A	A	A	See § 122-484
7. Municipal, state or federal administrative or service buildings that do not require outdoor storage of materials or equipment.	X	X	SU	SU	See § 122-482.
8. Nursing homes, convalescent homes, rest homes, and orphanages.	X	X	SU	SU	
9. Half-way houses.	X	X	SU	SU	See § 122-495
10. Off-street parking areas for nonresidential uses which are located in adjoining residential zoning districts.	SU	SU	SU	SU	See § 122-103(B)
11. Parks, playgrounds, and recreation centers that are owned and operated by the city, county, or a noncommercial, nonprofit entity.	●	●	●	●	See § 122-104.
12. Private parks owned and maintained by a homeowner's association as part of an approved subdivision plat or condominium project.	A	A	A	A	
13. Public museums, libraries, and similar facilities.	●	●	●	●	See § 122-104 and 122-482.
14. Public parking garages when required for off-street parking	X	X	A	A	See article XVII.
15. Public utility buildings.	SU	SU	SU	SU	See § 122-493.
16. Public, parochial, and other	SU	SU	SU	SU	See § 122-482.

(2) Such parking lot shall be used only for the parking of vehicles with no repair work or servicing of any kind.

(3) Lighting, if provided, shall be in accordance with section 122-60.

(4) One directional sign may be erected at each entrance or exit in accordance with section 122-445(a)14.

(5) Landscaping and screening shall be provided in accordance with the provisions of articles XVIII, and XIX.

(6) Such off-street parking areas shall constructed in accordance with article XVII.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-104. Site plan review.

Site plan review and approval is required for the following uses:

(1) Parks, playgrounds, and recreation centers as determined by staff.

(2) Public museums, libraries, and similar facilities.

(3) Places of worship.

(4) All special uses.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-105—122-115. Reserved.

ARTICLE VI. RMH, MOBILE HOME PARK DISTRICT.

Sec. 122-116. Intent and purpose.

The mobile home park district is intended to provide a location for mobile home parks.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-117. Permitted uses.

Mobile home parks and associated accessory uses and structures.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-118. Development regulations.

Mobile home parks shall be developed in accordance with the rules applicable to mobile home parks administered by the Michigan Manufactured Housing Commission under authority of the Mobile Home Commission Act (PA 96 of 1987, as amended and hereinafter referred to as the Act).

(Ord. No. 2005-11, 11-21-05)

Sec. 122-119. Review and approval process.

A person who desires to develop a mobile home park shall submit a preliminary plan of the park to the planning department. The plan shall be consistent with the regulations of the Act. Copies of the plan shall also be provided to other city departments in accordance with section 11 of the Act. The planning commission shall review the plan and shall act to approve the plan, approve the plan with modifications, or deny approval of the plan within 60 days of its submission to the planning department. The Act does not require the city to review and approve a final plan of the park.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-120—122-130. Reserved.

ARTICLE VII. O-1, OFFICE DISTRICT.

Sec. 122-131. Intent and purpose.

The intent of the O-1, office district is to accommodate various types of administrative and professional offices, as well as certain personal service businesses, which can serve as transitional uses between more intensive land uses, such as thoroughfares and commercial uses, and less intensive residential uses.

This district is intended to preclude the establishment of retail uses and other activities that typically generate large volumes of traffic, traffic congestion, parking problems, and other impacts that could negatively affect the use or enjoyment of adjoining property. Accordingly, well-designed office buildings in landscaped settings are considered most appropriate for this district.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-132. Permitted uses and structures.

(a) Principal uses and structures. The following principal permitted uses are permitted in the O-1 district:

- (1) General office buildings and uses, provided that goods are not manufactured, exchanged, or sold on the premises.
- (2) Medical offices and clinics.
- (3) Municipal, state or federal administrative or service buildings.
- (4) Photography studios.
- (5) Funeral homes.
- (6) Insurance offices and brokerage houses.
- (7) Beauty salons and barbershops.
- (8) Places of worship, subject to the regulations of section 122-482.
- (9) Public facilities such as museums or libraries, when set back at least 40 feet from any residentially zoned lot.
- (10) Day care centers, as defined in section 122-32(30), subject to the provisions in section 122-477.

(11) Parks, playgrounds and recreation centers that are owned and operated by the city, county, or a noncommercial, nonprofit entity.

(b) Special uses. The following uses may be permitted by the planning commission subject to the procedures and regulations of article XVI, special uses:

(1) Single-family, detached dwellings.

(2) Two-family dwellings.

(3) Multiple-family dwellings.

(4) Public, parochial, and other private elementary, intermediate, or high schools, unless made exempt by the Revised School Code or other state law.

(5) Business schools and colleges, or vocational training schools, dance schools, music and voice schools, and art studios.

(6) Financial institutions, including banks, credit unions, and savings and loan associations.

(7) Public utility buildings, such as telephone exchange buildings, electric transformer stations and substations, gas regulator stations, that do not require outdoor storage of vehicles, materials or equipment. See section 122-493.

(8) Bed and breakfasts, subject to the provisions of section 122-474.

(9) Cemeteries.

(10) Hospitals, subject to the provisions in section 122-480.

(11) Nursing homes, convalescent homes, rest homes, orphanages, and half-way houses.

(12) Adult foster care facilities, adult foster care small group homes, adult foster care large group homes, subject to the provisions of section 122-479.

(13) Limited volume retail and service businesses that are located in and accessory to office buildings, such as pharmacies, medical supply stores, optical shops, office supply stores, copy services or restaurants, provided the access to such business is through an internal corridor.

(14) Service clubs and fraternal organizations, subject to the provisions of section 122-482.

(15) Research and development operations.

(Ord. No. 2012-, 6-18-12)

Sec. 122-133. Development standards.

(a) *Required conditions.* Unless otherwise noted, buildings and uses in the O-1 zoning district shall comply with the following standards:

(1) All permitted retail or service establishments shall deal directly with customers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

(2) All business, services, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.

(3) There shall be no outdoor storage of any goods, inventory, vehicles, or equipment.

(b) *Site plan review.* Site plan review and approval in accordance with article XV is required for all permitted and special uses.

(c) *Area, height, bulk, and placement regulations.* See article XIV, schedule of regulations.

(Ord. No. 2010-, 12-20-10)

Secs. 122-134—122-150. Reserved.

ARTICLE VIII. C-1, NEIGHBORHOOD BUSINESS DISTRICT, C-2-A, GENERAL BUSINESS DISTRICT, C-2-B, HIGHWAY BUSINESS DISTRICT, C-3, CENTRAL BUSINESS DISTRICT.

Sec. 122-151. Purpose.

The intent of the business districts is to provide land in the city for a variety of commercial uses, including retail, office, restaurant, and service uses, to serve residents in the city and surrounding communities. There are four business districts that differ in the population served, the intensity of use, and the range of products and services offered.

The C-1, neighborhood business district, is intended to offer a broad range of goods and services needed by residents in surrounding neighborhoods on a daily basis. Neighborhood business districts are typically located adjacent to residential uses, so special attention must be focused on site layout, building design, vehicular and pedestrian circulation, orientation of dumpster and loading areas, light trespass, and similar considerations to prevent undesirable impacts on the residential uses.

The C-2-A, general business district, is intended to provide residents of the city with a broad range of comparison, convenience commercial, and service uses.

The C-2-B, highway business district, is intended to be the city's most vehicle-oriented commercial district. It includes the Euclid and Wilder corridors, excluding those portions zoned O-1, and that portion of Center Avenue between Livingston and the corporate limits, excluding that portion which is zoned M-1, light industrial.

The C-3, central business district, is intended to offer a variety of commercial, office, civic, cultural, entertainment, recreational, residential, and tourism-oriented uses in a compact, high intensity urban downtown environment. Residential development, particularly on the upper floors of retail and office buildings, is encouraged in this district.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-152. Permitted uses and structures.

(a) *Table of permitted uses.* Buildings shall be erected, altered, and used and land shall be used in accordance with section 122-153 and table 122-152, table of permitted uses.

(b) *Uses not cited by name.* The use of a building or land use which is not cited by name as a permitted or special use in a C-1, C-2-A, C-2-B, or C-3 zoning district may be permitted upon determination by the planning department staff that such use is clearly

similar in nature and intensity and compatible with the permitted and existing uses in the district. In making such a determination, planning department staff shall consider the following:

- (1) *Similarity and compatibility.* In making the determination of similarity and compatibility with permitted and existing uses in the district, planning department staff shall consider specific characteristics of the use in question and compare such characteristics with those uses expressly permitted in the district. Such characteristics shall include, but are not limited to, truck and vehicular traffic generation, types of services offered, types of goods offered, methods of operation, impacts from noise, and building and site characteristics.

- (2) *Conditions under which use may be permitted.* If the planning department staff determines that the proposed use is similar to and compatible with permitted and existing uses in the district, then planning department staff shall decide whether the proposed use is permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval regulations for the district in which it is located.

Table 122-152 Table of District Uses					
Use	Districts				Comments
	C-1	C-2- A	C-2- B	C-3	
● = Use is Permitted SU = Special use. X = Use is Not Permitted A = Permitted accessory uses					
A. Clinics:					
1. Medical clinic.	●	●	●	●	
2. Hospitals.	SU	●	●	SU	See § 122-480.
3. Veterinary clinics and hospitals for the care of small animals.	SU	SU	SU	X	
B. Institutional Uses					
1. Business schools and colleges, vocational training schools, dance schools, music and voice schools, and art school.	SU	SU	●	●	
2. Cemeteries.	SU	SU	SU	X	
3. Display halls, banquet halls, and similar places of assembly.	X	SU	●	●	All activity is conducted completely within an enclosed building
4. Municipal, state or federal administrative or service buildings.	SU	SU	●	●	
5. Nursing homes, convalescent	X	SU	SU	SU	

Table 122-152 Table of District Uses					
Use	Districts				Comments
	C-1	C-2- A	C-2- B	C-3	
● = Use is Permitted SU = Special use. X = Use is Not Permitted A = Permitted accessory uses					
homes, rest homes, and orphanages.					
6. Service clubs and fraternal organizations.	SU	●	●	●	See § 122-482.
7. Public facilities such as museums or libraries.	●	●	●	●	See § 122-482.
8. Public utility buildings.	●	●	●	●	See § 122-493.
9. Public, parochial, and other private elementary, intermediate, or high schools licensed by the State of Michigan to offer courses in general education.	●	X	X	X	Subject to site plan and special use approval, unless made exempt by the Revised School Code or other Michigan law.
10. Religious institutions.	●	●	●	●	See § 122-482.
11. Half-way house.	SU	SU	X	SU	
C. Motor vehicle related					
1. Motor vehicle detailing	SU	SU	●	SU	All services, shall be conducted within a completely enclosed building.
2. Motor vehicle filling station.	SU	SU	●	SU	See § 122-486.
3. Motor vehicle repair garage.	X	SU	●	SU	See § 122-487 and 122-32(76).
4. Motor vehicle service station.	X	SU	●	SU	See § 122-487 and 122-32(77).
5. Motor vehicle wash or car wash establishment.	X	SU	●	SU	See § 122-475.
6. New and used motor vehicle, truck and tractor, boat, mobile home, recreation vehicle and trailer sales.	X	SU	●	SU	See § 122-485.
D. Office uses:					
1. General office buildings and uses provided goods are not manufactured on the premises.	●	●	●	●	
2. Printing plants and newspaper offices.	SU	SU	●	SU	

Table 122-152 Table of District Uses					
Use	Districts				Comments
	C-1	C-2- A	C-2- B	C-3	
● = Use is Permitted SU = Special use. X = Use is Not Permitted A = Permitted accessory uses					
E. Residential Care Facilities:					
1. Adult foster care facilities.	●	●	●	SU	See § 122-479.
F. Day care centers.	●	●	●	●	See § 122-477.
G. Residential Uses:					
1. Accessory apartments	X	X	X	X	See § 122-472.
2. Bed and breakfasts.	SU	●	X	●	See § 122-474.
3. Dwellings located on the first floor of commercial or office buildings.	SU	SU	SU	X	
4. Dwellings located in upper floors of commercial or office buildings.	●	●	●	●	
5. Home occupations.	A	A	A	A	See § 122-56
6. Multiple-family dwellings having three or fewer stories.	SU	SU	X	●	See § 122-303.
7. Multiple-family dwellings having more than three stories	SU	SU	X	SU	
8. Parks, playgrounds, and recreation centers that are owned and operated by the city, county, or a noncommercial, nonprofit entity.	●	●	●	●	See § 122-104.
9. Residential swimming pools.	A	A	A	A	
10. Single-family attached dwellings (townhouses).	●	●	X	SU	
11. Single-family detached dwellings.	●	●	X	X	
12. Two-family attached dwellings (duplexes).	●	●	X	X	
H. Restaurants, Bars and Lounges					
1. Bars, lounges, without entertainment and/or dancing.	SU	SU	●	●	See §122-32(90) and 122-473.
2. Bars, lounges, with entertainment and/or dancing.	X	SU	●	●	See §122-32(90) and 122-473.
3. Bars, lounges and standard restaurants where alcohol is served and where service,	X	X	SU	SU	See §122-473

Table 122-152 Table of District Uses					
Use	Districts				Comments
	C-1	C-2- A	C-2- B	C-3	
● = Use is Permitted SU = Special use. X = Use is Not Permitted A = Permitted accessory uses					
seating, and live entertainment is permitted outdoors					
4. Carry-out restaurants, confectionary and ice cream shops with limited seating.	●	●	●	●	See § 122-32(90). Outdoor service and seating is permitted.
5. Drive-in restaurants.	X	SU	●	X	See § 122-32(90). Outdoor service and seating is permitted.
6. Fast-food restaurants with or without drive-through service.	SU	SU	SU	SU	See § 122-32(90) and 122-478. Outdoor service and seating is permitted.
7. Standard restaurants where alcohol may be served.	SU	SU	●	●	See § 122-32(90) and 122-473.
8. Standard restaurants where alcohol is not served.	●	●	●	●	
I. Retail and service businesses:					
1. Beauty salons, barbershops, and tanning salons.	●	●	●	●	
2. Marinas and docking facilities.	X	X	X	SU	
3. Financial institutions, including banks, credit unions, and brokerage houses.	SU	SU	●	SU	See article XVII, Off-street parking.
4. Funeral homes.	●	●	●	●	
5. Hotels and Motels.	X	SU	●	●	See § 122-494.
6. Indoor recreation uses.	X	SU	●	●	See § 122-481.
7. Self service laundromats.	●	●	●	●	
8. Dry cleaners.	SU	SU	●	SU	
9. Locksmith.	●	●	●	●	
10. Movie theaters.	X	X	●	●	
11. Offices, showrooms, or workshop of a plumber, electrician, cabinet maker, upholsterer, caterer, exterminator, artisan, interior	●	●	●	●	

Table 122-152 Table of District Uses					
Use	Districts				Comments
	C-1	C-2- A	C-2- B	C-3	
● = Use is Permitted SU = Special use. X = Use is Not Permitted A = Permitted accessory uses					
decorator, tailor, or similar trade.					
12. Commercial outdoor recreation facilities, such as miniature golf courses, batting cages, and go-carts tracks.	X	SU	●	X	
13. Personal fitness centers and health clubs.	SU	SU	●	●	
14. Photography studios.	●	●	●	●	
15. Print shops/copying shops.	●	●	●	●	
16. Sexually oriented businesses.	X	X	X	SU	See § 122-492.
17. Auditoriums, including theaters, concert halls and amphitheaters.	X	SU	●	●	
18. Watch, radio, television, clothing and shoe repair.	●	●	●	●	
19. Carpet and flooring showrooms	SU	SU	●	●	Outdoor retail sales and display is prohibited.
J. Sale of the following on the premises:					
1. Any retail business, except sexually oriented businesses, involving the sale or rental of merchandise within a completely enclosed building.	●	●	●	●	
2. Permanent Outdoor retail sales.	SU	SU	SU	SU	Includes the continuous display and sale of products and services outside of a building or structure.
3. Temporary outdoor retail sales.	●	●	●	●	See § 122-154.
K. Other Uses:					
1. Television and radio studios.	●	●	●	●	
2. Public and commercial television and radio towers.	X	SU	SU	SU	See § 122-490.
3. Wholesale sales and distribution.	X	SU	SU	X	
4. Wireless communication towers and antennas.	X	X	●	X	See § 122-70.

Table 122-152 Table of District Uses					
Use	Districts				Comments
	C-1	C-2-A	C-2-B	C-3	
● = Use is Permitted SU = Special use. X = Use is Not Permitted A = Permitted accessory uses					
5. Collocation of wireless communication equipment on alternative tower structures	SU	SU	SU	SU	See § 122-70.
6. Parking lots not created as part of a building development or refurbishment project.	SU	SU	SU	SU	
7. Shopping center.	X	X	SU	X	See § 122-476.

(Ord. No. 2012-, 6-18-12)

Sec. 122-153. Development standards.

(a) *Required conditions.* Unless otherwise noted, buildings and uses in the business districts shall comply with the following regulations:

- (1) All business, services, and processing shall be conducted within a completely enclosed building, unless otherwise specifically permitted.
- (2) There shall be no outdoor storage of any goods, inventory, or equipment, unless otherwise specifically permitted.
- (3) Vehicles, semi-trailers, or utility trailers parked on a site shall not be used for the storage or sales of goods or materials, nor for advertising purposes.

(b) *Site plan review.* Site plan review and approval in accordance with article XV is required for all permitted and special uses.

(c) *Area, height, bulk, and placement regulations.* See article XIV, schedule of regulations.

(Ord. No. 2010-, 12-20-10)

Sec. 122-154. Temporary Outdoor Retail Sales

Temporary outdoor retail sales, such as tent sales, fireworks, Christmas tree lots, etc., shall be permitted in commercial districts subject to administrative site plan review and approval by planning department staff pursuant to article XV of this chapter.

(Ord. No. 2010-, 12-20-10)

Secs. 122-155—122-170. Reserved.

ARTICLE IX. WF, WATERFRONT DISTRICT.

Sec. 122-171. Purpose.

The intent of the WF, waterfront district is to accommodate the development of water oriented and recreational and boating facilities and accessory retail and service uses. This district is intended to provide a safe and vibrant waterfront with a mixture of uses.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-172. Permitted uses and structures.

(a) *Principal uses and structures.* In all areas zoned WF, waterfront district, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses:

- (1) Marinas and other docking facilities.
- (2) Indoor and outdoor boat storage.
- (3) Service facilities for boats.
- (4) Restaurants.
- (5) Indoor and outdoor recreation uses.
- (6) Theaters, excluding drive-in theaters.
- (7) Gift shops.
- (8) Residential uses when located above retail, service or office uses.
- (9) Multiple-family dwellings.
- (10) Bed and breakfasts.
- (11) Public facilities such as museums or aquariums.

(b) *Special uses.* The following uses may be permitted by the planning commission under the procedures and regulations set forth in article XVI.

(1) Retail businesses that supply commodities for persons using the facilities of the districts such as sale of boats, engines, accessories, fishing equipment and other similar items.

(2) Public utility buildings, such as telephone exchange buildings, electric transformer stations and substations, gas regulator stations, that do not require outdoor storage of materials or equipment.

(3) General office buildings and uses, provided that goods are not manufactured, exchanged, or sold on the premises.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-173. Development standards.

(a) *Site plan review.* Site plan review and approval in accordance with article XV is required for all permitted and special uses.

(b) *Area, height, bulk, and placement regulations.* See article XIV, schedule of regulations.

(Ord. No. 2010-1, 10-20-10)

Secs. 122-174—122-190. Reserved.

ARTICLE X. M-1, LIGHT INDUSTRIAL DISTRICT, M-2, GENERAL INDUSTRIAL DISTRICT.

Sec. 122-191. Purpose.

The intent of the M-1 and M-2 industrial districts is to permit the use of land, buildings, and structures for the manufacturing, processing, fabricating, compounding, treatment, packaging and/or assembly of materials or goods, warehousing or bulk storage of goods, and related accessory uses. Related accessory uses may include, by way of example, research, design, and prototype development related to the industrial operations; the storage of goods in connection with or resulting from industrial operations; the provision of amenities for persons engaged in such operations; the sale of goods resulting from such operations; and, office use connected with the industrial operations.

The M-1 and M-2 industrial districts are also intended to accommodate certain quasi-industrial uses which have characteristics typically associated with industrial operations even though such uses are not engaged in manufacturing, processing, or other industrial operations. Such uses may include, by way of example, lumber yards or contractor yards.

The regulations in this article are further intended to protect lands and uses surrounding industrial development. These regulations are therefore intended to promote only those industrial operations that pose minimal risk from fire; explosions; release of toxic, noxious or hazardous material; exposure to radiation; or other hazards to the health, safety or welfare of the citizens of Bay City.

The regulations in this article provide for two industrial districts with the intent that only the least intensive industrial operations having no external off-site impacts should be located in the M-1 district, which may abut land zoned for residential or commercial use. More intensive industrial operations should be located in the M-2 district, which is intended to be separated from residential and commercial districts.

(Ord. No. 2008-, 12-15-08)

Sec. 122-192. Permitted uses and structures.

(a) Table of permitted uses. The permitted and special uses allowed in the M-1 and M-2 zoning districts are listed in table 122-192.

(b) Uses not listed in table of permitted uses. A land use which is not cited by name as a permitted use in a M-1 or M-2 zoning district may be permitted upon determination by the planning department staff that such use is clearly similar in nature and intensity and compatible with the permitted and existing uses in the

district. In making such a determination, the planning department staff shall consider the following:

(1) Similarity and compatibility. In making the determination of similarity and compatibility with permitted and existing uses in the district, planning department staff shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, truck and vehicular traffic generation, types of services offered, types of goods produced, methods of operation, impacts from noise, air contaminants, odor, heat, fire hazards, and water contaminants, and building and site characteristics.

(2) Conditions under which use may be permitted. If planning department staff determines that the proposed use is similar to and compatible with permitted and existing uses in the district, then planning department staff shall decide whether the proposed use is permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval regulations for the district in which it is located.

Table 122-192 Table of District Uses			
Use	Zoning District		Supplemental Standards and Regulations
	M-1	M-2	
● = Use is Permitted X = Use is not Permitted			SU = Special Use.
A. Accessory uses.	●	●	See § 122-193(b).
B. Breweries and distilleries.	●	●	Tap/tasting rooms and food service are permitted accessory uses.
C. Central dry cleaning plants and laundries.	SU	●	Shall not conduct business with customers at a retail level.
D. Commercial Kennels.	SU	SU	See § 122-483.
E. Commercial/Office - Clinic, institutional uses, office uses, restaurants, bars and lounges, and retail and service businesses identified in Table 122-152.	SU	SU	Uses shall be in accordance with § 122-152 and §122-153.
F. Concrete Plants	X	SU	See § 122-193 (a).
G. Construction equipment and related equipment sales, leasing and storage.	SU	●	Except for outdoor sales and display areas, companies engaged in sales, leasing or storage of construction and related equipment shall comply with the regulations of § 122-193(a).
H. Contractor storage yards.	X	SU	See § 122-193(a).

Table 122-192 Table of District Uses			
Use	Zoning District		Supplemental Standards and Regulations
	M-1	M-2	
I. Data processing and computer centers.	•	•	
J. Essential services.	•	•	See § 122-57.
K. Heating and electric power generating plants and all accessory uses.	X	SU	See § 122-493.
L. Greenhouse and plant nurseries, including outdoor storage of plant material.	•	•	See § 122-488.
M. Industrial uses not listed in this table.	See § 122-192(b).		
N. Laboratories involved in research, design, testing, prototype product development.	•	•	
O. Landscape contractor's operation.	SU	•	Outdoor storage of plant material is permitted in the M-1 and M-2 districts. Outdoor storage of landscape materials, such as mulch, top soil, stone, etc., is permitted in accordance with the regulations of § 122-193(a).
P. Machine shops, metal buffing, plastering and polishing shops.	•	•	
Q. Manufacturing, processing, fabricating, compounding, treatment, packaging or assembly related to the following:			
1. Motor vehicles, motor vehicle bodies, parts and accessories.	X	•	
2. Asphalt emulsion and distribution facility.	X	SU	See § 122-193(d).
3. Chemicals and allied products.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
4. Distillation of bone, tar, petroleum refuse, grain or wood.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted

Table 122-192 Table of District Uses			
Use	Zoning District		Supplemental Standards and Regulations
	M-1	M-2	
			living facilities, and similar uses.
5. Electrical and electronic machinery and parts.	•	•	
6. Fabricated metal products, machinery and transportation equipment.	•	•	
7. Food products.	•	•	Shall not include stockyards, slaughterhouses, and rendering plants.
8. Furniture and fixtures.	•	•	
9. Leather and leather products.	•	•	
10. Lumber and wood products, including lumber yards and building materials sales establishments.	•	•	Lumber yards or building material sales establishments may have partially open storage buildings (instead of fully-enclosed). The ground floor premises facing upon and visible from any abutting street shall be enclosed by an exterior building wall and used only for entrances, offices, sales or display.
11. Machinery.	•	•	
12. Metal recycling plants where scrap metal and metal products are melted.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
13. Oil and gas processing plants.	X	SU	See § 122-193(c).
14. Paper and allied products.	•	•	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
15. Photographic and optical equipment.	•	•	
16. Primary metal industries.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.

Table 122-192 Table of District Uses			
Use	Zoning District		Supplemental Standards and Regulations
	M-1	M-2	
17. Printing, publishing and allied industries.	•	•	
18. Processes that use steam or board hammers or forging presses which exceed OSHA section XXX.	X	SU	
19. Processing of corrosive acid, cement, lime, gypsum or plaster.	X	SU	
20. Processing of fertilizer or storage of compost.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
21. Processing of products from animal refuse or offal, including glue, size or gelatin.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
22. Processing of sulphurous, sulfuric, picric, nitric, carbolic, hydrochloric or other corrosive acids.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
23. Processing or storage of manufactured explosives, including dynamite, plastique, blasting caps, etc.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
24. Professional and scientific instruments.	•	•	
25. Recycling where materials are incinerated.	X	SU	Shall be located a minimum of 2,640 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.
26. Rubber and plastic products, including manufacture of products from recycled plastic.	•	•	
27. Sheet metal products (including heating and ventilating equipment, cornices, eaves, etc.).	•	•	Stamping, pressing, and reforming of major sheet metal shall be permitted in the M-2 district only, subject to special use approval.

Table 122-192 Table of District Uses			
Use	Zoning District		Supplemental Standards and Regulations
	M-1	M-2	
28. Sludge processing plants.	X	SU	
29. Stone, clay and glass products, including brick and block products.	•	•	See § 122-193(a).
30. Tanning, curing or storage of skins or hides.	X	SU	
31. Textiles, apparel and other fabric products.	•	•	
32. Transportation equipment.	X	•	
R. Motor freight transportation and related facilities.	SU	•	Trucks and trailers shall be parked such that they are not visible from property located in a residential, business, office or waterfront zoning district. Loudspeakers shall not be mounted on the exterior of buildings or structures. Outdoor storage is permitted in accordance with the provisions of section 122-193(a).
S. Motor vehicle dismantlers and salvage yards.	X	SU	See § 122-193(e).
T. Motor vehicle and/or vehicle impound yards.	X	SU	Outdoor motor vehicle, vehicle and material storage areas shall comply with the regulations of section 122-193(a). Motor vehicles, vehicles and materials stored on the site shall be completely screened from view from any public street. Loudspeakers shall not be mounted on the exterior of buildings or structures.
U. Motor vehicle rental and leasing agencies.	SU	SU	See § 122-485.
V. Motor vehicle repair garages, including tire, battery, muffler, undercoating and rustproofing establishments, and quick oil change or lubrication stations.	•	•	See § 122-487. Tire recapping and retreading facilities are permitted in the M-2 district only.
W. Outdoor storage yards.	SU	SU	Shall comply with the regulations of section 122-193(a).
X. Open storage yards.	X	SU	See § 122-489.

Table 122-192 Table of District Uses			
Use	Zoning District		Supplemental Standards and Regulations
	M-1	M-2	
Y. Painting and sheet metal shops.	•	•	
Z. Planned Unit Development.	•	•	Permitted subject to the provisions of article XI.
AA. Processing, refining and/or storage of foodstuffs.	X	•	
BB. Public utility or municipal service buildings (including electric or gas service buildings or yards, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and water treatment plants).	•	•	See § 122-493. Water treatment plants are allowed only in the M-2 zoning district.
CC. Radio and television transmitting and receiving towers.	SU	SU	See § 122-490.
DD. Railroad transfer and maintenance facilities.	X	SU	
EE. Recreational vehicle storage yards.	SU	SU	
FF. Recycling collection centers and stations, but not including sorting and cleaning facilities.	SU	•	Sorting and cleaning facilities are permitted in the M-2 district.
GG. Self-service storage facility.	SU	X	See § 122-491.
HH. Solid waste transfer station.	SU	SU	See § 122-493.
II. Stockyards, slaughterhouses, and rendering plants.	X	SU	
JJ. Tank farms.	X	SU	Tank farms shall be allowed where all abutting land is zoned M-2. Applicants shall be required to provide proof of permits and approvals required by applicable federal and state agencies having jurisdiction over the establishment and operation of such facilities.
KK. Tool and die shops.	•	•	
LL. New and used motor vehicle, truck, tractor, watercraft, mobile home, recreation	SU	SU	See § 122-485 and 122-487.

Table 122-192 Table of District Uses			
Use	Zoning District		Supplemental Standards and Regulations
	M-1	M-2	
vehicle, and trailer sales, rental or repair.			
MM. Truck and trailer parking for transport operations accessory to a permitted or special use.	•	•	See § 122-193(a)(8). Trailers parked on a site shall not be used for the accessory storage of goods or materials.
NN. Welding shops.	•	•	
OO. Wholesale and warehousing related to the following:			
1. Automotive equipment.	•	•	
2. Dry goods and apparel.	•	•	
3. Electrical goods.	•	•	
4. Furniture and home furnishings.	•	•	
5. Groceries and related products.	•	•	
6. Hardware.	•	•	
7. Heating equipment and supplies.	•	•	
8. Machinery and equipment.	•	•	
9. Paper and paper products.	•	•	
10. Plumbing.	•	•	
11. Raw farm products.	•	•	Livestock is not included in this category.
12. Tobacco and tobacco products.	•	•	
13. Any commodity the manufacture of which is permitted in that district.	•	•	
14. Wireless Communication and collocation of wireless communication equipment on alternative tower structures	SU	SU	See § 122-70.

(Ord. No. 2012-, 6-18-12)

Sec. 122-193. Supplemental standards and regulations.

(a) *Outdoor storage.* All manufacturing, compounding, assembling, processing, packaging, or any other industrial or business activity shall be conducted within a completely enclosed building unless otherwise permitted by this subsection. Operation of pollution control equipment is an industrial activity that is subject to these enclosure regulations.

Outdoor storage may be permitted in conjunction with and accessory to any permitted use in the M-1 and M-2 districts. Outdoor storage may be used only to store materials to be used on a timely basis in the inside industrial operations or for storage of finished product prior to shipment.

(1) Outdoor storage areas shall not be used for the storage of obsolete machinery or materials which are no longer used or intended to be used in the industrial operation.

(2) Outdoor storage shall be located such that they comply with the front, side, and rear setback regulations for the zoning district in which it is located, and when a storage area abuts a public right-of-way (see article XIV, schedule of regulations). In addition, outdoor storage shall extend no closer to any road than the principal building on the site, and no closer than 500 feet to any park, residential or waterfront district.

(3) Goods and materials shall be stored such that they do not exceed eight feet in height unless a greater height is approved by the planning commission during a site plan or special use approval process.

(4) Outdoor storage shall be completely screened with a screen that is opaque through all seasons from the ground to a height of at least eight feet by a wall, fence, landscaped berm, landscape materials, or a combination thereof. Landscape materials shall be maintained in accordance with the regulations of article XVIII, landscaping and screening. The planning commission may waive or modify these regulations upon determining that:

a. Outdoor storage will be adequately screened from view by existing or proposed buildings, vegetation, or other physical features.

b. Screening would serve no useful purpose because of the characteristics of adjacent land use (for example, the presence of unscreened outdoor storage on adjacent industrially zoned land).

c. The intended public benefit could be better achieved with a plan that varies from the exact screening regulations.

(5) Outdoor storage that is screened with vegetation alone shall be completely enclosed within a security fence, such as a cyclone fence.

(6) Gravel open storage areas shall not be visible from any lot line which abuts a residential, business, office or waterfront zoning district.

(7) Outdoor storage areas shall be paved with asphalt, gravel or concrete and properly drained. The planning commission may waive the requirement for paving to allow direct infiltration of storm water and reduce regulations for storm water retention or detention and/or where the applicant submits sufficient evidence that a paved surface would not support heavy machinery used on the site or would not otherwise be appropriate for the intended use of the site. Pavement with asphalt or concrete shall be required if an industrial uses poses risks for ground or surface water contamination.

(8) For the purposes of this subsection, storage or off-street parking areas for trucks, trailers, and other equipment used in the normal course of an approved, legally operated business shall not be considered outdoor storage, though shall be screened along that portion of the storage or off-street parking area which is adjacent to a residential, business, office or waterfront zoning district. Such screening shall be in accordance with the regulations of subsection 122-402(5). Trailers parked on a site shall not be used for the accessory storage of goods and materials or advertising purposes.

(9) *Surfacing.* All roads, loading and unloading areas shall be paved or treated in a manner so as to confine any wind-borne dust within the boundaries of the site.

(b) *Accessory uses.* Any M-1 or M-2 zoning district permitted or special use may incorporate into its building(s) or premises an employee cafeteria, child care facilities, company store, or similar uses serving the needs of employees.

(c) *Oil and gas processing plants.*

(1) *There shall be no more than one oil and gas processing facility located within any single square mile of land.*

(2) *Oil and gas processing plants shall be located a minimum of 1,320 feet from any residential use, hospital, nursing home, assisted living facility, and similar use.*

(3) *Such facilities shall be landscaped and screened in accordance with the regulations of article XVIII and XIX.*

(4) *Proof of permits and approvals required by applicable federal and state agencies having jurisdiction over the establishment and operation of such facilities shall be provided before site plan or special use approval.*

(5) *Surfacing. All roads, loading and unloading areas shall be paved or treated in a manner so as to confine any wind-borne dust within the boundaries of the site.*

(d) *Asphalt emulsion and distribution facilities.*

(1) *There shall be no more than one such facility located within any single square mile of land.*

(2) *Asphalt emulsion and distribution facilities shall be located a minimum of 1,320 feet from any residential use, hospitals, nursing homes, assisted living facilities, and similar uses.*

(3) *Such facilities shall be landscaped and screened in accordance with the regulations of article XVIII and XIX.*

(4) *Proof of permits and approvals required by applicable federal and state agencies having jurisdiction over the establishment and operation of such facilities shall be provided before site plan or special use approval.*

(5) *Surfacing. All roads, loading and unloading areas shall be paved or treated in a manner so as to confine any wind-borne dust within the boundaries of the site.*

(e) *Motor vehicle dismantlers, salvage yards.*

(1) *Setbacks. A minimum setback of 100 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least 150 feet from any public right-of-way, and at least 200 feet from any property which abuts any residentially zoning district. Greenbelts shall be required along such lot lines in accordance with the regulations of article XVIII.*

(2) *Surfacing. All roads, loading and unloading areas shall be paved or treated in a manner so as to confine any wind-borne dust within the boundaries of the site.*

(3) *Stacking. Junk, motor vehicles, or other materials shall not be stacked in a manner such that the material is visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.*

(4) Noise, dust, debris. All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-194. Area, height, bulk and placement regulations.

See article XIV, Schedule of Regulations.

Secs. 122-195—122-210. Reserved.

ARTICLE XI. PLANNED UNIT DEVELOPMENT.

Sec. 122-211. Purpose.

This article provides an optional method of land development, hereinafter referred to as planned unit development (PUD), which incorporates into a single development plan the design, location and arrangement of all uses, buildings, drives, parking areas, utilities, landscaping, and other improvements and amenities. Deviation from specific use and site development standards of this chapter may be allowed provided that the intent and purpose of this chapter and article are achieved.

Planned unit development zoning is intended to serve a number purposes:

- (1) To encourage innovation in the use of land and buildings and variety in the design, density, layout and types of buildings and uses;
- (2) To achieve economy and efficiency in the use of land, natural resources and energy;
- (3) To encourage the provision of useful public and private open space;
- (4) To promote better housing, employment and shopping opportunities particularly suited to the needs of the residents of the city; and
- (5) To assure that all PUDs are designed and constructed such that compatibility is achieved with surrounding land uses.

The approval of a PUD shall constitute an amendment to this chapter and zoning map. Approval under the provisions of this article, including the approved final PUD plan, conditions imposed, the PUD agreement discussed in section 122-216(b)(1), and any other supporting documentation provided by an applicant as a condition of approval shall constitute the amendment and become an integral part of this article. The location of the PUD shall also be indicated on the zoning map.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-212. Qualifying criteria.

A proposed PUD project must satisfy the following criteria in order to be eligible for approval under the provisions of this article. The PUD must:

- (1) Be under the control of a single applicant (an individual, partnership, corporation, limited liability company, or group of individuals, partnerships, corporations, or limited liability companies);

(2) Result in a recognizable and substantial benefit to the users of the PUD and the community, and provide a higher quality of development than could be achieved under the application of conventional zoning regulations;

(3) Be consistent with the city's master plan;

(4) Not have an unreasonably negative economic impact on surrounding properties; and

(5) Improve the appearance of the city through quality building and site design, landscaping, the preservation of historic sites or structures, and the provision of public or private open space.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-213. PUD design standards.

(a) PUDs must comply with the regulations of this section. In cases where modifications to the following regulations may be justified for a specific PUD, such modifications must be approved by the city commission on recommendation of the planning commission. Before making such a recommendation, the planning commission must find that such modifications will be consistent with:

(1) The purpose of PUD zoning set forth in section 122-211;

(2) The criteria for PUD eligibility established under section 122-212; and

(3) In general accordance with the regulations of this section.

(b) Specific PUD design standards are as follows:

(1) *Location.* A PUD may be approved in any zoning district.

(2) *Permitted uses.* Any land use authorized by this chapter may be included in a PUD as a principal or accessory use, subject to the following regulations:

a. A reasonably harmonious relationship will exist between uses, buildings and structures located within a proposed PUD, and uses, buildings and structures on adjacent lots in the project area. The PUD will be compatible with the city's master plan.

b. Residential and nonresidential uses are encouraged within a PUD provided they are compatible, complementary, in close proximity to one another, and, if appropriate, demonstrative of the urban design principles of the city's master plan.

c. The mix and physical arrangement of uses within a PUD is found to be consistent with the public health, safety or welfare.

(3) *Density of residential development.* Maximum permitted densities and total number of dwelling units shall be established during the PUD review and approval process, based on the following regulations:

- a. Excellence of design, including but not limited to innovative energy efficient design;
- b. High quality public or private open space;
- c. Improvements, both public and private, which help assure vehicular and pedestrian convenience and safety;
- d. Public facilities which would enhance the long-term viability of the PUD and allow for more efficient use of land; and
- e. An increase in the density of development which would address a demonstrated need in the community.

(4) *Setback, spacing and lot area regulations.* Minimum lot size, setback and other dimensional regulations applicable to buildings, structures and improvements shall be determined during the PUD review and approval process taking into account the following considerations:

- a. The overall design objectives of a particular PUD, such as traditional neighborhood design;
- b. The degree of compatibility between adjoining uses within a PUD;
- c. The characteristics of a particular PUD site;
- d. The need for adequate amounts of light, air and open space between buildings and uses; and
- e. The need for unobstructed access to all buildings, structures and uses by emergency services vehicles.

(5) *Parking and loading areas.* Parking and loading areas shall be established in accordance with the regulations of article XVII. Relief from the strict application of those regulations may be granted by the city commission on recommendation of the planning commission based on the urban design principles of the city's master plan, and taking into account the following considerations:

- a. The overall design objectives of a particular PUD, such as traditional neighborhood design; and
- b. The characteristics of a particular PUD site.

(6) *Landscaping and screening.* Landscaping and screening shall be provided in accordance with the regulations of articles XVIII, Landscaping, and XIX, Walls and Fences. Relief from the strict application of those regulations may be granted by the city commission on recommendation of the planning commission based on the urban design principles of the city's master plan, and taking into account the following considerations:

- a. The character of existing landscaping on adjoining lots; and
- b. The degree of compatibility between adjoining uses within the PUD and buildings and uses on adjacent lots in the project area; and
- c. The characteristics of a particular PUD site.

(7) *Nonmotorized transportation.* Every PUD shall accommodate nonmotorized transportation in the form of paved sidewalks, bike paths and/or bike lanes. Where feasible, this circulation system shall provide access to open spaces and other on-site amenities, parking and loading areas, and connect to existing and planned sidewalks and bike paths on adjacent properties.

(8) *Natural features.* Planned Unit Developments shall be designed to promote preservation of natural resources and natural features.

(9) *Integrated design.* Planned Unit Developments shall be of integrated design with respect to building materials, landscaping, signage and lighting.

(10) *Other considerations.* During the process of reviewing and approving a PUD the planning commission and city commission may identify other considerations relevant to the PUD including but not limited to street capacity, storm drainage and utility capacity and design.

(Ord. No. 2008-, 12-15-08)

Sec. 122-214. Informal PUD review process.

Applicants shall submit to the planning department materials for informational and advisory review and consultation with planning staff, relevant city departments, and a representative of the planning commission prior to filing formal applications for PUD zoning. The purpose of this process is to provide applicants with information pertinent to the city's development policies and regulations, and to present an overview of the procedural and material regulations of the formal PUD application, review and approval

process. Materials presented and discussed during this informal process shall be for informational purposes only and shall not be binding on either the applicant or city. A meeting within two weeks of submission will be scheduled by staff. There shall be no fee for this informal review process.

An applicant must submit an informal PUD plan which includes the following information in order to initiate the process described in this section:

- (1) The name, address and telephone number of the developer of the PUD. The proposed name of the PUD, if any.
- (2) A location map, scale and north arrow;
- (3) The exterior boundaries (with dimensions) of the proposed PUD. The location and name(s) of abutting streets. Ownership (if known) and use of abutting properties;
- (4) The area of land comprising the proposed PUD in acres and square feet;
- (5) The type(s) and location of land use(s) proposed for inclusion in the proposed PUD, and an indication of the approximate land area to be devoted to each use;
- (6) The approximate location of lots and buildings with an indication as to the use of each;
- (7) Driveways providing ingress and egress to the proposed PUD;
- (8) Routes for vehicular and pedestrian circulation, parking and loading areas;
- (9) Open space, common and recreation areas; and
- (10) Natural features, including stands of trees, drainage and water courses and wetlands.

Sec. 122-215. Application for formal PUD review and approval process.

The approval of an application for PUD zoning requires an amendment to this chapter and the zoning map. Approval under the provisions of this article, including the approved final PUD plan, conditions imposed, the PUD agreement discussed in section 122-216(b)(1), and any other supporting documentation provided by an applicant as a condition of approval shall constitute the amendment and become an integral part of this chapter. The location of the PUD shall also be indicated on the zoning map.

Applications for PUD zoning shall be submitted to the city's planning department, and shall consist of the following materials and information:

- (1) A completed application form;
- (2) The application fee;
- (3) Three sets of plans at 24 by 36 inches; nine sets, Z-folded, at 11 by 17 inches; and if requested one digital copy in a format designated by the planning department of a site plan illustrating all information required by section 122-324, and the following information:
 - a. The name, address and telephone number of the developer(s) of the PUD. The proposed name of the PUD, if any.
 - b. A date, location map, scale and north arrow;
 - c. The zoning classification, use and ownership of abutting properties, including the general location of buildings and structures thereon;
 - d. The type(s) of land use(s) proposed for inclusion in the PUD, and an indication of the approximate land area to be devoted to each use;
 - e. The proposed location of lots, indicating the use of each;
 - f. Driveways providing ingress and egress to the PUD, routes for vehicular and pedestrian circulation and parking and loading areas, streets and walkways adjacent to the site;
 - g. Location and method of screening refuse and outdoor storage areas.
 - h. Open space, common and recreation areas;
 - i. Natural features, including stands of trees, drainage and water courses and wetlands; and
 - j. Proposed landscaping, screening, walls and fences, the types, size and numbers of materials proposed may be included in tabular form on the PUD plan, or may be included in tabular form on a separate landscaping plan.
 - k. Exterior lighting fixtures with specifications as to height and type of luminaires;
 - l. Improvements proposed for on-site management of storm water; and
 - m. A general schedule for completion of the PUD, including the phasing or timing of development.

(Ord. No. 2010-, 12-20-10)

Sec. 122-216. Formal PUD review and approval process.

(a) *Planning commission review and recommendation.*

(1) *Public hearing.* The planning commission shall conduct a public hearing on an application for PUD zoning. Notification of the public hearing shall be given in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

(2) *Review and recommendation.* The planning commission shall review all information submitted with the application for PUD zoning, all reports concerning the application prepared by city staff and comments made during the public hearing. Within a reasonable period of time following such review the planning commission shall make a recommendation to the city commission that it approve, approve with conditions or deny approval of the application. Such recommendation shall be based on the planning commission's consideration of the proposed PUD in light of the purpose of this article, and the criteria and standards set forth in sections 122-212 and 122-213. Any conditions imposed must be consistent with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended. The planning commission's recommendation, including findings of fact and conditions imposed shall be reported to the city commission

(b) *City commission action.*

(1) *Review and decision.* Following receipt of the planning commission's report the city commission shall conduct a public hearing on an application for PUD zoning. Notification of the public hearing shall be given in accordance with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended. Following the public hearing the city commission may approve, approve with conditions or deny approval of the application. The city commission's decision on the application shall be based on its consideration of the planning commission report and its consideration of the PUD in light of the purpose of this article, and the criteria and standards set forth in sections 122-212 and 122-213. The city commission shall set forth in a resolution its conclusions on the application, the basis for its decision, the decision, and any conditions relating to an affirmative decision.

In the case of an affirmative decision the city commission shall instruct the city attorney to prepare an agreement to be entered into by the city and applicant. Such agreement shall be made part of the city commission's resolution on the application. The agreement shall include, at minimum:

- a. A legal description of the property included in the PUD;

- b. The conditions upon which approval of the PUD is based;
- c. The type(s) of use(s) to be established in the PUD;
- d. A listing of all final PUD plans, documents and other pertinent materials submitted by the applicant, and an indication of the dates on which such materials were submitted;
- e. A description of all improvements to be undertaken by the applicant or the city in conjunction with applicable city ordinances; and
- f. A description of all easements to be dedicated by the applicant to the city or any public utility.

(2) *Amendment to this chapter.* The approval of a PUD under the provisions of this article shall constitute an amendment to this chapter and the zoning map. Approval under the provisions of this article, including the city commission's report on the PUD, the approved final PUD plan, any conditions imposed, and any other supporting documentation required as a condition of approval shall constitute the amendment. Notification of such amendment shall be published in accordance with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended. The location of the PUD shall be indicated by appropriate notation on the city's official zoning map.

(Ord. No. 2008-, 12-15-08)

Sec. 122-217. Amendments to approved PUDs.

(a) *Minor changes.* Minor changes in the location, siting or character of buildings, structures and improvements may be authorized at the discretion of the planning department manager if required by engineering or other circumstances not foreseen at the time the PUD was approved.

(b) *Other changes.* All other changes must be made under the procedures for PUD zoning set forth in this article.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-218 - 122-240. Reserved.

**ARTICLE XII. HP, HISTORIC PRESERVATION OVERLAY DISTRICTS. DIVISION 1.
MIDLAND STREET AND CENTER AVENUE HISTORIC DISTRICTS**

**ARTICLE XIII. FARMERS AUTO AND MACHINERY HISTORIC OVERLAY
DISTRICT.**

CP 1/9/12

Of Commission as a Whole:

Ordinance No. 2012-1

Be It Ordained by the City of Bay City that the Code of Ordinances of the City of Bay City, Chapter 122, Article XII, HP, Historic Preservation Overlay Districts, Division 1, Midland Street and Center Avenue Historic Districts; and Article XIII, Farmers Auto and Machinery Historic Overlay District, are repealed.

ARTICLE XIV. SCHEDULE OF REGULATIONS.

Sec. 122-301. Purpose.

This article establishes regulations governing lot size and width, required yards, setbacks, and building height.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-302. Schedule of regulations.

Buildings may be erected, altered, and enlarged in accordance with the regulations of this article. Also, setbacks must be established and maintained in accordance with the regulations of this article.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-303. Residential zoning districts schedule of regulations.

Zoning District	Lot Area and Width		Height		Minimum Setbacks (c)				Floor Area (d)	Max. Lot Coverage
	Area	Width	Stories	Feet	Front (a)	Min. One Side	Total Both Sides	Rear	Square Feet	
R-1	5,000	50	2 ½	30	20 (b)				900	35%(i)
R-2	5,000 for One-Family Dwellings 7,500 for Two-Family Dwellings	50	2 ½	30	15 (b)	5	15	25	760	
RM-1 (a)	(e)		3	40	20	10 (f, g)	20 (f, g)	30	(h)	
RM-2 (a)			-	100	25					

(a) Front yards shall remain unoccupied except for landscaping, signs, fences, driveways and off-street parking access aisles.

(b) Supplemental front yard setback regulations.

(1) When dwellings erected on one or both sides of a lot have front yard setbacks less than the required *front yard setback*, *the required front yard setback of the lot may be reduced to no less than the average front setback of the existing developed front yards on lots within 100 feet of, and on the same block as, the subject lot, or ten feet, whichever is greater. This averaging may not be used for locating new accessory structures.*

(2) *On corner and through lots, those yards having frontage on streets shall be considered front yards and the front yard setback regulations applicable in the zoning district in which such lots are located shall apply. Both yards having frontage may be averaged in accordance with this section.*

(c) Lots having frontage on the Saginaw River.

(1) *Buildings, excluding boathouses, erected on lots that have frontage on the Saginaw River shall be set back at least 25 feet from the water's edge.*

(2) *If dwellings on both waterfront lots adjoining a vacant waterfront lot are set back less than 25 but more than ten feet from the water's edge, the setback may be reduced to the average setback of those dwellings. If one of those lots is vacant and the other occupied by a dwelling which is set back less than 25 feet from the water's edge, the setback may be reduced to the average setback of that dwelling and 25-foot setback required by a above, though in no instance shall the setback be less than ten feet.*

(3) *Michigan Department of Environmental Quality (MDEQ) flood plain regulations, Army Corps of Engineers regulations, and standards applicable to the construction of buildings and establishment of uses in coastal zone management areas administered by the MDEQ land and water management division and other state and federal regulations may require greater setbacks than required in section 122-303(b). In such cases, those agencies' regulations and standards shall apply.*

(d) The floor area of basements, attached garages, enclosed or unenclosed porches and decks shall not be included when calculating minimum floor area of dwellings.

(e) See section 122-306(1) for minimum lot area regulations.

(f) Apartment buildings three or more stories in height that adjoin single- or two-family residential zoning districts shall be set back at least 15 feet from any side lot line.

(g) See section 122-306(3) for required distance between individual buildings.

(h) See section 122-306(2) for minimum floor area regulations.

(i) 45% lot coverage is permitted, when calculating for detached accessory buildings.

(Ord. No. 2010-1, 1-4-10)

Sec. 122-304. Office, business and waterfront zoning district schedule of regulations.

Zoning District	Lot Area and Width		Height		Minimum Setbacks (c)				Max. Front Set-back	Min. Floor Area	Max. Lot Coverage
	Area	Width	Stories	Feet	Front (a) (b)	Side	Both Sides	Rear			
O-1	None		2 ½	35	0	(d)			None	None	None
C-1			2 ½	35	0						
C-2-A			3	45	0						
C-2-B			3	45	20						
C-3			None	100	0						
WF			3	45	20						

(a) Front yards shall remain unoccupied except for landscaping, signs, fences, driveways and off-street parking area access aisles.

(b) On corner and through lots those yards having frontage on streets shall be considered front yards and the front yard setback regulations applicable in the zoning district in which such lots are located shall apply.

(c) Lots having frontage on the Saginaw River.

(1) Buildings, excluding boathouses, erected on lots in the O-1, C-1 and C-2 which have frontage on the Saginaw River shall be set back at least 25 feet from the water's edge. This regulation does not apply to such lots in the C-3, or WF zoning districts.

(2) If buildings on both waterfront lots adjoining a vacant waterfront lot are set back less than 20 but more than ten feet from the water's edge, the setback may be reduced to the average setback of those buildings. If one of those lots is vacant and the other occupied by a building which is set back less than 20 feet from the water's edge, the setback may be reduced to the average setback of

that dwelling and 20-foot setback required by this section, though in no instance shall the setback be less than ten feet.

(3) Michigan Department of Environmental Quality (MDEQ) flood plain regulations, Army Corps of Engineers regulations and standards applicable to the construction of buildings and establishment of uses in coastal zone management areas administered by the MDEQ land and water management division and other state and federal regulations may require greater setbacks than required by this section above. In such cases, those agencies' regulations and standards shall apply.

(d) Buildings on lots adjoining any residential zoning district or residential use shall provide a ten-foot setback from common lot lines separating such lots from such zoning districts or uses. When an alley separates a lot from an adjoining residential zoning district or residential use, setbacks are not required.

(Ord. No. 2010-1, 1-4-10)

Sec. 122-305. Industrial zoning districts schedule of regulations.

Zoning District	Lot Area and Width		Height Feet	Minimum Setbacks (b)				Min. Floor Area	Max. Lot Coverage
	Area	Width		Front (a)	Side	Both Sides	Rear		
M-1	7,500	75	35	25	20	40	20	None	50%
M-2	10,000	100	75	25	20	40	30		50%

(a) Front yards shall remain unoccupied except for landscaping, signs, fences, driveways and off-street parking access aisles.

(b) Michigan Department of Environmental Quality (MDEQ) flood plain regulations, Army Corps of Engineers regulations, and standards applicable to the construction of buildings and establishment of uses in coastal zone management areas administered by the MDEQ land and water management division coastal programs unit and other state and federal regulations may require greater setbacks than required in the table above. In such cases, those agencies' regulations and standards shall apply when industrial uses are located on the Saginaw River.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-306. Lot area, floor area and building spacing regulations for multiple-family and town house developments.

The following standards shall apply to multiple-family and townhouse developments in the RM-1 and RM-2 districts:

(1) *Minimum land area per unit.* The following lot area regulations are applicable to apartment buildings three stories and less in height and to townhouses:

Size of Dwelling Unit					
Height	Efficiency	1 – Bedroom	2 - Bedroom	3 – Bedroom	4+ Bedroom
Townhouse	3,600 sq. ft.	3,600 sq. ft.	4,000 sq. ft.	4,400 sq. ft.	4,800 sq. ft.
2 Story Apartment	2,000 sq. ft.	2,000 sq. ft.	2,400 sq. ft.	2,800 sq. ft.	3,200 sq. ft.
3 Story Apartment	2,000 sq. ft.	2,000 sq. ft.	2,400 sq. ft.	2,800 sq. ft.	3,200 sq. ft.

Minimum land area required for each dwelling unit in the RM-2 district shall be the same as required in the RM-1 district for buildings of two or three stories in height. Where building height is four stories or greater, minimum land area per dwelling unit shall be based upon dwelling unit size and building height as follows:

Size of Dwelling Unit					
Height	Efficiency	1- Bedroom	2 - Bedroom	3 - Bedroom	4+ Bedroom
4 Stories	320 sq. ft.	640 sq. ft.	960 sq. ft.	1,280 sq. ft.	1,600 sq. ft.
5 Stories	300 sq. ft.	600 sq. ft.	900 sq. ft.	1,200 sq. ft.	1,500 sq. ft.
6 Stories	280 sq. ft.	560 sq. ft.	840 sq. ft.	1,120 sq. ft.	1,400 sq. ft.
7 Stories	260 sq. ft.	520 sq. ft.	780 sq. ft.	1,040 sq. ft.	1,300 sq. ft.
8 Stories	240 sq. ft.	480 sq. ft.	720 sq. ft.	960 sq. ft.	1,200 sq. ft.
9 Stories	220 sq. ft.	440 sq. ft.	660 sq. ft.	880 sq. ft.	1,100 sq. ft.
10+ Stories	200 sq. ft.	400 sq. ft.	600 sq. ft.	800 sq. ft.	1,000 sq. ft.

(2) *Minimum floor area.*

Dwelling units shall comply with the following floor area regulations:

Size of Dwelling	Minimum Floor Area
Efficiency	360 sq. ft.
1 – Bedroom	500 sq. ft.
2 – Bedroom	620 sq. ft.

3 – Bedroom	760 sq. ft.
4+ Bedroom	840 sq. ft., plus 80 sq. ft. for each additional bedroom.

(3) *Spacing* between buildings.

The minimum spacing between multiple-family or townhouse buildings shall be in accordance with the following regulations:

Orientation	Minimum Spacing
Front to Front	50 ft.
Front to Rear	50 ft.
Rear to Rear	50 ft.
Side to Side	20 ft.
Front to Side	35 ft.

The setback from a side street lot line on the side facing a street shall not be less than 50 percent of the required front yard setback if dwellings on the same side of the block fronting on the side street. If there are no dwellings fronting on the side street, the minimum side yard setback shall be 10 feet. See section 122-52 for regulations applicable to detached accessory buildings.

Michigan Department of Environmental Quality (MDEQ) flood plain regulations, Army Corps of Engineers regulations and standards applicable to the construction of buildings in Coastal Zone Management areas administered by the MDEQ Land and Water Management Division Coastal Programs Unit or other state and federal regulations may require greater setbacks than required under b above. In such cases, those agencies' regulations and standards shall apply.

Secs. 122-307—122-320. Reserved.

ARTICLE XV. SITE PLAN REVIEW.

Sec. 122-321. Purpose.

This article establishes procedures and regulations for the review and approval of site plans for certain types of buildings and uses for the purpose of assuring compliance with the regulations of this chapter.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-322. When required.

- (a) The provisions of this article do not apply to the construction or expansion of individual single- and two-family dwellings located on individual platted lots or site-condo lots.
- (b) Site plan review and approval by the planning commission is required for:
 - (1) All new buildings, uses, and off-street parking areas having 3,000 square feet or more of gross floor or land area;
 - (2) The expansion of existing buildings, uses and off-street parking areas where such expansion results in the addition of 3,000 square feet or more of gross floor or land area;
 - (3) All condominium projects, regardless of type;
 - (4) All nonresidential uses permitted by right or special approval in residential zoning districts; and
 - (5) All special approval uses.
- (c) Administrative review and approval by planning department staff is required for the construction or expansion of buildings and off-street parking areas for multiple-family and nonresidential uses when such construction or expansion is less than 3,000 square feet in area.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-323. Pre-application consultation.

Applicants are required to submit materials for informational and advisory review and consultation with planning department staff, other city departments and the planning commission prior to filing applications under the provisions of this article. The purpose

of this pre-application consultation is to provide applicants with information pertinent to the city's development policies and regulations, and to present an overview of the procedural and material regulations of the site plan review and approval process. Materials presented and discussions held during such consultation shall be for informational purposes only and shall not be legally binding on either the applicant or city. There shall be no fee for this consultation process. Applicants must submit a preliminary site plan which includes the following information in order to initiate this process:

- (1) The name, address and telephone number of the applicant and property owner. The name of the proposed use, if any;
- (2) A scale and north arrow;
- (3) The exterior boundaries (with dimensions) of the property. The location and name(s) of abutting street;
- (4) The type(s) and location of proposed land use(s), and an indication of the approximate land area to be devoted to each use;
- (5) The approximate location of lots and buildings with an indication as to the use of each;
- (6) Driveways providing ingress and egress. Driveways on adjoining properties and on properties separated from the subject property by a public or private street;
- (7) Routes for vehicular and pedestrian circulation;
- (8) Off-street parking and loading areas;
- (9) Open space, common and recreation areas;
- (10) Natural features, including stands of trees, drainage and water courses and wetlands; and
- (11) Existing utilities.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-324. Application for site plan review.

Applications for site plan review shall be submitted to the planning department and shall consist of the following materials and information:

- (1) A completed application form;

(2) An application fee; and

(3) Three sets of plans at 24 by 36 inches; nine sets, Z-folded, at 11 by 17 inches; and if requested one digital copy in a format designated by the planning department of a site plan illustrating the following information (unless deemed unnecessary by planning department staff):

- a. The name, address and phone number of the applicant. The name, address and phone number of the property owner. The proposed name of the project, if any;
- b. The date of preparation, scale, a north arrow and location map. The date(s) of subsequent revisions shall also be indicated;
- c. A small scale illustration indicating the zoning designation of the subject and adjoining properties;
- d. The area of the property in acres and square feet;
- e. Exterior and interior lot lines with dimensions;
- f. Adjoining streets and sidewalks with an indication of pavement width;
- g. Driveways on adjoining properties and on properties separated from the subject property by a public or private street;
- h. All existing and proposed buildings and structures with an indication as to the use of each. Indicate exterior dimensions, number of stories and height in feet, and square footage;
- i. Existing and proposed driveways, on-site roadways, off-street parking and loading areas (indicate number and typical dimensions of parking and loading spaces) and pedestrian circulation system. Include a typical cross-section of proposed roads, driveways and access aisles;
- j. All exterior lighting fixtures (building mounted and freestanding) indicating height and type of luminaires;
- k. Refuse receptacles. Indicate method of screening, if required;
- l. Proposed landscaping and screening with an indication as to size, type and quantity of plant materials. Whether an in-ground irrigation system is to be provided. Existing trees having a caliper of six inches or greater measured 12 inches above grade;

- m. Exterior HVAC and electrical equipment and similar appurtenances. Indicate method and location of screening;
- n. Existing natural features, if any;
- o. Utilities and utility easements, including storm drainage improvements and structures (existing and proposed);
- p. Outdoor storage areas, if any. Indicate method and location of screening;
- q. Required setback lines. The distance between individual buildings and buildings and lot lines;
- r. Proposed and required walls and fences, indicating type and height;
- s. Location of signs (building mounted and freestanding) with an indication as to type, size, height and illumination; and
- t. Ancillary structures, such as walls columns, gates and similar structures delineating nonresidential and residential developments.
- u. Proposed building elevations.
- v. Professional seal from a licensed architect, landscape architect, engineer or surveyor when required by planning department staff.

(Ord. No. 2010-, 12-20-10)

Sec. 122-325. Distribution.

The planning department shall distribute copies of the site plan to appropriate public utilities and city departments having review authority over development of the site. Copies of the site plan shall be forwarded to the planning commission.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-326. Review and approval.

- (a) The planning commission shall review the site plan and any reports or findings prepared by the planning department and other city departments. The planning commission may approve, approve with conditions or deny approval of the site plan. It may also table action on the application at the request of the applicant, or pending receipt of a revised site plan or other supplemental information requested by the planning commission, deemed necessary to an informed decision.

(b) An approved site plan shall become part of the record of approval of the development proposed therein. Subsequent actions related to the authorized use or development of the site shall conform to the approved site plan unless a change is approved as provided by this article.

(c) Four copies of the approved site plan shall be signed and dated by planning department staff. One copy shall be kept on file in the planning department. Planning department staff shall forward one copy to the building division. Two copies shall be returned to the applicant. The applicant shall provide one approved copy of the site plan to the party responsible for construction. A building permit may be revoked in any case where the conditions of the approved site plan have not been met.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-327. Approval standards.

The planning commission shall approve a site plan upon finding that:

- (1) The uses proposed comply with applicable zoning district use and dimensional regulations.
- (2) All elements of the site plan are harmoniously and efficiently organized in relation to the size, shape and character of the lot, the type and size of proposed buildings, the location and layout of landscaping and off-street parking areas, and the character of uses on adjoining properties.
- (3) The location and design of driveways is safe in relation to streets providing access to the site and in relation to pedestrian traffic. Access to the site is designed to minimize conflicts between vehicles and pedestrians and with traffic using adjacent streets and driveways. Vehicular circulation on the site is designed to be safe and convenient.
- (4) Safe and convenient pedestrian and bicycle access and circulation is provided.
- (5) Off-street parking and loading areas comply with the provisions of article XVII.
- (6) Greenbelts, landscaping and screening are provided in accordance with the regulations of article XVIII.
- (7) Walls and fences, if required, are provided in accordance with the regulations of article XIX.
- (8) Signs comply with the provisions of article XX.

(9) Refuse receptacles are adequately screened from view from streets and adjoining property in accordance with the regulations of section 122-68.

(10) All exterior lighting (building mounted and freestanding) is designed and installed so as to comply with the regulations of section 122-60, to result in minimal light trespass onto adjoining property, and to avoid interference with the vision of motorists on adjoining streets.

(11) Access routes to all buildings, structures and uses are provided for emergency services vehicles.

(12) Public utilities are provided in accordance with the regulations of public utility providers. Storm water management is consistent with city, state and federal regulations.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-328. Conditions.

Any conditions imposed with the approval of a site plan shall be in accordance with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-329. Performance guarantee.

As a condition of approval of a site plan, the planning commission may require an applicant to provide a performance guarantee in accordance with the regulations of section 122-61.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-330. Validity.

Construction and/or establishment of a use approved with a site plan must commence within one year from the date of approval or such approval shall become null and void. Upon written request, an extension of one year may be granted by the planning commission for good cause shown.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-331. Changes to approved site plans.

Planning department staff may approve minor changes to approved site plans provided that no change authorized by this section may cause any of the following:

- (1) A change in use or increase in the intensity of use of the property;
- (2) An increase in the coverage of the site by buildings and structures;
- (3) A reduction in open space; or
- (4) A reduction of off-street parking areas and loading spaces.

Changes which are not minor must be approved by the planning commission in accordance with the application, review and approval regulations of this article.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-332—122-350. Reserved.

ARTICLE XVI. SPECIAL USES.

Sec. 122-351. Purpose.

This article establishes procedures and regulations for the review and approval of special uses.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-352. Planning commission approval required.

All special uses shall be subject to review and approval by the planning commission under the provisions of this article. A special use requiring a nonuse or dimensional variance shall first be approved by the planning commission before an application for such variance may be filed with the zoning board of appeals.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-353. Mandatory pre-application consultation.

Applicants are required to submit materials for informational and advisory review and consultation with planning department staff, other city departments and the planning commission prior to filing applications under the provisions of this article. The purpose of this pre-application consultation is to provide applicants with information pertinent to the city's development policies and regulations, and to present an overview of the procedural and material regulations of the special use approval process.

Materials presented and discussions held during such consultation shall be for informational purposes only and shall not be legally binding on either the applicant or city. There shall be no fee for this consultation process. Applicants must submit a preliminary site plan which includes the following information in order to initiate this process:

- (1) The name, address and telephone number of the applicant and property owner. The name of the proposed use, if any;
- (2) A scale and north arrow;
- (3) The exterior boundaries (with dimensions) of the property. The location and name(s) of abutting streets;
- (4) The type(s) and location of proposed land use(s), and an indication of the approximate land area to be devoted to each use;

- (5) The approximate location of lots and buildings with an indication as to the use of each;
- (6) Driveways providing ingress and egress to the property. Driveways on adjoining properties and on properties separated from the subject property by a public or private street;
- (7) Routes for vehicular and pedestrian circulation;
- (8) Parking and loading areas;
- (9) Open space, common and recreation areas; and
- (10) Natural features, including stands of trees, drainage and water courses and wetlands.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-354. Application regulations.

Applications for special use shall be submitted to the planning department and shall consist of the following materials and information:

- (1) A completed application form;
- (2) An application fee;
- (3) Four sets of plans at 24 by 36 inches; 12 sets, Z-folded, at 11 by 17 inches; and if requested one digital copy in a format designated by the planning department of a site plan illustrating all of the information required by section 122-324(3) (unless any of the information is deemed unnecessary by planning department staff).

(Ord. No. 2005-11, 11-21-05)

Sec. 122-355. Distribution.

The planning department shall distribute copies of the site plan to appropriate public utilities and city departments having review authority over the proposed special use.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-356. Review and approval.

- (a) The planning commission shall review the application and site plan and any reports and findings prepared by planning department staff and other city

departments. Review of the site plan shall be concurrent with review of the application. Approval of the site plan shall be subject to the site plan approval standards set forth in article XV, section 122-326.

(b) The planning commission shall hold a public hearing on all applications. Notice of public hearings shall be given in accordance with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

(c) The planning commission may approve, approve with conditions, or deny approval of the application. It may also postpone action on the application at the request of the applicant, or pending receipt of a revised site plan or supplemental information requested by the planning commission deemed necessary to an informed decision.

(d) Establishment of the special use shall be subject to the conditions of approval, if any, the standards and regulations applicable to the special use set forth in this chapter, any standards for specific uses set forth in article XXI, and the approved site plan.

(Ord. No. 2008-, 12-15-08)

Sec. 122-357. Approval standards.

(a) The proposed special use will not impair the public health, safety or welfare.

(b) The proposed special use is appropriate for its proposed location and compatible with the character of surrounding land uses, and the uses permitted in the zoning district(s) in which surrounding property is located.

(c) The proposed special use complies with applicable zoning district regulations.

(d) The proposed special use complies with applicable standards for specific uses set forth in article XXI.

(e) The location and design of the proposed special use minimizes any potential adverse effects of the use on adjacent property by avoiding significant adverse impact relating to parking, loading, delivery, storage and service areas, odors, noise, glare, vibration and other potential nuisances.

(f) The location and design of driveways are safe in relation to streets providing access to the use. Access to the use is designed to minimize conflicts between vehicles and pedestrians and with traffic using adjacent streets and driveways. Vehicular circulation is designed to be safe and convenient.

(g) Off-street parking areas comply with the provisions of article XVII.

(h) Greenbelts, landscaping and screening are provided in accordance with the regulations of article XVIII.

(i) Walls and fences comply with the provisions of article XIX.

(j) Signs comply with the provisions of article XX.

(k) Refuse receptacles are adequately screened from view from streets and adjoining property.

(l) All exterior lighting (building mounted and freestanding) is designed and installed so as to comply with the regulations of section 122-60 to result in minimal light trespass onto adjoining property, and to avoid interference with the vision of motorists on adjoining streets.

(m) Access routes to all buildings, structures and uses are provided for emergency services vehicles.

(n) Public utilities are provided in accordance with the regulations of public utility providers. Storm water management is consistent with city, state and federal regulations.

(Ord. No. 2008-, 12-15-08)

Sec. 122-358. Conditions.

Any conditions imposed with the approval of a special use shall be in accordance with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

(Ord. No. 2008-, 12-15-08)

Sec. 122-359. Performance guarantee.

The planning commission may require an applicant to provide a performance guarantee in accordance with the regulations of section 122-61.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-360. Validity.

Construction for an approved special use must commence within one year from the date of approval or such approval shall become null and void. Upon written request, an extension of one year may be granted by the planning commission for good cause shown.

In the event that construction is not necessary to establish an approved special use, said use must be established within one year from the date of approval or such approval shall become null and void. Upon written request, an extension of one year may be granted by the planning commission for good cause shown.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-361. Amendments.

If it becomes necessary to amend, extend or modify a special use, then a new application for special use must be filed.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-362. Finality of decisions.

Decisions on applications may be appealed to the zoning board of appeals. Such appeals shall be made within 30 days of the date of the written decision on an application (i.e.- minutes of the meeting).

(Ord. No. 2005-11, 11-21-05)

Secs. 122-363—122-380. Reserved.

ARTICLE XVII. OFF-STREET PARKING AND LOADING.

Sec. 122-381. Off-street parking regulations.

(a) *Scope of off-street parking regulations.* Off-street parking shall be provided and maintained in accordance with the regulations of this article, except that no off-street parking shall be required in the C-3 business district.

(b) *General regulations.*

(1) *General applicability.* Off-street parking and loading areas shall be provided as required by this article prior to issuance of a certificate of occupancy for all buildings and uses established after the effective date of this chapter.

(2) *Change in use or intensity.* In all zoning districts except the C-1, C-2-A, and C-3 business districts the following shall apply:

a. Whenever the use of a building, structure, or lot is changed, parking and loading areas shall be provided as required by this article for the new use.

b. If the intensity of use of any building or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking and loading areas shall be provided for such increase in intensity of use.

(3) *Existing parking facilities.* Off-street parking facilities in existence on the effective date of this chapter shall not thereafter be reduced below, or if already less than, shall not be further reduced below the regulations for the use being served as set forth in this article.

An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this article.

(4) *Additional off-street parking.* Nothing in this chapter shall be deemed to prevent the voluntary *establishment* of off-street parking areas to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by this article where there is a demonstrated need for such additional parking, provided all such parking is in conformance with the regulations of this article.

(5) *Materials.* All off-street parking and driveways shall consist of an improved surface of concrete, asphalt or brick.

(6) *Location.*

- a. Off-street parking for nonresidential uses, except those located in the central business zoning district, shall be located on the same lot or parcel as the building or use being served or within 100 feet of the building it is intended to serve, except as otherwise permitted for collective use of off-street parking areas.
- b. Off-street parking for uses other than single- and two-family homes in a residential district shall not be located in the front yard setback. Off-street parking in the front yard setback of a lot occupied by a single- or two- family dwelling is permitted in any zoning district provided all regulations in this article are met.
- c. Except for single- and two-family dwellings, off-street parking in commercial, office, waterfront, multiple-family, and industrial districts may not be located in a required front, side or rear yard setback. Off-street parking in multiple-family, business, office, waterfront and industrial districts shall not be permitted within 5 feet of a single-family residential district boundary or front lot line when across the street from residentially zoned property.

(7) *Residential parking.* Off-street parking areas for single- and two-family dwellings shall consist of a parking area, driveway, garage, or combination thereof and shall comply with the following regulations:

- a. All new off-street parking spaces for residential uses shall be located on the premises they are intended to serve. Vehicles shall not be parked on lawns or other unpaved areas. All off-street parking and driveways shall consist of an improved surface of concrete, asphalt or brick.
- b. Parking is permitted in the required front yard, side yard and rear yard setback provided in accordance with the following regulations:
 - (1) The dimensions of a parking area in a required front yard setback shall comply with the regulations of table 122-381.
 - (2) Parking areas in required front yard setbacks shall be more or less perpendicular, (i.e. 60 to 120 degrees) to the street right-of-way.
 - (3) No vehicle parked in the front yard parking area shall extend over any portion of a front lot line, or public sidewalk.
 - (4) Off-street parking shall not be permitted in a unobstructed site distance.

Table 122-381. Dimensions for Parking Area in Required Front Yard

Lot Frontage	Maximum Width of Parking Area Including Driveway	Maximum Area of Improved Parking Surface Including Driveway
24 feet or less	Not permitted	Not permitted
25 to 49 feet	12 feet	300 sq. ft.
50 feet or more	22 feet, or 30% of lot width, whichever is greater.	550 sq. ft.

(8) *Commercial and recreational vehicle parking.* One commercial vehicle, truck and/or trailer with a rated capacity of one ton or less may be parked on a lot on which a dwelling is located in a residential zoning district for a period not to exceed 48 hours. No commercial vehicle, truck and/or trailer with a rated capacity greater than one ton shall be parked or stored on a residentially zoned property.

(9) *Recreational vehicle parking.* Recreational vehicles may be parked or stored outdoors on occupied lots in any residential zoning district subject to the following regulations:

- a. Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
- b. Recreational vehicles parked or stored in residential districts shall not be used or occupied for lodging or residential purposes. A maximum of two recreational vehicles may be parked or stored on a single lot of record which is zoned and used for residential purposes. A trailer with a recreational vehicle on it shall be counted as one recreational vehicle.
- c. All recreational vehicles must be located on a hard surfaced area, such as concrete, asphalt, or brick. Recreational vehicles shall be located only in a side or rear yard setback and shall comply with the setback regulations applicable to accessory buildings established by section 122-52(B).
- d. The total lot coverage of all buildings and recreational vehicles shall not exceed 35 percent of the lot area.
- e. Notwithstanding the above provisions concerning location, recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle.
- f. All recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained

in good running condition. All such vehicles must be properly registered in the name of an occupant of the dwelling unit.

- g. The parking or storage of an unoccupied mobile home is prohibited unless located within an established mobile home park.
- (10) *Control of off-site parking.* It shall be unlawful to park or store any motor vehicle on private property in any district without the expressed or implied consent of the owner of the property.
- (11) *Access to off-street parking areas.*
- a. Each off-street parking space in a parking area shall open directly onto a clearly defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking configured such that vehicles are required to back directly onto a street is prohibited.
 - b. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.
- (12) *Collective use of off-street parking.* Off-street parking for separate buildings or uses may be provided collectively subject to the following:
- a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use, unless the operating hours of the buildings or uses do not overlap, in which case the planning commission may reduce the total number of spaces to a number deemed reasonable.
 - b. Collective off-street parking shall not be located farther than 100 feet from the nearest lot line of the lot on which the building or use being served is located.
- (13) *Storage and repair prohibited.* The storage of merchandise, sale of motor vehicles, storage of inoperable or unlicensed vehicles, or repair of vehicles is prohibited in off-street parking areas, unless specifically permitted by other provisions of this chapter.

(Ord. No. 2010-1, 1-4-10)

Sec. 122-382. Design Standards.

- (a) Standards. The following standards shall be used in determining the number of parking spaces required for a particular use:

(1) *Definition of floor area.* For the purposes of determining required number of parking spaces, "floor area" shall be determined in accordance with the definitions in article II.

(2) *Units of measurement.*

a. When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more shall be counted as one space.

b. Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time.

(3) *Uses not cited.* For uses not specifically mentioned, the regulations for off-street parking for a similar use shall apply as determined by planning department staff.

(4) *Use of loading space.* Required loading space shall not be counted or used for required parking.

(5) *Stacking spaces.* All stacking spaces required in the schedule of off-street parking shall be provided off-street and shall conform to the standards in 122-382(b)(2)a.

(6) *Barrier free parking.* Barrier free parking shall be provided in accordance with the regulations of the city's building and code enforcement division.

(b) *Layout and construction.* Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following regulations:

(1) *Site Plan Review Required.* Site plan review in accordance with article XV is required for all new off-street parking areas greater than 3,000 square feet or expansions of existing parking lots that are greater than 3,000 square feet.

(2) *Dimensions.* Off-street parking areas shall be designed in accordance with the following standards:

a. Stacking spaces shall be ten feet wide and 24 feet long. Stacking spaces shall not include the use of any parking space, loading or unloading area, street, alley or sidewalk nor conflict with ingress and egress to the site.

b. Driveways providing access to residential, commercial or industrial uses shall comply with engineering division standards.

c. Plans for the design of off-street parking facilities shall be in accordance with the following minimum regulations:

Table 122-382. Parking Layout and Design

Parking Angle	Minimum Aisle Width	Minimum Parking Space Width	Minimum Parking Space Length	Length of 2 Stalls + Aisle Width
0	12 ft.	9.0 ft.	23 ft.	30 ft.
30	11 ft.	9.0 ft.	17.5 ft.	46 ft.
45	13 ft.	9.0 ft.	20 ft.	53 ft.
60	18 ft.	9.0 ft.	21 ft.	60 ft.
75	22 ft.	9.0 ft.	21 ft.	64 ft.
90	24 ft.	9.0 ft.	19 ft.	62 ft.

- (3) *Ingress and egress.* All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited.
- (4) *Surfacing and drainage.* Off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be surfaced with asphalt, concrete or bricks. Off-street parking areas, access lanes, and driveways shall be graded and drained to dispose of surface waters. (Surface water shall not be permitted to drain onto adjoining private property.)
- (5) *Curbs, wheel chocks.* Landscaped areas in or adjacent to parking areas shall be protected with raised curbs, wheel chocks, guard rails, or other means to prevent encroachment of vehicles.
- (6) *Lighting.* Except for single- and two-family residences, all parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the regulations in section 122-60. Parking lot entrances shall be illuminated. Lighting shall be arranged so as to reflect away from residential areas.
- (7) *Parking structures.* Parking structures are permitted in nonresidential zoning districts and may satisfy off-street parking regulations. Parking structures are subject to the area, height, bulk and placement regulations for principal buildings in the zoning districts where they are located.
- (8) *Signs.* Accessory directional signs shall be permitted in parking areas in accordance with article XX.

(9) Landscaping and screening. All off-street parking areas, except those serving single- and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in article XVIII.

(10) Maintenance. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, wheel chocks, lighting fixtures, signage, and related appurtenances shall be maintained in good condition. All striping shall be clearly visible.

(Ord. No. 2008-, 12-15-08)

Sec. 122-383. Number of spaces required for various use.

The amount of required off-street parking for a particular use shall be determined in accordance with table 122-383. Where more than one standard is provided for a particular use, the standard that requires the greater number of parking or loading spaces shall be used.

Table 122-383 – Required parking spaces.

Use	Number of Parking Spaces Required
Residential uses.	
Single and two-family.	2 per dwelling unit.
Medium density multiple-family.	1 per efficiency unit. 1.5 per 1 bedroom unit. 2 per 2 or more bedroom unit.
High-rise, multiple-family.	1.5 per dwelling unit. Multiple-family and attached single-family developments shall provide supplemental off-street parking equal to at least 20 percent of the spaces required for dwelling units.
Elderly congregate housing, dependent-housing facilities, or multiple-family dwellings limited to senior citizens.	0.5 per dwelling unit, plus 1 per employee on day shift. Should dwelling units be converted to general occupancy, the regulations for medium density or high-rise multiple-family housing shall apply.
Licensed residential facility.	0.25 per bed, plus 1 per employee on the largest shift.
Mobile home park.	In accordance with Michigan Manufactured Home Commission regulations.
Institutional and public uses.	

Use	Number of Parking Spaces Required
Places of worship.	1 per three seats or 1 per six feet of bench length based on maximum seating capacity of the main area of worship.
Day care centers.	1 per employee, plus 1 for each 400 sq. ft. of usable floor area. In addition to employee parking, adequate stacking space shall be provided for dropping-off and picking-up children.
Dormitories, fraternities and sororities.	1.5 per each 2 persons based on maximum permitted occupancy.
Hospitals.	1 per 600 sq. ft. of gross floor area.
Convalescent and nursing homes.	1 per 3 beds.
Libraries, museums and art galleries.	1 per 300 sq. ft. of usable floor area, plus 1 for each employee on largest shift.
Public utility use.	1 per employee on largest shift.
Elementary and junior high schools.	1.5 per room used by students and faculty. Additional parking spaces shall be provided for auditoriums, stadiums and other public meeting places.
Senior high schools.	1 per room used by students and faculty. Additional parking spaces shall be provided for auditoriums, stadiums and other public meeting places.
Auditoriums with fixed seating.	1 per 4 seats.
Auditoriums or similar multi-purpose rooms without fixed seating.	1 per 50 sq. ft. of gross floor area.
Arenas and stadiums.	1 per 3 seats, or 6 linear feet of benches, whichever is greater.
Service clubs and fraternal organizations.	1 per 2 persons who may occupy the facility at one time based on legally established maximum occupancy of the facility, plus 1 per employee.
Business and commercial uses.	
Auditoriums and theaters with fixed seating.	1 per 4 seats, plus 1 for each employee on largest working shift.
Auditoriums and theaters without fixed seating.	1 per 50 sq. ft. of gross floor area, plus 1 per employee on largest working shift.

Use	Number of Parking Spaces Required
Arenas and stadiums.	1 per 3 seats, or 6 linear feet of benches, whichever is greater, plus 1 per employee on largest working shift.
Veterinary clinics.	1 per 200 sq. ft. of usable floor area, plus 1 per employee on largest working shift.
Motor vehicle repair garage.	1 per employee, plus 2 per service or repair bay.
Motor vehicle service station.	1 per fuel nozzle, plus 2 per service bay, plus 1 per employee on largest working shift. Additional parking shall be provided for convenience stores and other uses operated in conjunction with a service station based on the standards of this section.
Motor vehicle filling station.	1 per fuel nozzle, plus 1 per employee on largest working shift. Additional parking shall be provided for convenience stores and other uses operated in conjunction with a service station based on the standards of this section.
Motor vehicle sales facilities.	1 per 200 sq. ft. of usable floor area, excluding service bays and outdoor sales lot parking spaces, plus 1 per service bay, plus 1 per employee on largest working shift.
Automatic car wash.	1 per employee on largest shift, plus 10 stacking spaces, with at least 1 stacking space on the exit side of the wash lane.
Self-service car wash.	1 per employee on largest working shift, plus 3 stacking spaces per washing bay, plus 1 drying stacking space per washing bay.
Banks/financial institutions.	1 per 200 sq. ft. of gross floor area, plus 3 stacking spaces for each drive-through service bay and ATM.
Beauty salons, barbershops and tanning salons.	3 for the first 2 chairs or tanning booths, plus 1.5 spaces for each additional chair or tanning booth.
Conference centers.	30 for each 10,000 sq. ft. of conference facility, plus 10 for each 1,000 sq. ft. of gross floor area of restaurant space.
Convenience stores.	1 per 180 sq. ft. of usable floor area.
Funeral home.	1 per 100 sq. ft. of gross floor area.
Furniture and appliance sales.	1 per 600 sq. ft. of usable floor area.
Ice cream parlors.	1 per 75 sq. ft. of gross floor area with a minimum of 8 spaces.
Laundromats.	1 per 2 washing or dry cleaning machines.

Use	Number of Parking Spaces Required
Hotels and motels.	1 per lodging unit, plus 1 per employee. Additional spaces shall be provided as required for conference facilities, restaurants, or assembly, and bars.
Bed and breakfasts.	2 spaces for owner/occupants and 1 space per guest room.
Lumber yard.	2.5 spaces per employee, plus 1 per 150 sq. ft. of usable floor area.
Mini-warehouse/self-service storage facility.	1 per 10 storage units (must be equally distributed near storage units), plus 1 per manager's/caretaker's quarters, plus 1 located at the facility's office per each 50 storage units.
Open air business.	1 per 200 sq. ft. of land used for display or sales.
Restaurant, bar/lounge.	1 per 100 sq. ft. of usable floor area.
Restaurant, carry-out.	10 per service or counter station, plus five stacking spaces per drive-through service window, OR 1 per 30 sq. ft. of usable floor area in customer service area, plus 1 per employee, plus 5 stacking spaces per drive-through service window. Outdoor seating areas shall count as usable floor area.
Restaurant, fast-food with drive-through service.	1 per 30 sq. ft. of usable floor area, plus 1 per employee, plus 5 stacking spaces per drive-through window. Outdoor seating areas shall count as usable floor area.
Restaurant, standard.	1 per 3 persons who may occupy the facility at one time based on the legally established maximum occupancy of the facility, plus 1 per 2 persons in addition to the first 150 persons, plus 1 per employee.
Service establishments not otherwise specified.	1 per 300 sq. ft. of usable floor area, plus 1 per employee.
Radio or television station or studio.	1 per employee. Spaces shall also be provided for any auditorium or public seating space within a studio.
Recreational vehicle showrooms and sales facilities.	1 per 400 sq. ft. of showroom space.

Use	Number of Parking Spaces Required
Shopping centers.	<p>1 per 225 sq. ft. of leasable floor area for centers having less than 400,000 sq. ft. of floor area.</p> <p>1 per 200 sq. ft. of gross leasable floor area for centers having between 400,000 and 600,000 sq. ft. of floor area.</p> <p>1 per 175 sq. ft. of gross leasable floor area for centers having more than 600,000 sq. ft. of floor area.</p> <p>The parking regulations for restaurants and other uses located in a shopping centers shall be computed separately and added to the parking regulations for the other uses.</p>
Supermarkets .	1 per 180 sq. ft. of usable floor area.
Wholesale stores, machinery sales, showroom of a plumber, electrician or similar trade.	1 per 500 sq. ft. of usable floor area, plus 1 per employee.
Retail stores not otherwise specified.	1 per 200 sq. ft. of usable floor area.
Office uses.	
Business and professional offices except as otherwise specified.	1 per 200 sq. ft. of usable floor area.
Clinics of doctors, dentists and similar medical professions.	1 per 150 sq. ft. of usable floor area.
Real estate offices.	1 per 125 sq. ft. of usable floor area.
Industrial uses.	
Contractor or construction use.	1 per employee.
Manufacturing, industrial production, processing, assembly, compounding, preparation, cleaning, servicing, testing, repair and accessory business offices and storage facilities.	1 per 750 sq. ft. of gross floor area.
Warehouses and wholesale establishments.	1 per 1,500 sq. ft. of gross floor area, plus spaces required for office and sales areas.

Use	Number of Parking Spaces Required
Recreation uses.	
Bowling facilities.	3 per lane. Additional spaces shall be provided as required for restaurants, bars and other such uses.
Assembly halls without fixed seating, dance halls, health spas, pool or billiard parlors, skating rinks, exhibition halls, and similar indoor recreation uses.	1 per 2 persons who may occupy the facility at one time based on the legally established maximum occupancy of the facility, plus 1 per employee.
Football and soccer fields, other than stadiums.	30 per field.
Public or private golf courses.	6 per hole, plus 1 per employee. Additional spaces shall be provided for clubhouse, restaurant, pro shop and other affiliated uses.
Miniature or par 3 golf courses.	6 per hole, plus 1 per employee. Additional spaces shall be provided for clubhouse, restaurant, pro shop and other affiliated uses.
Golf driving ranges.	1 per tee, plus 1 per employee on largest working shift.
Stadium, sports arena, or similar assembly space.	1 per 3 seats, or 1 per 6 lineal feet of bench space.
Swimming clubs.	1 per 2 families or individual members, plus 1 per employee.
Swimming pool.	1 per 4 persons who may occupy the facility at one time based on the legally established maximum occupancy of the facility, plus 1 per employee.
Tennis clubs and court-type recreation uses.	1 per person permitted based on the capacity of the courts, plus 1 per employee. Additional spaces shall be provided for clubhouse, restaurant, pro shop and other affiliated uses.

(Ord. No. 2012-, 6-18-12)

Sec. 122-384. Loading space regulations.

- (a) *General applicability.* All uses shall have adequate space for loading and unloading vehicles as required in this section.
- (b) *Change in use or intensity.* Whenever use of a building or lot is changed, loading space shall be provided as required by this chapter for the new use.

(c) General regulations.

(1) *Location.* Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining streets. Loading and unloading operations shall not interfere with traffic on public streets or off-street parking. Loading spaces shall be located no closer than 50 feet from any residential zoning district or any residential use unless the loading area adjoins a public alley, is located within an enclosed building, or is screened on all sides from the residential zoning district or use by a six-foot solid masonry wall. An ornamental fence not less than six feet in height may be substituted for the masonry wall during site plan review or special use approval.

(2) *Size.* Unless otherwise specified, each required loading space shall be a minimum of 12 feet in width and 50 feet in length, with a vertical clearance of 15 feet.

(3) *Surfacing and drainage.* Loading spaces shall be surfaced with asphalt or concrete. Off-street parking areas, access lanes, and driveways shall be graded and drained to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining private property.

(4) *Use of loading space.* Required loading space shall not be counted or used for required parking.

(5) *Central loading.* Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

a. Each business served shall have direct access to the central loading area without crossing streets or alleys.

b. Total loading space provided shall meet the minimum regulations specified by this section, in consideration of total floor area of all businesses served by the central loading space.

c. No building served shall be more than 300 feet from the central loading area.

(6) *Minimum loading space.* The number of required loading spaces shall be determined in accordance with the schedule that follows.

Table 122-384. Loading Space Standards.

Gross Floor Area	Number of Loading Spaces
5,000 – 19,999 sq. ft.	1 space.

20,000, - 99,999 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 – 499,999 sq. ft.	5 spaces, plus 1 space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	13 spaces, plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

(7) *Exception to loading space regulations.* Establishments of less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle and situated such that it will not interfere with on-site pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be made available to provide a 12 by 50 foot space in the event that the use of the property changes.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-385—122-400. Reserved.

ARTICLE XVIII. LANDSCAPING AND SCREENING.

Sec. 122-401. Purpose.

(a) *Intent and purpose.* Landscaping enhances the visual image of the city, improves property values, alleviates the impact of noise, traffic and visual distraction associated with certain land uses, and preserves natural resource. Screening provides visual barriers that protect less intensive uses, such as residences, from the characteristics associated with more intensive nonresidential uses, including but not limited to noise, glare, traffic, airborne dust, litter, outdoor storage, and parking of vehicles.

The regulations of this article are intended to:

- (1) Protect the public health, safety or welfare;
- (2) Improve the appearance of uses established in the city's nonresidential and residential zoning districts;
- (3) Protect and enhance the city's built and natural environments;
- (4) Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way;
- (5) Protect and preserve the appearance, character and value of residential uses that abut nonresidential areas and uses;
- (6) Coordinate the design of new landscaping with existing landscaping on adjoining properties;
- (7) Reduce soil erosion and depletion; and
- (8) Increase the storm water retention capabilities of land thereby helping to prevent flooding and the overburdening of the city's storm water management system.

(b) *Scope of application.* The regulations of this article shall not apply to detached single and two-family dwellings that are located on individual lots in platted subdivisions, nor to detached single-family site condominium units in site condominium projects, except as may otherwise be required by subsequent regulations of this chapter.

(c) *Minimum regulations.* The regulations of this article are minimum regulations and are not intended to prevent a developer and the city from agreeing to more extensive landscaping and screening.

(d) *Creativity in design.* Creativity in landscape design is encouraged. Except for materials and methods used for screening purposes, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and the intent of the city to coordinate the design of new landscaping with that existing on adjoining properties.

(e) *Landscaping plan.* Site plans shall illustrate landscaping and screening in accordance with the regulations of this article.

(Ord. No. 2008-, 12-15-08)

Sec. 122-402. General landscaping regulations.

(a) *General site regulations.* All unpaved areas of a site including those areas within adjacent rights-of-way shall be planted with grass, ground cover, shrubbery, or other suitable plant materials which shall extend to any abutting street pavement edge.

(b) *Landscaping in required front yard setbacks in RM-1, RM-2, C-2B, WF, M-1 and M-2 zoning districts.* Landscaping shall include one deciduous tree and eight shrubs for each 30 linear feet or portion thereof of street frontage. Openings for driveways and sidewalks need not be considered when calculating the length of street frontage. Trees and shrubs may be planted at uniform intervals, at random or in groupings.

(c) *Areas within public rights-of-way.* Areas shall be planted with grass or other suitable living ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the right-of-way were part of the required yard. The use of gravel, stone, lava rocks, woodchips or other loose materials shall not be permitted within this area.

(d) *Greenbelts.* Greenbelts shall conform to the following standards:

(1) *Greenbelt width.* Greenbelts shall be at least 5 feet in width.

(2) *General planting regulations.*

a. Grass, ground cover or other suitable living plant material shall be planted over the entire area of a greenbelt except where paved walkways and driveways are located.

b. A minimum of one deciduous or evergreen tree and eight shrubs shall be planted for each 30 lineal feet or portion thereof. Or, alternatively, eight shrubs may be substituted for each required tree for a total of 16 shrubs for each 30 lineal feet. Trees and shrubs may be planted at uniform intervals, at random or in groupings.

(e) *Screening Buffer.*

(1) *Required Landscaping.*

- a. When required, a screening buffer shall consist of a 5-foot wide planting strip planted with evergreen trees or shrubs that are a minimum 5 feet in height at the time of planting and of sufficient size so as to form a complete visual barrier; or
- b. In the alternate such a buffer may consist of a solid obscuring wall or fence with a 6-foot minimum height in accordance with regulations for unobstructed sight zones set forth in section 122-69 and wall and/or fence regulations in Article XIX.

(2) *Location of Screening Buffer.* A screening buffer shall be required to effectively screen developed portions of the property whenever a nonresidential use in a commercial, office, waterfront or industrial district abuts a residential district or residential use, and in locations where loading areas would be visible from residential districts or uses. When a wall or fence is used to provide screening to an adjacent street, a greenbelt must be planted and maintained on the side of the wall or fence which faces the street. Such greenbelts must be planted in accordance with the regulations of section 122-402(D).

(3) *Screening of equipment.* If visible from adjacent streets and/or properties, mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, air conditioners and similar equipment shall be screened on at least three sides. An open area may be maintained around such equipment to facilitate repairs and maintenance.

(f) *Unobstructed visibility for drivers.* All landscaping shall comply with the unobstructed sight zone regulations of section 122-69.

(g) *Potential damage to utilities.* Landscaping material shall be planted so as not to interfere with or cause damage to underground utility lines, public roads or other public facilities.

(h) *Landscaping divider medians.* Where traffic on driveways, maneuvering lanes, service roads and private roads is separated by a divider median, the median shall be curbed and have a minimum width of 10 feet. A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet or portion thereof of median length. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed 60 feet. Median landscaping shall comply with the unobstructed sight distance regulations set forth in section 122-69.

(i) *Irrigation.* Site plans shall indicate the proposed method of watering landscaped areas. All new construction, excluding single and two-family residential, shall include the installation of an automated irrigation system unless planning department staff determines that an equivalent method of irrigation is proposed. Plant materials and lawns shall be watered regularly and maintained in a healthy condition throughout the growing season.

(Ord. No. 2012-, 6-18-12)

Sec. 122-403. Off-street parking areas.

All off-street parking areas shall be landscaped and screened in accordance with the following regulations.

(1) *Interior Landscaping.*

- a. *When Required.* Off-street parking areas containing more than 50 parking spaces shall be provided with at least 20 square feet of interior landscaping per parking space. Such landscaping shall be designed to improve the convenience and safety of pedestrian and vehicular traffic and to guide traffic movement. Landscaped areas shall measure at least 5 feet in any single dimension.
- b. *Required plantings.* A minimum of one tree shall be planted per each 300 square feet or fraction thereof of required landscaped area. At least 50 percent of each landscaped area shall be covered by plant material such as sod, shrubs, or ground cover, with the remaining portion covered by an organic or inorganic mulch to a depth sufficient to prevent weed growth. Plantings in parking areas shall comply with the regulations for unobstructed sight zones set forth in section 122-69. Parking area landscaping plans shall indicate the types, sizes and quantities of plant material proposed.

(2) *Perimeter landscaping or screening.*

- a. A 5-foot wide greenbelt shall be established at the perimeter of the off-street parking area.
 1. A solid obscuring wall or fence may be substituted for the aforementioned screening buffer. It shall maintain a minimum 6-foot height or the maximum height permitted in accordance with regulations for unobstructed sight zones set forth in section 122-69 and wall and/or fence regulations in Article XIX.
 2. Such screening may not be required along street rights-of-way, at the discretion of planning department staff.
- b. A screening buffer, obscuring wall or fence, shall be established along those sides of the off-street parking area that abut a residential zoning district or a lot that is used for residential purposes.
- c. Landscaped areas shall be protected with raised curbs, wheel chocks, guard rails, or other means to prevent encroachment of vehicles.

(Ord. No. 2012-, 6-18-12)

Sec. 122-404. Standards for Landscape Materials.

Unless otherwise specified, all landscape materials shall comply with the following standards:

(1) *Quality.* All plant materials shall be nursery grown, free of pests and diseases, and hardy in central Michigan.

(2) *Artificial plant materials.* Artificial plant materials shall not be used to comply with the regulations of this article.

(3) *Plant material specifications.* The following specifications shall apply to all plant material required by this article:

(4) *Deciduous shade or ornamental trees.* Deciduous shade trees shall be a minimum of 1 ½ inches in caliper measured 12 inches above grade with the first branch a minimum of 4 feet above grade when planted.

(5) *Evergreen trees.* Evergreen trees shall be a minimum of 6 feet in height.

(6) *Shrubs.* Shrubs shall be a minimum of 2 feet in height when planted

(7) *Hedges.* Hedges shall be planted and maintained so as to form a continuous, unbroken visual screen within two growing seasons.

(8) *Ground cover.* Ground cover used in lieu of turf grasses or mulch shall be planted in such a manner as to present a finished appearance and reasonably complete coverage.

(9) *Grass.* Grass areas shall be planted using species normally grown as permanent lawns in central Michigan.

(10) *Perennials/vines.* Perennials and/or vines are acceptable to satisfy the requirements of this chapter, but must be maintained in healthy condition.

(11) *Mulch.* When used around trees, shrubs and flower beds, mulch shall be to a depth necessary to prevent weed growth and installed in a manner so as to present a finished appearance.

(12) *Undesirable plant material.* The use of plant material that is susceptible to storm damage, pests or disease shall not be permitted. The use of fruit-bearing plant material along public ways shall not be permitted.

(Ord. No. 2008-, 12-15-08)

Sec. 122-405. Installation and maintenance.

(a) *Installation.* Landscaping shall be installed in a sound, workman like matter to ensure continued, healthy growth of plant materials. Trees, shrubs, hedges and other materials shall be generously mulched at the time of planting.

(b) *Required landscaping.* Required landscaping shall be installed prior to the issuance of a final occupancy permit. A temporary occupancy permit may be issued, if landscaping cannot be installed due to off-season weather. In such case, plantings shall be installed as soon as materials become available and temperatures are suitable for planting.

(c) *Seeding or sod.* Seeding or sod shall be completed within 90 days of issuance of a final occupancy permit. A temporary occupancy permit may be issued, if seeding or sod cannot be installed due to off-season weather. In such case, seeding or sod will be installed as soon as materials become available and temperatures are suitable for planting.

(d) *Protection from vehicles.* When needed, landscaped areas in or adjacent to parking areas shall be protected with raised curbs, wheel chocks, guard rails, or other means to prevent encroachment of vehicles into landscaped areas.

(e) *Maintenance.* Landscaping required by this article shall be maintained in a healthy, neat and orderly appearance free from refuse and debris:

- (1) Maintenance includes the proper pruning of trees and shrubs, regular mowing of lawns, removal of all litter and the replacement of dead and unhealthy plant material.
- (2) Unhealthy and dead plant material shall be replaced upon notice from the zoning administrator unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.
- (3) Other landscape elements such as benches, retaining walls, edging and hardscaping shall be maintained in good condition and neat appearance. Rotted, deteriorated or damaged landscape elements shall be repaired or replaced upon notification of the zoning administrator.

(Ord. No. 2008-, 12-15-08)

Sec. 122-406. Treatment of existing plant material.

(a) *Consideration of existing plant materials in landscape design.* In instances where healthy plant material exists on a site prior to its development, such plant material may be used to meet the regulations set forth previously in this article, provided such substitution is in keeping with the spirit and intent of this article and chapter in general.

(b) *Use of existing landscape features.* In instances where berms, fences and walls exist on a site prior to its development, such features may be used to meet the regulations set forth previously in this article, provided such substitution is in keeping with the spirit and intent of this article and chapter in general.

(Ord. No. 2008-, 12-15-08)

Sec. 122-407—122-420. Reserved.

ARTICLE XIX. WALLS AND FENCES.

Sec. 122-421. General fence and wall standards.

(a) *Permit.* The construction or alteration of any fence or wall up to six feet in height requires a fence permit from the planning department, subject to compliance with the provisions of this chapter. The erection, construction or alteration of any fence or wall taller than six feet in height shall require a fence permit from the planning department and a building permit issued by the building code enforcement division, subject to compliance with the provisions of this chapter and the city's building code.

Written application for such fence permit shall be filed in the office of the planning department, on forms to be furnished by that office, setting forth the location, type, construction detail, and other information as required by that office, together with a permit fee. The owner of the property shall be responsible for obtaining the permit. If a contractor has been hired to erect the fence or wall, then such person, firm or corporation shall be responsible for obtaining the permit.

The fee for the permit required by this section shall be as set in accordance with section 2-1 of this Code and kept on file in the city clerk's office.

A permit shall be issued by the planning department only after it has reviewed the completed application and has determined that the proposed fence or wall complies with the provisions of this chapter.

(b) *Construction requirements.*

(1) *Permitted materials.* Fences shall be constructed of materials commonly used in conventional fence construction, such as wood, vinyl, metal or other durable ornamental material similar in nature provided that the planning department staff determines that the proposed fence is of structurally sound construction. Walls shall be constructed of masonry materials. Snow fencing shall not be used for more than 180 days in any 12-month period.

(2) *Prohibited materials.* Barbed wire, razor wire, or other similar security wires or materials which could easily cause injury to persons shall only be permitted in the M-2, general industrial district, provided that barbed wire is permitted only at the top of the fence and does not extend over adjacent properties. Fences that carry electric current or any fence, guard wall, or other protection upon which any spike, nail, or pointed instrument of any kind is fixed, attached or placed, excluding ornamental wrought-iron style fencing, shall not be permitted.

(3) Orientation. All supporting posts, cross-members and protruding bolts, screws and/or hardware of fences shall be inside the lot and face toward the interior of the property of the person who erects, constructs or causes to have constructed the fence.

(c) *Determination of height.* The height of a wall, fence, or residential entranceway structure shall be measured from the surface of the ground adjacent to its proposed location. Fill shall not be permitted for the purpose of achieving a height greater than what otherwise would be permitted.

(d) Location on street or between sidewalk and curb. It shall be unlawful to construct any fence or barrier in any public street in the city or between the sidewalk and curb, except in conjunction with the excavation, construction or renovation of a building or similar structure in accordance with the provisions of chapter 26.

(e) Fences for recreational facilities or public utilities. Height restrictions shall not apply to public or private recreational facilities including but not limited to tennis courts, ball diamonds, and basketball courts; or public utility installations.

(f) Arbors, columns and gates. Arbors, columns, gates, pergolas or similar un-roofed structures shall be permitted at or over walkways subject to the following regulations:

(1) Structures may be located within a required front or side-street side yard setback, provided they are not located in the public right-of-way;

(2) Height shall not exceed eight feet;

(3) Such structures shall not be located in unobstructed sight zones stipulated in section 122-69; and

(4) The issuance of a building permit, if applicable, shall be required prior to construction.

(g) Unobstructed *sight distance.* Walls and fences shall comply with the specifications for the maintenance of unobstructed sight distance as stipulated by section 122-69.

(Ord. No. 2012-, 6-18-12)

Sec. 122-422. Obscuring fences and walls.

When permitted or required by this chapter, obscuring walls and fences shall be subject to the regulations of this section. An obscuring wall or fence is one where less

than 50 percent of the vertical surface is open so as to obstruct vision or prevent observation of activities enclosed by the fence as defined by section 122-69.

(1) *Materials.* The surface area of any obscuring wall or fence facing a residentially zoned district shall be constructed of materials that are compatible with the adjacent residential structures in the residential district. Solid fences shall be constructed of wood, aluminum or vinyl.

(2) *Location.* Required obscuring walls and fences shall be placed adjacent to the lot line except where underground utilities interfere with placement of the wall at the property line, in which case the wall shall be placed on the utility easement line located nearest the property line. All walls and fences shall comply with the specifications for maintenance of unobstructed sight distance for drivers stipulated by section 122-69.

All required obscuring walls and fences that face a street shall have a four-foot wide landscaped planting bed located between the base of the wall or fence and the street right-of-way in accordance with the regulations of subsection 122-402(2).

(3) *Time of construction.* Wherever construction of an obscuring wall or fence is required adjacent to residentially zoned or used property, the wall shall be installed prior to the issuance of an occupancy permit.

(Ord. No. 2008-, 12-15-08)

Sec. 122-423. Fences and walls for residential uses and residential districts.

Fences and walls for residential uses and districts may be located in the required front, side or rear yard subject to the following regulations:

(1) Height.

a. Fences located within the front yard setback shall not exceed four feet in height, with the exception of ornamental, wrought-iron style fences approved within the Center Avenue Historic District by the Historic District Commission which may be constructed to a maximum height of six feet.

b. Fences and walls closer than ten feet to a side street lot line shall not exceed four feet in height.

c. Fences and walls constructed in side and rear yards shall not exceed six feet in height.

(2) *Fence type.* Chain link fences are not permitted within the front yard setback but may be located in side street side yards and rear yards as defined in section 122-32.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-424. Height in nonresidential districts.

In nonresidential districts, no fence or wall shall exceed 12 feet in height subject to the provisions of section 122-69.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-425. Fences around swimming pools.

Fences around swimming pools shall be provided in accordance with the provisions of chapter 26.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-426. Maintenance and repair.

(a) Any person who constructs or contracts with another to construct a fence or wall upon property which such person owns or leases shall be responsible for the repair, upkeep and maintenance of the fence or wall. All such work shall be done in accordance with the provisions of this chapter.

(b) Any person who owns property upon which a fence or wall has been constructed by a previous owner shall be responsible for the care, upkeep and maintenance of the fence or wall. If said fence or wall is located upon a lot line, each successive owner of the fence or wall shall be responsible for its care, upkeep and maintenance. If ownership of the fence or wall located upon a lot line is joint or cannot be determined, then each party owning property adjacent to the fence shall be responsible for the care, upkeep and maintenance of the fence facing his or her property.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-427. Responsibility of fence owner.

It shall be the obligation and sole responsibility of persons obtaining fence permits and erecting fences to determine the location of lot lines. The city shall not determine lot lines, and the issuance of a fence permit shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice in any way the rights of adjacent or abutting property owners.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-428. Responsibility of city.

The city shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction or maintenance of fences, nor shall the city be responsible for the determination of the location of any fence to be constructed, including those on a lot line.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-429—122-440. Reserved.

ARTICLE XX. SIGNS.

Sec. 122-441. Purpose.

The article establishes regulations for signs, sign structures and other displays for identification or advertising purposes within the city, based on the following objectives:

(1) *Safety.* The regulations with regard to placement, installation, maintenance, size and location of signs are intended to minimize distractions to motorists, maintain unobstructed vision for motorists, protect pedestrians, and otherwise minimize any threat to public health or safety.

(2) *Aesthetics.* Signs should enhance the aesthetic appeal of the city as follows:

a. By precluding the construction or placement of signs that are out-of-scale with surrounding buildings and structures;

b. By preventing the excessive accumulation of signs; and

c. By encouraging the construction and placement of signs that enhance the appearance and value of both residential and nonresidential zoning districts.

(3) *Equal protection and fairness.* These regulations are designed to preserve the rights and assure the fair treatment of property owners by establishing equitable, reasonable, and uniform sign regulations that provide for adequate advertising or identifying of on and off-site land uses.

(4) *Land use planning objectives.* The placement and design of signs should protect neighborhood character and the value of surrounding properties while furthering the city's land use planning objectives.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-442. Scope of regulations.

Signs may be erected, relocated, enlarged, structurally changed, painted, or altered in accordance with the provisions of this article, unless otherwise provided herein.

Signs in H-P, historic preservation overlay districts shall be subject to the provisions of articles XII and XIII.

(Ord. No. 2009-3, 2-16-09)

Sec. 122-443. Definitions.

Certain words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in article II shall be given the meanings set forth in article II. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Abandoned sign means a sign that no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity and/or for which no legal owner can be found.

Add-on sign means a sign that is attached as an appendage to another sign, sign support, or a building, and is intended to draw attention to the goods or services available on the premises. This definition shall not apply to promotional signs as defined in this chapter.

Administrator means the zoning administrator or his designated representative.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene. See also "flashing sign."

Awning means a shelter constructed of materials on a supporting framework and projecting from and supported by the exterior wall of a building.

Awning sign means sign painted on, printed on or attached flat against the surface of an awning.

Banner sign means a sign made of fabric or any nonrigid material.

Beacon light means any light with one or more beams, capable of being directed in any direction, or capable of being revolved automatically.

Billboard . See "off-premises sign."

Building . See definition in section 122-32(17).

Bulletin board means a type of changeable copy sign that displays the name, services and activities of an institution, school, library, community center, fraternal lodge, golf course, country club, park or other recreational facility.

Business center sign means a sign for the purpose of designating the ingress/egress or primary travel route within an industrial park, multiple use commercial park or campus.

Canopy sign means a sign that is attached to or painted on the fascia of a canopy or awning.

Changeable copy sign (manual) means a sign on which the message is changed manually in the field, e.g., read-a-board with changeable letters.

Clearance (of a sign) means the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Community special event advertising means the use of any lawful on or off-premise sign for a limited time to call attention to community special events and other similar activities, excluding commercial advertising, that are of interest to the general public and sponsored by municipal or nonprofit groups, associations, or corporations.

Construction sign means a sign identifying an architect, designer, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy means the wording on a sign surface in either permanent or removable letter form.

Directional or informational sign means an on-premises sign giving directions, instructions or facility information and that may contain the name or logo of an establishment but no advertising copy, such as parking or exit and entrance signs, drive-through window signs, restroom signs, etc.

Double-face sign means a sign with two faces mounted parallel to each other, back to back.

Election sign means a sign used in connection with an election, as defined by state law.

Electrical sign means a sign or sign structure in which electrical wiring, connections or fixtures are used.

Electronic message sign means a variable message sign that utilizes computer generated messages or other electronic means of changing copy using incandescent lamps, LEDs, LCDs, a flipper matrix, similar or other advanced electronic technology.

Erect means to build, construct, attach, hang, place, suspend or affix signs, including the painting of walls.

Facade means the entire building front including the parapet.

Face of sign means the area of a sign on which copy is placed, also known as a sign face.

Festoons means a string of ribbons, tinsel, or small flags.

Flashing sign means a sign that contains an intermittent or sequential flashing light source used primarily to attract attention. Such sign does not include changeable copy signs, animated signs, or signs that, through reflection or other means, create an illusion of flashing or intermittent light. See also "animated sign," "changeable copy sign."

Freestanding sign means a sign installed upon and in the ground by poles or braces and not attached to any building.

Frontage means the length of an exterior wall on a public or private right-of-way, easement, or the Saginaw River.

Gateway/wayfinding sign means a public sign for the purpose of designating the entrance or boundary of a municipality, neighborhood, business or historic district.

Ground sign (also called monument sign) means a sign not more than eight feet in height that is erected on the ground or on a foundation which is set on the ground and which is not supported by poles or braces.

Governmental sign means any sign erected and maintained by the city, county, state or federal government for traffic directions or for designation of or direction to any school, hospital, historical site or public service, property or facility.

Identification sign means a sign that displays only the name and address of the building, institution, person or entity and/or the activity or occupation being identified.

Illegal sign means a sign that does not meet the regulations of this chapter and which is not nonconforming.

Illuminated sign means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental sign means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, (e.g., a credit card sign, a sign indicating the hours of business, signs advertising the cost of goods).

Inflatable sign means a temporary sign consisting of a nonporous bag or balloon inflated with a gas or air.

Integral sign means memorial sign or tablet, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials mounted on the face of a building.

Maintenance means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Mansard means a sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee means a permanent structure consisting of rigid materials supported by and extending from the facade of a theater.

Moving sign means a sign in which the sign itself or any portion of the sign moves, rotates, or revolves. Such motion does not refer to the method of changing of copy on a changeable copy sign.

Monument sign (see ground sign)

Mural means a design or representation that is painted or drawn on the exterior surface of a structure and that does not advertise a business, product, service, or activity.

Nameplate means a non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon sign. See "outline tubing sign."

Nonconforming sign means a sign that was erected legally but which does not comply with subsequently enacted sign regulations.

Obsolete sign means a sign that advertises a product that is no longer made, a business that is no longer in operation, or an activity or event that is no longer being conducted.

Off-premise advertising sign means a sign advertising a service or entertainment establishment, business, house of worship, or any product or merchandise that is not provided, located or produced on the lot on which the sign is located, also known as billboards or outdoor advertising.

On-premise advertising sign means a sign that identifies or advertises the use of the lot on which it is located.

Outline tubing sign means a sign consisting of glass tubing, filled with a gas such as neon that glows when an electrical current passes through it.

Painted wall sign means any sign that is applied with paint or similar substance on the face of a wall.

Parapet means the extension of a false front or wall above a roof line.

Point of purchase display means advertising of a retail item accompanying its display (advertisement on a product dispenser).

Pole cover means covers enclosing or decorating poles or other structural supports of a sign.

Political sign. See "election sign."

Portable sign means any sign designed to be moved from place to place and that is not permanently affixed to the ground or to a structure or building.

Projecting sign means a sign, other than a flat wall sign, that is attached to and projects from a building wall or structure. Not considered an awning or canopy sign.

Promotional sign means a type of temporary sign that is used to draw attention to goods and services available on the premises. These signs are temporary in nature and typically advertise price changes or sales.

Promotional sign frame means a frame constructed to hold promotional signs.

Public sign means a sign erected in the public interest by or upon orders from a local, state, or federal public official. Examples of public signs include but are not limited to legal notices, safety signs, traffic signs, memorial plaques, and signs of historical interest.

Quasi-public entity means a nonprofit, religious, or charitable organization that provides educational, cultural, recreational, or similar types of programs.

Real estate sign means a sign advertising the real estate upon which the sign is located as being for sale, lease, or rent.

Real estate development sign means a sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction.

Residential identification sign means a freestanding sign identifying a subdivision, condominium development, or residential development.

Roof line means the top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof sign means any sign erected over or on the roof of a building that serves to identify the name of the building or business located therein. See also "mansard sign" and "wall sign."

Sandwich sign means a sign that consists of two boards upon which a message is posted, and which are hinged at the top and are open at the bottom so that the boards can lean against each other when placed on the ground.

Sign means any device, structure, fixture, or placard that displays or depicts words, numbers, figures, graphic designs, logos or trademarks to convey information visually for the purpose of informing or attracting the attention of persons.

Sign cabinet means a hollow structure that is designed and constructed to hold sign panels by providing a framework unto which sign panels are attached or inserted. A sign cabinet may also include space for internal illumination.

Sign face. See "face of sign."

Sign panel means a single face (e.g. lexan, aluminum, acrylic, etc.) that is attached to or inserted in a sign cabinet and onto which the sign copy, logo, etc. is typically printed or painted and which is usually changed manually.

Snipe sign means a sign or poster affixed to a tree, fence, utility pole, etc.

Temporary sign means a sign not constructed or intended for long term use. Examples of temporary signs include signs which announce a coming attraction, a sale or bargain, a new building under construction, a community or civic project, or other special events that occur for a limited period of time. See also "inflatable sign."

Time and temperature signs means signs which display the current time and/or temperature.

Undercanopy sign means a sign suspended beneath a canopy, awning, ceiling, roof or marquee.

Vehicle signs means signs painted on or affixed to the sides or top of a vehicle, including signs painted on or affixed to the sides or top of a truck trailer.

Wall sign means a sign attached parallel to and extending not more than 12 inches from the wall of a building, including painted, individual letter and cabinet signs, and signs painted or affixed to a mansard.

Window sign means a sign installed inside a window and intended to be viewed from the outside.

(Ord. No. 2012-, 8-20-12)

Sec. 122-444. Enforcement.

(a) *Plans, specifications, and permits.*

(1) *Permits.* It shall be unlawful for any person to erect, alter, move or enlarge a sign or other advertising structure, without first obtaining a permit in accordance with the provisions of this article. An electrical permit as may be required by the city's electrical code shall be obtained for all signs making use of electricity. A sign permit shall not be required for exempt signs listed in section 122-445(a).

(2) *Applications.* Application for a sign permit shall be made upon forms provided by the building and code enforcement division. An application fee shall be paid at the time an application is filed. Applications for sign permits shall include the following information:

- a. Name, address, and telephone number of the applicant and property owner.
- b. Address of the building or lot on which the sign is to be located.
- c. Location of the freestanding and off-premises signs in relation to nearby buildings, structures, and property lines.
- d. Plans and specifications showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
- e. Copies of stress sheets and calculations, as required by the building code.
- f. Name and address of the person, firm, or corporation owning, erecting, and/or maintaining the sign.
- g. Location and surface area of all existing signs on the same premises.
- h. Information concerning required electrical connections.
- i. Insurance policy or bond, as required in this article.
- j. Written consent of the owner and/or lessee of the premises upon which the sign is to be erected.
- k. Other information required by the building official to make the determination that the sign is in compliance with all applicable laws and regulations.

(3) *Review of application.*

- a. Planning department and building code enforcement division review. A review of the sign permit application for any proposed sign is required prior to the issuance of any sign permit.
- b. Issuance of a permit. The building official shall have the authority to issue a sign permit following approval of a sign permit application by planning department staff.

(4) *Exceptions.* A sign permit shall not be required for ordinary servicing or repair, or for repainting or changing the copy of an existing sign.

(b) *Removal of abandoned signs.* Any sign that identifies a business that is no longer in operation, or that identifies an activity or event that has already occurred, or a product that is no longer made, shall be considered abandoned and shall be removed.

However, where a conforming sign structure and frame are typically likely to be reused by a subsequent occupant within 24 months of the vacancy, the property owner shall not be required to remove the sign structure and frame in the interim periods, provided that the sign structure and frame are maintained in good condition.

(c) *Nonconforming signs.*

(1) *Nonconforming signs.* Legally nonconforming signs may be altered, enlarged or reconstructed, provided such alteration, enlargement or reconstruction is in compliance with article XXII and the following regulations:

- a. *Repairs and maintenance.* The painting of chipped or faded paint or copy, the replacement of a sign panel in a sign cabinet with one of the exact same dimensions, or the repair and replacement of electrical wiring or devices shall be permitted.
- b. *When destroyed or damaged.* A nonconforming sign that is destroyed or damaged by a non-intentional act, fire or other catastrophe, may be reconstructed or replaced, provided that the sign permit is issued for the repair or replacement within 90 days of damage and that the work does not increase the legal nonconformity.
- c. *Substitution.*
 - 1. No nonconforming sign shall be replaced with another nonconforming sign including an electronic message sign.
 - 2. An existing sign panel in a sign cabinet may be replaced with a different sign panel without affecting the legal nonconforming status

of a sign, provided that the dimensions of the sign cabinet are not altered.

(2) *Signs for nonconforming uses.*

- a. *Signs for nonconforming uses in residential districts.* Nonconforming uses shall be permitted to have one square foot of sign area for each lineal foot of building frontage, limited to a total sign area of 25 square feet whichever is smaller. Only wall and projecting signs are permitted.
- b. *Signs for nonconforming uses in nonresidential districts.* Signs for nonconforming uses in a nonresidential district shall be governed by the sign regulations applicable in that district.

(d) *Enforcement.* Placards, posters, circulars, promotional signs, showbills, handbills, election signs, cards, leaflets or other advertising matter, except as otherwise provided herein, shall not be posted, pasted, nailed, placed, printed, stamped or in any way attached to any fence, wall, post, tree, sidewalk, pavement, platform, pole, tower, curbstone or surface in or upon any public easement, right-of-way or on any public property whatsoever. Provided, however, nothing herein shall prevent official notices of the city, school districts, county, state or federal government from being posted on any public property deemed necessary.

All placards, posters, promotional signs, circulars, showbills, handbills, election signs, cards, leaflets or other advertising matter posted, pasted, nailed, placed, printed, stamped on any right-of-way or public property may be removed and disposed of by city enforcement officials without regard to other provisions of this chapter.

(Ord. No. 2012-, 8-20-12)

Sec. 122-445. General provisions.

(a) *Signs not requiring permits.* A sign permit shall not be required for the following signs, which shall be permitted subject to applicable provisions herein:

- (1) Address numbers with a numeral height no greater than six inches for residences and 18 inches for businesses.
- (2) Nameplates identifying the occupants of the building, not to exceed two square feet.
- (3) Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business on the premises where the vehicle is parked.

- (4) Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.
 - (5) Flags bearing the official design of a nation, state, municipality, educational institution, or noncommercial organization.
 - (6) Holiday or special events decorations.
 - (7) Incidental signs, provided that the total surface area of all such signs shall not exceed two square feet.
 - (8) Permanent signs on vending machines, gas pumps, or ice containers indicating only the contents of such devices.
 - (9) Real estate signs that advertise the rental, sale or lease of the property on which they are located, subject to the regulations in section 122-445(c).
 - (10) Real estate "open house" signs that advertise the rental, sale or lease of the property on which they are located, with an area no greater than three square feet.
 - (11) "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall be four square feet.
 - (12) Plaques or signs designating a historic resource.
 - (13) "No Trespassing," "No Hunting," and "No Dumping" signs.
 - (14) Temporary window signs, subject to the regulations in section 122-445(c).
 - (15) Promotional signs and banners in a promotional sign frame, subject to the regulations in section 122-445(c) and 122-448(19).
 - (16) Temporary banners hung over public rights-of-way that have been approved by the city. The size, location and duration of display of such banners is at the discretion of the city, and may also require approval from the state department of transportation.
- (b) *Prohibited signs.* The following signs are prohibited in all zoning districts:
- (1) Any sign not expressly permitted by this article.

- (2) Signs that incorporate flashing or moving lights; however, time and temperature signs and theater marquee signs shall be permitted.
- (3) Banners, pennants, festoons, spinners, and streamers, unless specifically permitted elsewhere in this chapter.
- (4) String lights used for commercial purposes, other than holiday decorations.
- (5) Moving signs, including any sign that has any visible moving or revolving parts, or other visible movement achieved by electrical, or mechanical means, including movement caused by wind.
- (6) Any sign or sign structure that is structurally unsafe.
- (7) Any sign or sign structure that constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment.
- (8) Any sign or sign structure that is capable of causing electric shock to person who come in contact with it.
- (9) Any sign or sign structure that is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
- (10) Any sign affixed to a tree or utility pole, except signs owned by a municipality or public utility.
- (11) Obsolete signs, see 122-443.
- (12) Portable signs, except where expressly permitted in this chapter.
- (13) Signs affixed to a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation purposes.
- (14) Any sign that obstructs free access to or egress from a required door, window, fire escape, driveway or other required exit from a building or premises.
- (15) Any sign that makes use of the words "Stop," "Look," or "Danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
- (16) Any sign unlawfully installed, erected, enlarged, altered, moved or maintained.
- (17) Roof mounted off-premise advertising signs.

(18) Signs on street furniture including, but not limited to, signs on benches, trash receptacles, and table umbrellas.

(19) Real estate signs no longer valid due to the sale, rental, or lease of the property.

(20) Add-on signs.

(21) Any signs or advertising matter of any kind displayed in any way whatsoever on public property, except as permitted by this article or other section of the Bay City Code of Ordinances.

(c) *Temporary signs.* Temporary signs shall be permitted as specified in table 122-445.

Table 122-445. Temporary sign standards.

Type of Sign	Districts Permitted	Type of Sign Permitted	Maximum Size	Maximum Height	Maximum Number Per Lot	Permit Required	Required Setback	Permitted Duration
Construction sign	All	Freestanding or Wall	32 sq. ft.	15 ft.	1 per street frontage	Yes	[a]	From: issuance of bldg. permit To: issuance of C of O.
Real estate - sale or lease of individual home or residential lot	Residential	Portable Freestanding	6 sq. ft.	6 ft.	1[b]	No	[d]	Remove within 30 days of completion of sale or lease.
Real estate - sale or lease of individual business or vacant lot	All non-residential	Portable Freestanding or Wall	16 sq. ft.	10 ft.	1[b]	No	[d]	Remove within 30 days of completion of sale or lease.
Real estate - sale or lease of unplatted vacant lot	All	Portable Freestanding	32 sq. ft.	10 ft.	1[b]	Yes	[a]	Remove within 30 days of completion of sale land or lease.
Real estate development sign	All	Portable Freestanding	32 sq. ft.	10 ft.	[c]	Yes	[a][h]	Remove within 30 days after all units or lots are sold or leased.
Grand opening sign	Commercial	Freestanding , Wall	24 sq. ft.	10 ft.	1	Yes	[d]	60 days.
Rummage sale sign	Residential	Freestanding or Wall	2 sq. ft.	5 ft.	2	No	[d]	Refer to Chapter 30.
Community special event advertising	All	[e]	[e]	[e]	[e]	Yes	[d]	30 days prior to and during duration of the event.

Bay City Zoning Ordinance

Type of Sign	Districts Permitted	Type of Sign Permitted	Maximum Size	Maximum Height	Maximum Number Per Lot	Permit Required	Required Setback	Permitted Duration
Election sign	All	Freestanding or Wall	16 sq. ft.	10 ft.	[k]	No	[d]	10 days after election.
Temporary window sign	Commercial and Office	Paper or Fabric	[f]	Not Applicable	[f]	No	--	[g]
Banner sign	All	As defined in section 122-443	45 sq. ft.	5 ft.	[b]	No	--	Not to exceed 30 days in any twelve month period [l]
Inflatable signs	Commercial	As defined in section 122-443	Not Applicable	20 ft. [j]	1	Yes	[a]	Not to exceed 4 days in any 6 month period.
Promotional signs	All	As defined in section 122-443	15 sq. ft.	5 ft.	--	No	--	[l]
Portable	All non-residential	Portable	50 sq. ft.	5 ft.	1	Yes	[d]	Not to exceed 180 days in any 12 month period.

Footnotes

- [a] The temporary sign shall be set back a distance equal to the height of the sign.
- [b] On a corner lot two signs, one facing each street, shall be permitted.
- [c] One on-premise sign shall be permitted for each frontage on a secondary or major thoroughfare, and one off-premise sign shall be permitted per development.
- [d] Temporary signs may be located in a required setback, but shall not be located within the public right-of-way.

- [e] Community special event advertising may be displayed on any lawfully permitted wall, free standing, ground, projecting, sandwich sign, marquee, roof, electronic message, off-premise, banner, or portable sign.
- [f] The total of all window signs, temporary and permanent, shall not exceed 1/3 of the total window area in commercial districts, and shall not exceed 2 square feet in office districts.
- [g] Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.
- [h] Real estate development signs shall not be erected within 50 feet of any occupied dwelling unit.
- [j] Height standard applies to the sign only and does not include the building on which it may be placed.
- [k] No limit has been established on the number of election signs.
- [l] Promotional signs and banners that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

(d) *Off-premise advertising signs (also called billboards).* Off-premise advertising signs shall be permitted in the M-1, light industrial district, M-2, general industrial district, and C-2-B, highway business district, subject to the following:

- (1) *Maximum size.* Sign faces shall not exceed 250 square feet each.
- (2) *Maximum height.* The maximum height for such signs shall be 30 feet.
- (3) *Sign faces.* Off-premise advertising signs may have two sign faces mounted parallel, back to back, or at such an angle as to be visible by traffic from opposing directions.
- (4) *Minimum setbacks.*
 - a. Off-premise advertising signs shall comply with the setback requirement of the district in which they are located.
 - b. Off-premise advertising signs shall not be located closer than 300 feet to any park, school, church, hospital, residence, cemetery, convention center, or government building.
- (5) *Spacing.*
 - a. Not more than three Off-premise advertising signs shall be located per linear mile of street, whether or not located on the same side of the street.
 - b. There shall be a separation distance of not less than 1,500 feet between Off-premise advertising signs, whether or not located on the same side of the street.

(Ord. No. 2012-, 8-20-12)

Sec. 122-446. Sign design standards.

(a) *Construction standards.*

- (1) *General regulations.* All signs shall be designed and constructed in accordance with the regulations of the city's building and electrical codes. All electrical wiring associated with a freestanding sign shall be installed underground.
- (2) *Framework.* All signs shall be designed so that the supporting framework is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view. This shall not apply to projecting signs, nor to the supporting poles on freestanding signs.

(b) *Illumination.*

- (1) *General regulations.* Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it.
- (2) *Light trespass.* Use of glaring undiffused light sources shall be prohibited. Lights shall be shielded so as not to project onto adjoining properties or streets.
- (3) *Traffic hazards.* Illumination that could distract motorists or otherwise create a traffic hazard is prohibited.
- (4) *Bare bulb illumination.* Illumination by bare bulbs are prohibited, except that bare bulbs are permitted on automatic changeable copy signs and theater marquees.

(c) *Location.*

- (1) *Within a public right-of-way.* No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.
- (2) *Setback regulations from right-of-way and street property lines.* A support pole or column shall not be closer than 2 feet from a public right-of-way line, except as otherwise permitted herein.
- (3) *Signs in clear vision areas.* Signs shall comply with the regulations for unobstructed sight areas in accordance with section 122-69.

(d) *Measurement.*

- (1) *Sign area.* Sign area shall be computed as follows:
 - a. Where a sign consists of a sign cabinet, generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.
 - b. Where a sign is affixed to a curved surface, such as a curved awning, the sign area shall be measured by considering the surface as being flat, consistent with the view directly in front of the surface.
 - c. Where a sign consists of individual letters, logo and ornamentation affixed directly to a building, canopy, awning, or other building surface, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and logo. A single sign may include more than one envelope, as determined by the planning department.
 - d. The area of a double-faced freestanding sign shall be computed using only one face of the sign provided that:

1. The outline and dimensions of both faces are identical; and
 2. The faces are back-to-back so that only one face is visible at any given time.
- e. The structural supports for a sign, shall not be included in the advertising/copy area provided no add-on sign is attached.
- (2) *Setback and distance measurements.* The following guidelines shall be used to determine compliance with setback and distance measurements:
- a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.
 - b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
 - c. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-447. Residential district signs.

The following signs shall be permitted in all residential zoning districts (see table 122-447):

- (1) *Nameplate and street address.* A nameplate sign and street address shall be permitted in accordance with section 122-445(a).
- (2) *Real estate signs.* Real estate signs shall be permitted in accordance with section 122-445(c).
- (3) *Garage and rummage sale signs.* Rummage sale signs shall be permitted in accordance with section 122-445(c).
- (4) *Residential entranceway or identification signs.* Permanent residential entranceway or identification signs shall be permitted in accordance with section 122-446(c) and the following regulations:
 - a. There shall be no more than one sign located at each entrance to a platted subdivision or other residential development.

- b. The maximum size for such sign shall be 25 square feet.
- c. The maximum height for such sign shall be six feet.
- d. When located on private property, such signs shall be set back a minimum distance of five feet from any front lot line in accordance with section 122-446(c).

(5) *Gateway or wayfinding signs.* Such signs shall comply with the following regulations:

- a. The maximum size for such sign shall be 25 square feet.
- b. The maximum height for such sign shall be six feet.
- c. Such signs shall not be located within the sight zone of a corner lot.
- d. Such signs may include information of community interest, but shall not be used for commercial advertising.
- e. Such sign must be erected and maintained by a unit of government, government agency, or quasi-public entity such as a city-created management board.

(6) *Directional signs.* Each sign shall be subject to the following regulations:

- a. Shall not exceed five square feet in area or four feet in height.
- b. Signs must be a minimum of two feet from the front property line.

(7) *Signs for permitted nonresidential uses in residential districts.* Each permitted nonresidential use in a residential district shall be allowed one wall-mounted sign, subject to the following regulations:

- a. The maximum size for such a sign shall be two square feet.
- b. Such sign shall not be lighted.

(8) *Signs for institutional uses.* Except as otherwise noted, signs for institutional uses, including but not limited to places of worship, parks, museums, county facilities, libraries, public recreational facilities, and schools, shall comply with the following sign standards:

- a. *Number.* There shall be no more than one sign per street frontage.

- b. *Size.* The maximum size of each such sign shall be 25 square feet.
- c. *Location.* Freestanding signs shall be located no closer than five feet from any property line, driveways, and approaches.
- d. *Height.* The maximum height of any freestanding sign shall be six feet.
- e. *Places of worship.* Places of worship and other religious institutions shall be permitted one additional sign for each school, parsonage, or other related facility or other building.

One temporary sign shall be permitted per street frontage for the purposes of advertising special events, such as bingo or picnics. Any such sign shall conform to the standards for area, location, and height as outlined in this section.

Off-premises directional signs located on private property shall be limited to two square feet.

f. *Residential uses.* Residential uses permitted subject to special approval, that are located in a single-family dwelling, shall be permitted one additional wall-mounted sign, not to exceed two square feet in area.

(9) *Bed and breakfast signage.* See subsection 122-474(10), standards for specific uses.

(10) *Home occupation signage.* See subsection 122-56(8), home occupations.

Table 122-447. Generalized schedule of sign standards for permitted non-residential uses in residential districts.*

Type of Sign	Number	Area
Bed and Breakfast signage	See 122-474(J)	See 122-474(J)
Church – freestanding, ground mounted or wall.	1[a][c]	25 sq. ft. per sign
Directional signs	1[b]	5 sq. ft.
Garage sale signs	2	2 sq. ft.
Nameplate	1	2 sq. ft.
Real estate signs	1	6 sq. ft.

Residential entranceway signs	1[b]	25 sq. ft.
Street address	1	6 in. height
Wall signs for nonconforming uses	1	16 sq. ft.

* Specific sections in this chapter should be consulted for details.

[a] One additional sign shall be permitted for each school, parsonage, or other related facility.

[b] One sign is permitted at each entrance to a subdivision, apartment complex or residential development.

[c] In the case of corner and through lots, one additional sign will be permitted for each street frontage.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-448. Nonresidential district signs.

The following signs shall be permitted in districts zoned for nonresidential use (see table 122-448, generalized schedule of sign standards):

(1) *Signs for residential district uses in a nonresidential district.* Signs for residential uses in a nonresidential zoning district, shall be governed by the regulations set forth in section 122-447.

(2) *Nameplate and street address.* A nameplate and street address shall be permitted in accordance with section 122-445(a).

(3) *Real estate signs.* Real estate signs shall be permitted in accordance with section 122-445(c).

(4) *Wall signs.* Wall signs shall be permitted in office, commercial, waterfront, and industrial districts subject to the following regulations:

a. Number.

1. Single-tenant buildings. One wall sign may be located on each side of the building that is clearly visible from a public or private right-of-way, recorded public access easement, or the Saginaw River.

2. Multi-tenant buildings or shopping centers.

i. For a multi-tenant building or shopping center, one wall sign may be located on each side of the building that is clearly visible from a public or private right-of-way, easement, or the Saginaw River for each tenant having an individual means of public access.

ii. Where several tenants use common entrances in a multi-tenant structure, only one wall sign shall be located on each side of the building that is clearly visible from on a public or private right-of-way, easement, or the Saginaw River. The sign may be used to list all tenants using the common entrance. The area of such sign shall be based on building frontage, not to exceed the limits specified in the table that follows under subsection 122-448(4)b.

b. Size. The total area of a wall sign shall be based on the width of the wall to which it is being attached, or the width of the adjacent storefront in a multi-tenant building, in accordance with the provisions of the following table:

Zoning District in Which Sign is Located	Number of Square Feet allowed per Lineal Foot of Frontage	Maximum Sign Area
O-1, C-1	1.0 sq. ft.	50 sq. ft.
C-2-A, C-2-B, WF	1.25 sq. ft.	60 sq. ft.
C-3, M-1, M-2	2.0 sq. ft.	75 sq. ft.

c. Vertical dimensions. The maximum vertical dimension of any wall sign shall not exceed 1/3 of the building height, except as noted for shopping centers.

d. Horizontal dimensions. The maximum horizontal dimension of any wall-mounted sign shall not exceed 2/3 the width of the building.

e. Height. The top of a wall sign shall not be higher than whichever is lowest:

1. The height of the building to which it is to be attached.
2. The height of the wall of the building facing the street on which the sign is located.

(5) *Freestanding signs.* Freestanding signs shall only be permitted in commercial, waterfront and industrial districts, subject to the following regulations:

a. **Setback.** Freestanding signs shall be set back at least two feet from a front lot line and ten feet from a side lot line.

b. **Number.** Either one freestanding sign or one ground sign shall be permitted per street frontage on each lot, however, not more than one sign shall be permitted on lots having frontage on more than one street if a single sign can be located such that it is clearly visible from both streets. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.

c. **Size.** The total area of the freestanding sign shall not exceed one square foot per lineal foot of building frontage in accordance with the following table:

Zoning District in Which Sign Is Located	Maximum Sign Area
O-1	32 sq. ft.
C-1, C-2-A, C-2-B, C-3, WF	50 sq. ft.
M-1, M-2	90 sq. ft.

Shopping centers having a total site area of 10 acres or greater shall comply with the following freestanding sign standards:

Maximum size of sign face: 200 sq. ft.

Maximum size of freestanding sign structure: 350 sq. ft.

Maximum height: 25 ft.

Number: One freestanding sign per street frontage on an arterial or collector road.

d. **Setback from residential districts.** Freestanding signs shall be located at least 50 feet from the boundary of a residential district.

e. **Height.** Except as noted above for shopping center signs, freestanding signs shall comply with the following height regulations:

	Maximum Height
O-1	8 ft.
C-1, C-2-A.....	15 ft.
C-2-B, C-3, WF.....	20 ft.
M-1, M-2.....	20 ft.

f. Underclearance. Freestanding signs located in site zones shall have an underclearance of at least three feet.

(6) *Marquee signs.* Marquee signs shall be permitted for theaters only subject to the following regulations:

a. Display areas. The written message may be affixed to vertical and horizontal faces of the marquee.

b. Vertical clearance. A minimum vertical clearance of eight feet shall be provided beneath any marquee.

c. Number. One marquee sign shall be permitted per street frontage.

d. Size. Limitations imposed by this chapter concerning size of signs shall not apply to marquees.

e. Projections. Limitations imposed by this chapter concerning projection of signs from the face of a wall or building shall not apply to marquees.

f. Illumination. Outline tubing, flashing or moving lights, backlighting, and bare bulb illumination is permitted provided that such lights do not distract motorists or otherwise create a traffic hazard.

(7) *Canopy.* Canopy signs in commercial, office, and industrial districts are permitted, subject to the following standards:

a. Maximum size. Such signs shall be considered wall signs for the purposed of determining maximum size standards.

b. Projection. Limitations imposed by this chapter concerning projection of signs from the face of a wall or building shall not apply to awnings.

c. Number. One canopy sign may be located on each a building that is clearly visible from a public or private right-of-way, recorded public access easement, or the Saginaw River.

(8) *Temporary signs.* Temporary signs shall be permitted in accordance with section 122-445(c).

(9) *Window signs.* Temporary and permanent window signs may be displayed in windows of buildings in commercial and office districts provided that the total combined area of such signs (including incidental signs) does not exceed 1/3 of the total window area. Temporary window signs shall comply with the regulations in section 122-445(c).

(10) *Electronic message sign.* One electronic message sign shall be permitted in commercial and office districts, subject to the following conditions:

- a. Frequency of message change. The message change shall not be more frequent than once every five seconds.
- b. Size. In making the determination for maximum sign area permitted, the standards for the type of sign that the electronic message board is most similar to (i.e. wall sign, free standing sign or ground sign) shall be used.
- c. Number. One such sign shall be permitted.
- d. Intensity. The intensity of lights shall not interfere with traffic control devices nor shall they distract motorists or otherwise create a traffic hazard.

(11) *Projecting signs.* One projecting sign shall be permitted in nonresidential districts, subject to the following conditions:

- a. Vertical clearance. A minimum vertical clearance of eight feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.
- b. Orientation. Shall be mounted perpendicular to the building wall.
- c. Size. Projecting signs shall not exceed 16 square feet in area.
- d. Projections. Limitations imposed by this chapter concerning projection of signs from the face of a wall or building shall not apply to projecting signs.

(12) *Undercanopy sign.* Two undercanopy sign shall be permitted in nonresidential districts, subject to the following conditions:

- a. Vertical clearance. A minimum vertical clearance of eight feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.
- b. Size. Undercanopy signs shall not exceed six square feet in area.

(13) *Outline tubing (neon) signs.* Outline tubing signs, also known as neon signs, are permitted in commercial districts subject to the following conditions:

a. Construction. Such signs shall be enclosed unless the applicant provides sufficient documentation that unenclosed signs satisfy regulations in the adopted building code.

b. Maximum size. Such signs shall be considered wall signs for the purposes of determining compliance with maximum size standards.

(14) *Business center signs.* Permanent ground entranceway or identification signs shall be permitted in accordance with section 122-446(c) and the following regulations:

a. There shall be no more than one such sign located at each entrance to an industrial park or other nonresidential development.

b. The maximum size for such sign shall be 200 square feet.

c. The maximum height for such sign shall be ten feet.

d. Such signs shall be set back a minimum distance of five feet from any front lot line.

e. Such signs shall comply with the regulations for lighting and unobstructed sight zones set forth in this chapter.

f. Attractive landscaping is encouraged at the base of such signs.

(15) *Gateway/wayfinding signs.* Such signs shall comply with the following regulations:

a. The maximum size for such sign shall be 25 square feet.

b. The maximum height for such sign shall be 6 feet.

c. Such signs shall not be located within the sight zone of a corner lot.

d. Such signs may include information of community interest, but shall not be used for the purpose of commercial advertising.

e. Such sign must be erected and maintained by a unit of government, government agency, or quasi-public entity such as a city-created management board.

(16) *Directional signs.* Each sign shall be subject to the following regulations:

a. Shall not exceed five square feet in area or four feet in height.

b. Signs must be a minimum of two feet from the front property line.

(17) *Ground signs (also called monument signs).* Ground signs shall be permitted in nonresidential districts, subject to the following regulations:

a. *Setback.* The base of ground signs shall be set back at least one foot from a front lot line and ten feet from a side lot line.

b. *Number.* Either one ground sign or one freestanding sign shall be permitted per street frontage on each lot. However, not more than one sign shall be permitted on lots having frontage on more than one street if a single sign can be located such that it is clearly visible from both streets. In multi-tenant buildings or shopping centers the total permissible sign area may be allocated for use by individual tenants.

c. *Size.* The area of a ground sign shall not exceed one square foot per lineal foot of building frontage in accordance with the following table:

Zoning District	Maximum Sign Area
O-1, WF	32 sq. ft.
C-1, C-2-A, C-2-B, C-3	32 sq. ft.
M-1, M-2	75 sq. ft.

d. *Setback from residential districts.* Ground signs shall be located at least 25 feet from the boundary of a residential district.

e. *Height.* The maximum height for ground signs shall be eight feet.

(18) *Roof signs.* Roof signs shall be permitted only in the C-3, central business district, subject to the following regulations:

a. *Number.* One single or double faced roof sign shall be permitted per street frontage on each lot. However, not more than one sign shall be permitted on lots having frontage on more than one street if a single sign can be located such that it is clearly visible from both streets.

b. *Size.* The total area of the roof sign shall not exceed two square feet per lineal foot of building frontage or 50 square feet whichever is less.

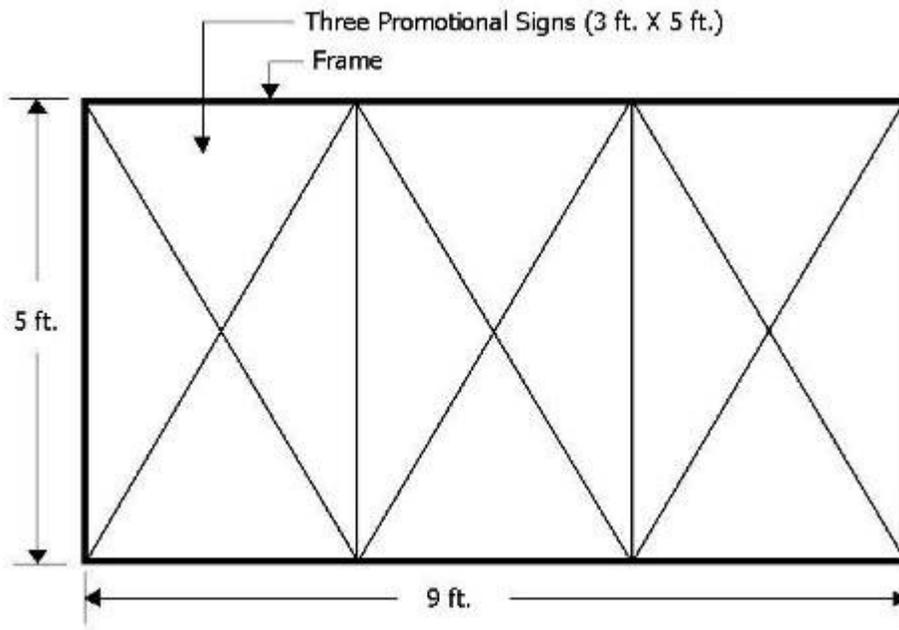
c. *Copy.* Copy shall be limited to identifying the name of the business or building located therein.

d. *Height.* The top of a roof sign shall be no higher than eight feet above the roof where the sign is located or the adjacent parapet wall, whichever is higher.

(19) *Promotional sign frames.* Promotional sign frames shall be permitted in commercial districts subject to the following regulations:

- a. Number. One promotional sign frame may be located on the principal building. Maximum two per lot.
- b. Size. The total area of a promotional sign frame shall not exceed 45 square feet. See illustration 20-1.
- c. Location. Promotional sign frames shall be permanently affixed to a wall of the principal building.
- d. Height. The top of a promotional sign frame shall not be higher than the wall to which it is to be affixed.

Illustration 19-1. An example of a Promotional sign frame.



(20) *Sandwich Signs.* One sandwich sign shall be permitted in commercial districts subject to the following regulations:

- a. Number.
 1. Single-tenant commercial buildings. One sandwich sign is permitted.
 2. Multi-tenant buildings or shopping centers.

(1) One sandwich sign per tenant is permitted for each tenant having an individual means of public access.

(2) Where several tenants use common entrances in a multi-tenant structure, only one sandwich sign is permitted.

b. Size. Each side of the sandwich sign shall not exceed three feet in height or two feet in width. A stanchion or support of up to 12 inches in height is permitted for the sandwich board sign.

c. Location. Sandwich signs shall be placed on private property whenever possible. When placement within the public right-of-way is necessary, an encroachment permit from the engineering department is required.

d. Duration. Sandwich signs located within public right-of-way must be stored indoors at the close of business each day.

e. Construction. The bottom of sandwich signs shall be weighted or anchored so that the sign is stable, wind-proof, and not easily knocked down.

Table 122-448. Generalized schedule of sign standards for nonresidential uses.*

Table 122-448. Generalized schedule of sign standards for nonresidential uses.*

Type of Sign	Office Uses in the O-1 District		Commercial Uses in the C-1 District		Commercial Uses in the C-2-A, C-2-B, and WF Districts		Commercial Uses in the C-3 District		Commercial Uses in the M-1 District		Commercial Uses in the M-2 District	
	Number	Max. Area	Number	Max. Area	Number	Max. Area	Number	Max. Area	Number	Max. Area	Number	Max. Area
Wall	[a]	1 sq. ft. per ft. of wall width, up to 50 sq. ft.	[a]	1 sq. ft. per ft. of wall width, up to 50 sq. ft.	[a]	1.25 sq. ft. per ft. of wall width, up to 60 sq. ft. [c]	[a]	2 sq. ft. per ft. of wall width, up to 75 sq. ft. [c]	[a]	2 sq. ft. per ft. of wall width, up to 75 sq. ft. [c]	[a]	2 sq. ft. per ft. of wall width, up to 75 sq. ft. [c]
Freestanding	N.P.	--	1[b]	1 sq. ft. per ft. of bldg. front, up to 50 sq. ft.	1[b]	1 sq. ft. per ft. of bldg. front, up to 50 sq. ft. [c]	1[b]	1 sq. ft. per ft. of bldg. front, up to 50 sq. ft. [c]	1[b]	1 sq. ft. per ft. of bldg. front, up to 90 sq. ft. [c]	1[b]	1 sq. ft. per ft. of bldg. front, up to 90 sq. ft. [c]
Ground	1	1 sq. ft. per ft. of bldg. front, up to 32	1[b]	1 sq. ft. per ft. of bldg. front, up to 32 sq.	1[b]	1 sq. ft. per ft. of bldg. front, up to 32 sq.	1[b]	1 sq. ft. per ft. of bldg. front, up to 32 sq.	1[b]	1 sq. ft. per ft. of bldg. front, up to 75	1[b]	1 sq. ft. per ft. of bldg. front, up to 75

Bay City Zoning Ordinance

		sq. ft.		ft.		ft. [c]		ft. [c]		sq. ft. [c]		sq. ft. [c]
Projecting	1	16 sq. ft.	1	16 sq. ft.	1	16 sq. ft.	1	16 sq. ft.	1	16 sq. ft.	1	16 sq. ft.
Awning or canopy	1	[d]	1	[d]	1	[d]	1	[d]	1	[d]	1	[d]
Under-canopy	2	8 sq. ft.	2	8 sq. ft.	2	8 sq. ft.	2	8 sq. ft.	2	8 sq. ft.	2	8 sq. ft.
Menu boards	N.P.	N.P.	3	24 sq. ft.	3	24 sq. ft.	3	24 sq. ft.	N.P.	N.P.	N.P.	N.P.
Marquee	N.P.	N.P.	1[e]	None.	1[e]	None.	2[e]	None.	N.A.		N.A.	
Roof	N.P.	N.P.	N.P.	N.P.	N.P.	N.P.	1	2 sq. ft. per ft. of bldg. front, up to 50 sq. ft.	N.P.	N.P.	N.P.	N.P.
Electronic message signs	1	[h]	1	[h]	1	[h]	1	[h]	1	[h]	1	[h]
Directional	1[g]	5 sq. ft.	1[g]	5 sq. ft.	1[g]	5 sq. ft.	1[g]	5 sq. ft.	1[g]	5 sq. ft.	1[g]	5 sq. ft.
Promotional sign frame	N.P.	N.P.	1 per frontage [i]	45 sq. ft.	1 per frontage [i]	45 sq. ft.	1 per frontage [i]	45 sq. ft.	N.P.	N.P.	N.P.	N.P.
Sandwich Sign	N.P.	N.P.	1	[j]	1	[j]	1	[j]	N.P.	N.P.	N.P.	N.P.

* Specific sections in this chapter should be consulted for details.

N.A. = Not Applicable

N.P. = Not Permitted

Footnotes

[a] See section 122-448(4).

[b] Only one freestanding sign shall be permitted per street frontage for multi-tenant buildings or shopping centers to advertise the shopping center.

[c] See section 122-448(4) and (5) for shopping center sign regulations.

[d] The area of awnings and canopy signs shall be counted in determining compliance with the standards for total area of wall signs.

[e] Marquee signs shall be permitted for theaters located in commercial districts.

[f] Real estate signs offering unplatted vacant land for sale or lease may be up to 32 square feet in area.

[g] One sign is permitted for each point of ingress and egress.

[h] Based on maximum permitted sign area for the type of sign that it is most similar to.

[i] See section 122-448(19), Promotional sign frames, and 122-445(a) and (c), temporary signs.

[j] See section 122-448(21), Sandwich signs

(Ord. No. 2009-3, 2-16-09)

Secs. 122-449—122-470. Reserved.

ARTICLE XXI. STANDARDS FOR SPECIFIC USES.

Sec. 122-471. Intent and scope of application.

Each use listed in this article, whether permitted by right or subject to approval as a special use, shall be subject to the site development standards specified, in addition to applicable standards and regulations for the district in which the use is located. These standards are intended to alleviate the impact from a use which is of a size or type, or which possesses characteristics which are unique in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district.

Unless otherwise specified, each use listed in this article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located. Compliance with the standards in this article does not relieve the owner or operator of a permitted use from complying with additional standards in other applicable city ordinances.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-472. Accessory apartments.

Accessory apartments lawfully existing as of November 1, 2005 may be continued as a legal nonconforming use in accordance with article XXII of this chapter. New accessory apartments shall not be constructed or permitted after December 1, 2005.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-473. Bars, lounges and standard restaurants where alcohol may be served.

(a) Bars, lounges and standard restaurants where alcohol may be served shall be permitted in the C-1 zoning district subject to the following regulations:

(1) The establishment shall not be injurious to the character of the surrounding neighborhood in respect to proximity to residential neighborhoods, traffic, noise, lighting, availability of public utilities, availability for fire and police protection, drainage facilities, refuse disposal, proximity of schools, and density of population.

(2) Establishments shall have a maximum capacity of 150 persons or less as determined by the fire marshal.

(3) Live entertainment, which includes the performance or playing of an orchestra, piano or other types of musical instruments, singing and karaoke shall be prohibited.

(4) Any proposed establishment shall be located a minimum of 500 feet from an existing bar, lounge or restaurant that serves alcoholic drinks.

(5) Service, seating, and live entertainment is prohibited outdoors.

(b) Bars, lounges and standard restaurants where alcohol may be served shall be permitted in the C-2-A zoning district subject to the following regulations:

(1) The establishment shall not be injurious to the character of the surrounding neighborhood in respect to proximity to residential neighborhoods, traffic, noise, lighting, availability of public utilities, availability for fire and police protection, drainage facilities, refuse disposal, proximity of schools, and density of population.

(2) Establishments shall have a maximum capacity of 150 persons or less as determined by the fire marshal.

(3) Service, seating, and live entertainment is prohibited outdoors.

(c) Bars, lounges and standard restaurants where alcohol may be served shall be permitted in the C-2-B and C-3 zoning district subject to the following regulations:

(1) Service, seating, and live entertainment is permitted outdoors after special approval. This shall not apply to outdoor seating and service in connection with a sidewalk café located within the public right-of-way, as regulated in the Bay City Code of Ordinances chapter 30, article X.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-474. Bed and breakfast Inns.

Bed and breakfast inns shall be permitted in accordance with the following regulations:

(1) The dwelling that serves as the bed and breakfast inn shall be the principal residence of the innkeeper and shall be occupied at all times by the innkeeper or staff member when guests are present. The name and telephone number of the innkeeper shall be registered with the Planning Department.

(2) The exterior appearance of the structure shall not be altered from its residential district character.

- (3) No guest shall reside on the premises for more than 30 consecutive days.
- (4) No separate or additional kitchen facilities shall be provided for the guests.
- (5) Retail sales are not permitted beyond those activities serving guests.
- (6) A bed and breakfast inn shall not have on its premises a restaurant which is open to the general public. However, the innkeeper may host private, invitation only, functions at which food and beverages may be served.
- (7) A bed and breakfast inn shall be permitted one freestanding identification sign not exceeding 4 square feet in area nor 4 feet in height to be located not less than 2 feet from the public right-of-way.
- (8) The minimum lot size shall be 6,000 square feet.
- (9) The bed and breakfast inn may have three or more sleeping rooms used for guests for compensation.

(Ord. No. 2010-4, 4-5-10)

Sec. 122-475. Car washes.

The following regulations shall apply to automatic and self-service car washes:

- (1) *Layout and orientation.* All washing activities shall be carried on within the wash building.
- (2) *Entrances and exits.* All maneuvering areas, stacking spaces and lanes and exit aprons shall be located on the lot on which the car wash is located, in accordance with article XVII. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
- (3) *Location of vacuum equipment.* Vacuuming equipment shall be set back 50 feet from any lot line that is adjacent to a residential zoning district.
- (4) *Exit lane drainage.* Wash bay exit lanes shall be sloped to drain water back to the wash building to drainage grates.
- (5) *Screening.* A six-foot masonry wall shall be erected along any lot line abutting residentially zoned property. In addition to said wall, a greenbelt screen shall be provided on the interior side of the wall. Such screening may not be required along street rights-of-way, at the discretion of the planning commission. See sections 122-401(e) and 122-421(d).

(Ord. No. 2005-11, 11-21-05)

Sec. 122-476. Shopping center.

- (a) *Lot size.* Lots shall be of a sufficient size to accommodate required off-street parking, circulation and loading regulations, landscaping and screening regulations, and other applicable regulations.
- (b) *Setbacks.* All buildings shall be set back not more than 50 feet from any street right-of-way line.
- (c) *Height.* Building height is limited to three stories or 60 feet, whichever is less, unless otherwise approved by the planning commission.
- (d) *Screening.* The site shall be landscaped in accordance with article XVIII, landscaping and screening. In addition, all service and loading areas shall be screened in accordance with article XVIII. A five-foot masonry wall may be required at the discretion of the planning commission along any property lines that abut residentially zoned property, subject to the regulations of article XIX, walls and fences.
- (e) *Frontage and access.* Shopping centers shall have frontage on a major thoroughfare. All means of ingress and egress shall be via the major thoroughfare. Turning and approach lanes shall be provided in accordance with city or state regulations.
- (f) *Signs.* All signs shall comply with the regulations of article XX, signs. One ground or free-standing sign advertising the name of the shopping center only is permitted.
- (g) *Off-street parking.* Off-street parking shall be provided in accordance with the regulations of article XVII, off-street parking and loading. An internal system of roads and walkways effectively separating pedestrian and vehicular traffic is required.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-477. Day care centers.

- (a) *Establishment of day care centers.* Day care centers may be established as a principal use or as accessory to a principal use such as a church, school, social services provider, or similar institutional use not operated for profit.
- (b) *Outdoor recreation area.* A minimum of 100 square feet of outdoor recreation area shall be provided and maintained per child, provided that the overall size of the recreation area shall not be less than 1,500 square feet. The outdoor recreation area shall be contiguous to and directly accessible from the building containing the child day care center, and shall not be separated from the building by parking, fire lane, or

other vehicular circulation. The planning commission may require the outdoor play area to be fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with the regulations of article XVIII, landscaping and screening.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-478. Fast food and drive-through restaurants.

The following regulations shall apply to fast-food and drive-through restaurants:

- (1) *Loudspeakers.* Loudspeakers mounted on the exterior of buildings are prohibited.
- (2) *Devices used for the transmission of orders.* Devices used for the transmission of conversations between persons employed by the facility and patrons in vehicles shall be directed or muffled such that the sound of the transmission of voices is not audible beyond the boundaries of the site.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-479. Group day care home.

- (a) *Outdoor play areas.* A minimum of 150 square feet of outdoor play area shall be provided, and maintained per child, provided that the overall size of the play area shall not be less than 600 square feet. The planning commission may require the outdoor play area to be fenced and screened from abutting residentially zoned or used land by a greenbelt, which shall be landscaped in accordance with the regulations of article XVIII, landscaping and screening.
- (b) *Parking.* Such facilities shall provide paved parking for a minimum of four vehicles.
- (c) *Loading.* Such facilities shall provide an adequate and safe off-street location for loading and unloading passengers.
- (d) *Staff.* At least one staff member must reside on the premises.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-480. Hospitals.

The following regulations shall apply to all new hospitals or expansions of existing hospitals:

(1) *Frontage and access.* Hospitals shall have frontage on a major thoroughfare. All means of ingress and egress shall be via the major thoroughfare. Turning and approach lanes shall be provided in accordance with city or state regulations.

(2) *Screening.* All ambulance and delivery areas shall be screened from view of residentially zoned property or residential uses with a wall or barrier with a minimum height of six feet.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-481. Indoor recreation facilities.

(a) Indoor recreation uses shall have direct access onto a major thoroughfare.

(b) Where permitted as an accessory use, arcade and video gaming devices shall comply with the following regulations:

(1) The gaming devices shall be clearly incidental to the principal use on the site.

(2) The gaming devices shall be accessible only from within the building which contains the principal use.

(3) The gaming devices shall operate only during the hours when the principal use is open for business.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-482. Institutional uses.

The following regulations shall apply to all institutional uses, including places of worship, libraries, museums, clubs and fraternal organizations, public and private schools, and governmental buildings:

(1) *Off-street parking.* Parking shall not be permitted in required front yard setbacks.

(2) *Landscaping.* Landscaping shall be provided in accordance with the regulations of article XVIII, landscaping and screening.

(3) *Frontage and access.* Such uses shall front on a major thoroughfare and the primary means of access shall be via a major thoroughfare.

(4) *Setback from residential district.* All institutional uses shall have a minimum setback of ten feet from any lot in a residential district.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-483. Kennels, commercial.

(a) *Operation.* Kennels shall be subject to all permit and operational regulations established by city, county and state regulatory agencies.

(b) *Lot size.* Kennels shall be located on lots at least two acres in size.

(c) *Setbacks.* Exercise and similar areas shall not be located in a required front, side, or rear yard setback. Buildings and uses shall be located at least 50 feet from any lot line of adjoining office, commercial, waterfront, or light industrial zoning district. Such uses shall not be located closer than 100 feet from any property line of adjoining residentially zoned property.

(d) *Sound control.* All buildings shall be soundproofed.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-484. Model homes.

Model homes in subdivisions or condominium developments shall comply with the following standards:

(1) *Permitted use.* The model home shall be used solely as a sales and promotion office for the development in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other developments. The model home shall be maintained to appear as a home at all times.

(2) *Termination.* Use of the home for sales and promotion shall cease as soon as all lots or condominiums are sold, or within two years of the homes occupancy as a model home, whichever ever occurs first, whereupon the model home shall be offered for sale.

(3) *Identification sign.* One ground, wall mounted or freestanding identification sign shall be permitted, subject to the following regulations:

- a. Sign shall not exceed six square feet.
- b. Ground mounted signs shall not exceed six feet in height.
- c. Sign shall comply with setback regulations for zoning district.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-485. Motor vehicle, recreational vehicle, trailer, and mobile home sales and rental agencies.

Such facilities, including those that sell or rent motor vehicles, mobile homes, utility and similar trailers, and which may include repair facilities or outdoor display areas shall be subject to the following regulations:

(1) *Grading, surfacing, and drainage.* Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be surfaced with asphalt or concrete and graded and drained so as to dispose of surface waters.

(2) *Driveway location.* The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least 60 feet from any street intersection as measured from the nearest intersection right-of-way line.

(3) *Servicing of vehicles.* Service facilities shall be subject to the following regulations:

a. Service activities shall be clearly incidental to the vehicle sales operation.

b. Vehicle and trailer service activities shall occur within a completely enclosed building.

c. New and used parts, and discarded parts shall be stored within a completely enclosed building.

d. The building containing service operations shall be located a minimum of ten feet from any property line.

e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

(4) *Loudspeakers prohibited.* Loudspeakers shall not be mounted on the exterior of buildings or structures.

(5) *Setbacks.* Outdoor sales areas, parking areas and vehicle maneuvering areas shall comply with the locational regulations for parking areas specified in article XVII, off-street parking and loading.

(6) *Outdoor storage.* Outdoor storage areas for vehicles being serviced shall be screened by a six-foot fence or wall in accordance with the regulations of article XIX, walls and fences, or a landscaped screen in accordance with the regulations of article XVIII, landscaping and screening.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-486. Motor vehicle filling stations.

(a) *Minimum lot area.* The minimum lot area shall be 14,000 square feet. The minimum lot area shall be increased an additional 2,000 square feet for each fuel pump unit (a pump housing or structure having a maximum of two nozzles) in excess of four.

(b) *Minimum frontage.* Minimum lot frontage shall be 140 feet.

(c) *Minimum setbacks of canopy structures.*

(1) *Front yard.* All canopy structures shall be set back not less than ten feet from any right-of-way line of any major thoroughfare.

(2) *Side-street side yard.* All canopy structures shall be set back not less than ten feet from any right-of-way line of any side street.

(3) *Gasoline pumps.* Gasoline pumps shall be located so that motor vehicles are not required to park on or extend over abutting landscaped areas, road rights-of-way, sidewalks, streets, or adjoining property.

(4) *Off-street parking.* Off-street parking shall not be permitted in required front yards or side yards adjoining a side street.

(d) *Ingress and egress.* Filling stations on corner lots may be permitted to have one driveway on each street frontage.

(e) *Layout.* Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, road rights-of-way, sidewalks, streets, or adjoining property while being served.

(f) *Outdoor sales and display.* Outdoor sales are limited to automobile related products.

(g) *Exterior lighting.* All exterior and undercanopy lighting shall be in accordance with the regulations of section 122-60.

(h) *Screening.* A screening buffer, obscuring wall or fence that is at least six feet in height shall be erected along any lot line abutting residentially zoned property in accordance with regulations for unobstructed sight zones set forth in section 122-69 and wall and/or fence regulations in Article XIX. Such screening may not be required along street rights-of-way, at the discretion of planning department staff. See sections 122-401(e) and 122-421(d).

(Ord. No. 2012-, 6-18-12)

Sec. 122-487. Motor vehicle service stations and repair garages.

(a) *Minimum lot area.* The minimum lot area shall be 14,000 square feet. The minimum lot area shall be increased an additional 2,000 square feet for each fuel pump unit (a pump housing or structure having a maximum of two nozzles) in excess of four and 1,000 square feet for each service bay in excess of two.

(b) *Minimum frontage.* Minimum lot frontage shall be 140 feet.

(c) *Minimum setbacks.* All buildings and accessory structures shall be set back a minimum of ten feet from any street right-of-way and lot line. Canopies over pump islands may extend to within ten feet of a street right-of-way or lot line. Gas pumps shall be located so that nozzles cannot be extended closer than ten feet to a street right-of-way or lot line.

(d) *Ingress and egress.* Service stations on corner lots shall be permitted to have one driveway on each street frontage.

(e) *Layout.* All service equipment except gas pumps shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles are not required to park on or extend over abutting landscaped areas, road rights-of-way, sidewalks, streets, or adjoining property.

(f) *Outdoor storage and activity.* Vehicles stored out of doors shall not be used as a source of motor vehicle parts for use on or off site. Damaged or partially dismantled vehicles must be stored in the rear yard which is obscured on all sides excepting that side providing ingress and egress by a masonry screening wall or obscuring fence. The opening for ingress and egress shall be provided with a screening gate or gates of durable construction which are the same height of the wall. All activities, except those required to be performed at the fuel pump, shall be carried on inside an enclosed building.

(g) *Exterior lighting.* All exterior and undercanopy lighting shall be in accordance with the regulations of section 122-60.

(h) *Screening.* A six-foot masonry wall and greenbelt screen shall be erected along any lot line abutting residentially zoned property. Such screening may not be required along street rights-of-way, at the discretion of planning department staff. See sections 122-401(e) and 122-421(d).

(Ord. No. 2005-11, 11-21-05)

Sec. 122-488. Outdoor retail sales.

(a) *Loudspeakers prohibited.* Loudspeakers shall not be mounted on the exterior of buildings or structures.

(b) *Storage.* The storage of soil, fertilizer, and similar materials available in bulk shall be contained and covered to prevent them from blowing onto adjacent properties.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-489. Open storage yards.

(a) *Materials allowed.* The following materials may be stored in open storage yards: sand, stone, coal, gravel, lumber, waste wood and concrete products, demolition debris, and similar materials, with exception of dismantled motor vehicles and motor vehicle parts.

(b) *Setbacks from residential districts and uses.* Open storage yards shall be set back not less than 200 feet from any residential zoning district.

(c) *Screening.* Such facilities shall be landscaped and screened in a manner sufficient to prevent loose product from being deposited off-site.

(d) *Storage in required front yard setbacks.* Open storage shall not occur in a required front yard setback.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-490. Public or commercial radio and television towers.

(a) *Fencing.* An open weave, six-foot high chain link fence shall be constructed around the entire perimeter of the base of the tower.

(b) *Compliance with state and federal regulations.* Radio, television, and other types of communication towers shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-491. Self-service storage facility.

(a) *Lot area.* Self-service storage facilities shall be located on lots of not less than three acres in size.

(b) *Permitted use.* Self-service storage facility establishments shall provide for dead storage only, which must be contained within an enclosed building. The following uses shall be prohibited:

- (1) Auctions, commercial, wholesale, or retail sales, miscellaneous or garage sales;
- (2) Servicing repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- (3) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
- (4) The establishment of a transfer and storage business; and
- (5) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

(c) *Outdoor storage.* Boats, utility trailers and recreation vehicles shall not be stored in areas that are visible from adjoining streets or residentially zoned lots.

(d) *Exterior appearance.* The exterior of any self-service storage facility shall be of finished quality and design, compatible with the design of structures on surrounding property as determined by the planning commission or planning department staff.

(e) *On-site circulation and parking.* Required front yards shall remain unobstructed and unoccupied except for landscaping or vehicle access drives.

- (1) All one-way driveways shall be designed with one ten-foot wide loading/unloading lane and one 15-foot travel lane.
- (2) All two-way driveways shall be designed with one ten-foot wide loading/unloading lane and two 12-foot travel lanes.
- (3) The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

(f) *Lighting.* Lighting shall be provided in accordance with the regulations of section 122-60.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-492. Sexually oriented businesses.

(a) *Purpose and intent.* The purpose and intent of this article is to minimize the negative, secondary effects associated with sexually oriented businesses through regulating, but not excluding, the location and operation of sexually oriented businesses within the city. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private land uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety or general welfare of residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this section are not intended:

- (1) To violate the guarantees of the First Amendment to the United States Constitution or article I, section 5 of the Michigan Constitution of 1963;
- (2) To deny adults access to sexually oriented businesses and their products;
- (3) To deny sexually oriented businesses access to their intended market; or
- (4) To legitimize activities which are prohibited by city ordinance, state or federal law.

The city further states that it would have passed and adopted what might remain of this article following the removal, reduction or revision of any portion of this article found to be invalid or unconstitutional.

(b) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this article only, unless otherwise specifically stated:

(1) *Adult arcade.* A commercial establishment that offers coin-operated (or operation by any other form of consideration) electronically, electrically, or mechanically-controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices to show images to five or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by the depicting of specified anatomical areas or specified sexual activities.

(2) *Adult bookstore or adult video store.* A commercial establishment that has a substantial or significant portion of its stock-in-trade, and as one of its principal business purposes offers for sale or rental for any form of consideration, any one or more of the items set forth below:

- a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, videocassettes or video reproductions, slides, or any

other visual representations or media which depict or describe specified anatomical areas or specified sexual activities; or

- b. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve offering for sale or rental the material identified in subsections a. and b. above, and still be categorized as an adult bookstore or adult video store.

(3) *Adult cabaret.* A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- a. Persons who appear in a state of nudity;
- b. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- c. Films, motion pictures, videocassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities; or
- d. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

(4) *Adult entertainment booking agency.* A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.

(5) *Adult motel.* A hotel, motel or similar commercial establishment that does any of the following:

- a. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, videocassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities and has a sign visible from the public right-of-way that advertises the availability of any of the above:

- b. Offers a sleeping room for rent for a period of time that is less than 12 hours; or
- c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 12 hours.

(6) *Adult motion picture theater.* A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, videocassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

(7) *Adult theater.* A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.

(8) *Dating service.* A business engaged in for financial remuneration, either directly or indirectly, where arrangements are made to match a person of the same or opposite sex to a patron or patrons, for social or entertainment purposes, either on or off the premises of the dating service.

(9) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(10) *Escort agency.* A person or business who furnishes, offers to furnish, or advertises the furnishing of escorts for a fee, tip, or other consideration.

(11) *Massage.* The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids, for nontherapeutic purposes. The systematic and scientific manipulation of the soft tissues of the human body by a health care professional for therapeutic and/or rehabilitative purposes shall be considered a therapeutic massage and not restricted by this section.

(12) *Massage parlor.* Any commercial establishment where nontherapeutic massage is made available for any form of consideration.

(13) *Massage school.* Any place, establishment or facility which provides instruction in the theory, method and practice of nontherapeutic massage.

(14) *Nude model studio.* Any place where a person who displays specified anatomical areas is provided in order to be observed, sketched, drawn, painted,

sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include:

- a. An educational institution funded, chartered, licensed or recognized by the state; or
- b. A private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.

(15) *Nudity or a state of nudity.* Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(c) *Zoning district.* Notwithstanding any provisions of this chapter to the contrary, sexually oriented businesses shall be permitted only as a special use subject to planning commission approval within the C-3 zoning district.

(d) *Location and operation.* Special use shall not be granted to any sexually oriented business unless it meets all of the following enumerated regulations. Any sexually oriented business granted special use shall continue to comply with all of the regulations of this section at all times while the business is operational.

(1) No sexually oriented business shall be located on a parcel that is within 1,000 feet of another sexually oriented business.

For purposes of this subsection, and subsections (2) and (3) below, the distance between a proposed sexually oriented business and:

- a. Another sexually oriented business;
- b. The boundary of any land zoned residential, or approved as a planned unit development for residential purposes; or
- c. Land used for any single-, two-, or multiple-family dwelling, city, county, or state park, school, library, licensed child care-facility, playground, church or place of worship shall be measured in a straight line from the nearest lot line of the lot upon which the proposed sexually oriented business is to be located to:
 - a. The nearest lot line of the lot used for the other sexually oriented business;
 - b. The nearest boundary of the land zoned residential, or approved as a planned unit development for residential purposes; or

c. The nearest property line of the lot used for a single-, two-, or multiple-family dwelling, city, county, or state park, school, library, licensed child care facility, playground, church or place of worship.

(2) No sexually oriented business shall be located on a parcel that is within 500 feet of the boundary of any land zoned residential, or approved as a planned unit development for residential purposes.

(3) No sexually oriented business shall be located on a parcel within 500 feet of any single- or multiple-family dwelling, any city, county or state park, any school, library, licensed child care facility, playground, church or place of worship.

(4) No sexually oriented business shall be located within any principal or accessory building or structure already containing another sexually oriented business.

(5) The proposed use shall conform to all regulations of the zoning district in which it is located.

(6) The proposed use shall be in compliance with all other sections of the Bay City Code of Ordinances, and with all statutes, laws, rules and regulations of the county, state and federal government and, to the extent required, all governmental approvals must be obtained.

(7) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent right-of-way of a public street or private road.

(8) Any sign or signs proposed for the sexually oriented business shall comply with the provisions of article XX, signs, and may not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas, specified sexual activities or obscene representations of the human form.

(9) Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using clearly marked lettering no less than two inches in height stating that:

- a. "Persons under the age of 18 are not permitted to enter the premises"; and
- b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

(10) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a public street or private road or a neighboring property.

(11) All off-street parking areas shall comply with article XVII, off-street parking, and shall be illuminated after sunset during all hours of operation of the sexually oriented business, and until one hour after the business closes. Illumination shall be designed to be in compliance with the regulations of article III, general provisions, section 122-60.

(12) Any booth, room or cubicle available in any sexually oriented business, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:

- a. Be handicap accessible to the extent required by law;
- b. Be unobstructed by any floor, lock or other entrance and exit control device;
- c. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
- d. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
- e. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

(e) Decision on application for special use.

(1) Notwithstanding any provisions of this chapter to the contrary, a final decision on the special use application and site plan approval shall be made by the planning commission within 75 days of the receipt of the completed application by the planning department. The planning commission shall base its decision upon the applicant's compliance with the regulations set forth in this chapter, and the standards applicable to special use and site plan approval.

(2) The planning commission may impose reasonable conditions in conjunction with the approval of a special use permit for a sexually oriented business. The conditions imposed shall be limited to conditions necessary to ensure that the sexually oriented business will not be unreasonably detrimental to the public

health, safety, or general welfare of the city; nor unreasonably injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; nor unreasonably impede the normal and orderly development and improvement of the surrounding property for uses permitted under this chapter.

(3) The planning commission shall incorporate its decision in a written statement containing the conclusions that specify the basis of the decision and any conditions imposed.

(Ord. No. 2008-, 12-15-08)

Sec. 122-493. Utility buildings, structures and substations.

(a) *Location.* Where feasible, such uses shall be located so as to not hinder the development of the area or detract from the value of adjoining development.

(b) *Design.* All such uses shall be contained in buildings that are architecturally compatible with buildings in the vicinity. Landscaping, fencing and screening shall be provided in accordance with the regulations of articles XVIII and XIX.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-494. Hotels and Motels.

(a) *Conversion to other uses.* In the event that the use of a hotel or motel as a place of lodging is discontinued, the substitution of a use of a different kind or class shall be limited to the following after special approval:

- (1) Retail uses such as consignment shops
- (2) Multi-tenant offices that may share common support staff, duplication and communication area.
- (3) Professional medical complexes offering in-house procedures, therapy and recuperation rooms.
- (4) Educational training facilities and lodging
- (5) Senior citizen congregate housing/ day care center facilities and nursing homes
- (6) Retreat Houses
- (7) Day Care Centers

(b) *Prohibited uses.* Hotels and motels shall not be converted for use as alcohol or substance abuse rehabilitation centers, residential center for persons released from or assigned to a correctional facility, half-way houses, transitional housing, or subsidized multi-family residential housing.

(Ord. No. 2008-, 12-15-08)

Sec. 122-495 Half-way Houses

Location. For purposes of this section, the distance between a proposed half-way house and another half-way house; the boundary of any land zoned residential, or approved as a planned unit development for residential purposes; or land used for any residential dwelling, city, county, or school, library, licensed child care-facility, playground, church or place of worship shall be measured in a straight line from the nearest lot line of the lot upon which the proposed half-way house is to be located to the nearest lot line of an aforementioned use.

(1) No half-way house shall be located on a parcel that is within 1,000 feet of another half-way house.

(2) No half-way house shall be located on a parcel that is within 500 feet of the boundary of any land zoned R-1, Single Family or R-2, Single and Two-Family residential, or approved as a planned unit development for residential purposes.

(3) No half-way house shall be located on a parcel within 500 feet of any city, county or state park, any school, library, licensed child care facility, playground, church or place of worship.

(Ord. No. 2010-2, 2-15-10)

Secs. 122-496—122-520. Reserved.

ARTICLE XXII. NONCONFORMING USES.

Sec. 122-521. Intent.

Nonconforming uses are declared to be incompatible with the current or intended use of land and buildings in the various zoning districts in which they are located. It is the intent of this chapter to permit legal nonconforming uses to continue subject to regulations which govern their completion, extension, enlargement, abandonment, restoration, reconstruction, and substitution.

(Ord. No. 2008-, 12-15-08)

Sec. 122-522. General regulations.

(a) *Legal nonconforming uses of land.* Any legal nonconforming use of land which exists on the effective date of this chapter or any amendment thereto; is located in a district in which it is not otherwise permitted may be continued so long as it remains otherwise lawful provided:

- (1) Such use shall not be enlarged, expanded, extended or increased to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this chapter;
- (2) Such use shall not be moved in whole or in part to any portion of the lot other than that occupied by such use on the effective date of adoption or amendment of this chapter;
- (3) No additional building or structure shall be erected in connection with such use; and
- (4) Whenever such use has been changed to a conforming use such conforming use shall not thereafter be changed to a nonconforming use.

(b) *Legal nonconforming uses of buildings and structures.* Any nonconforming use of individual buildings or structures having an assessed value of \$500.00 or more which exists on the effective date of this chapter or any amendment thereto may be continued so long as it remains otherwise lawful provided:

- (1) Such buildings or structures shall not be enlarged, extended, moved or structurally altered unless such enlargement, extension, movement or structural alteration is associated with the change of use of such building or structure to a use permitted in the zoning district in which it is located.

(2) Such use may be extended throughout any parts of such buildings or structures which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but in no instance shall such use be extended to occupy any land outside such building.

(c) *Substitution of one legal nonconforming use for another.* Any individual nonconforming use may be changed to another nonconforming use provided that the zoning administrator or his or her designee finds that the proposed nonconforming use meets one of the following regulations:

- (1) Such use is equally or more compatible with the district in which the current nonconforming use is located; or
- (2) Such use is permitted in a more restrictive district than the district in which the current nonconforming use is located.

(d) *Cessation of nonconforming uses.*

- (1) If any nonconforming use of land ceases for any reason for a continuous period of one year or more, any subsequent use of such land shall be in accordance with the use provisions of the zoning district in which such land is located.
- (2) If any nonconforming use of a building or structure, excepting multi-family dwellings of two or more units, ceases for any reason for a continuous period of one year or more, such use shall not thereafter be re-established.
- (3) If the intent to abandon any nonconforming multi-family dwelling of two or more units or structure exists, such use shall not thereafter be re-established. Intent to abandon includes any of the following: tax reversion; claiming 100 percent homestead exemption for more than one year; failure to maintain city certification as a rental property for more than one year; or removal of separate provisions for means of egress, kitchen facilities, utilities etc.

(e) *Re-establishment of nonconforming uses.* Whenever the nonconforming use of any building, structure or land has been changed to a conforming use, the nonconforming use shall not thereafter be re-established.

(f) *Buildings under construction.* Nothing in this chapter shall be deemed to require a change in 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. Work may proceed provided it is completed within one year of the effective date of this chapter.

(g) *Dimensional nonconformities.* On the effective date of this chapter, any building or structure which could not be built under zoning district and other regulations applicable to lot area, lot coverage, building height, yard dimensions and other area and bulk regulations may be continued as long as it remains otherwise lawful. If such a building or structure is altered, remodeled or modified so as to diminish or eliminate any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later re-established.

(Ord. No. 2008-, 12-15-08)

Sec. 122-523. Nonconforming contiguous lots under single ownership.

If two or more contiguous lots or combination of lots with continuous frontage in single ownership are of record on the effective date of this chapter or amendment thereto, and if all or part of the individual lots do not meet the area and/or width regulations established for the zoning district in which such lots or portions of lots are located, the lots involved shall be considered to be an individual, undivided lot for the purposes of this chapter. No portion of said lot shall be used, occupied, or divided in a manner which does not comply with area and width regulations established by this chapter for the zoning district in which such lot is located.

No division of any such lots shall be made which creates or leaves remaining any lot exhibiting less width or area than that required in the zoning district in which such lot is located. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-524. Permitted improvements.

(a) *Permitted improvements.* Ordinary building repairs or repair or replacement of the fixtures, wiring or plumbing of any nonconforming building, structure or portion thereof containing a nonconforming use may be done during any period of 12 consecutive months to an extent not exceeding 100 percent of the state equalized value of the building or structure.

On any nonconforming building or structure or portion thereof containing a nonconforming use, work may be done during any period of 12 consecutive months on ordinary building repairs, or on repair or replacement of fixtures, wiring or plumbing to an extent not exceeding 100 percent of the state equalized value of the building or structure. Any such repairs, improvements, and modernization shall not result in enlargement of the floor area of the nonconforming building or structure, nor of the floor area occupied by the nonconforming use.

(b) *Required repairs.* If a nonconforming building or structure or portion thereof containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the building official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.

(c) *Damage by fire or other catastrophe.* Any legally nonconforming use or structure that is damaged by fire, collapse, explosion, natural disaster or act of public enemy may be reconstructed, repaired or restored provided that the expense of such reconstruction, repair or restoration does not exceed 100 percent of the structure's pre-catastrophe fair market value, subject to the following:

(1) The reconstruction, repair or restoration shall take place within six months of the time of when the damage occurred and shall be completed within one year from time of such damage. In the event a pending insurance claim prevents compliance with the repair and occupancy regulations of this subsection, the building official may grant a time extension provided that the property owner submits certification from the insurance company attesting to such delay.

(2) The use re-established in such structure shall be identical to the nonconforming use which occupied the building or structure prior to its damage or destruction, or shall be a "substitute" nonconforming use as discussed in subsection 122-522(c).

(Ord. No. 2005-11, 11-21-05)

Sec. 122-525. Purchase or condemnation.

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety or welfare, the City of Bay City, pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, may, but is not required to, acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

(Ord. No. 2008-, 12-15-08)

Sec. 122-526. Change of tenancy or ownership.

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use, building or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-527. Unlawful uses.

Nothing in this article shall be construed to authorize or permit the continuance of any use which was unlawful at the time such use was established.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-528—122-540. Reserved.

ARTICLE XXIII. ZONING BOARD OF APPEALS.

Sec. 122-541. Purpose.

This article specifies the authority of and established standards applicable to the powers and duties of the zoning board of appeals (ZBA).

(Ord. No. 2005-11, 11-21-05)

Sec. 122-542. Appointment.

The city commission shall appoint a zoning board of appeals (hereinafter referred to as "the board"), which board shall have the powers and duties prescribed by law and by this chapter.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-543. Membership and organization.

(a) The zoning board of appeals shall consist of five members, each to be appointed for a term of three years, provided that the members of the zoning board of appeals as existing on the date of this amendment shall continue to serve as members of the zoning board of appeals as currently established until such time as there is a reduction in membership by the expiration of a term, resignation, or as otherwise provided by law. Appointments shall be staggered so that as nearly as possible to provide for the appointment of an equal number of members each year.

(b) The zoning board of appeals shall also consist of two alternate members for the same term as the regular members of the zoning board of appeals. The alternate members may be called on a rotating basis to sit as regular members of the zoning board of appeals in the absence of a regular member, An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the zoning board of appeals. The term of the alternate members shall begin at such time as there is a reduction in membership to five members. Future terms of the alternate members shall continue on the same schedule as that of the member so removed.

(c) All meetings, transactions and records of the action of the zoning board of appeals shall be open to the public. The zoning board of appeals shall adapt rules and regulations for the transaction of business.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-544. Authority.

(a) *General authority.* The ZBA shall have the authority to act on those matters specified by this article.

(b) *Administrative appeals.* The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this chapter. Such appeal shall be requested by the applicant within 30 days of the date of the order, refusal, requirement, or determination being appealed.

(c) *Interpretation.* The ZBA shall have authority to hear and decide requests for interpretation of this chapter and zoning map. The ZBA shall make such decisions so that the spirit and intent of this chapter is observed.

Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the ordinance as a whole, and shall not have the effect of amending the ordinance. Map interpretations shall be made based upon rules in the ordinance, and any relevant historical information.

In carrying out its authority to interpret the ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with city staff to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the ordinance.

(d) *Variances.* The ZBA shall have authority to grant variances from the provisions of this chapter by modifying any of its rules or provisions so that the spirit of this chapter is observed, public safety is secured, and substantial justice done.

The ZBA is authorized to grant two types of variances. A dimensional or nonuse variance allows a deviation from the dimensional (i.e., height, bulk, setback) regulations of the ordinance. A use variance authorizes the establishment of a use of land that is otherwise not permitted in a zoning district. Such authority shall be exercised in accordance with the following standards:

(1) *Nonuse or dimensional variances.* The ZBA may grant a nonuse or dimensional variance only upon a finding of practical difficulty. A finding of practical difficulty requires demonstration by the applicant of all of the following:

a. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other nonuse matters, will unreasonably prevent the

owner from using the property for a permitted purpose or will render conformity with this chapter unnecessarily burdensome.

b. The variance will do substantial justice to the applicant, as well as to other property owners.

c. A lesser variance than that requested will not give substantial relief to the applicant.

d. The need for the variance is due to unique circumstances peculiar to the property (such as odd shape, extreme narrowness, etc.) and not due to general neighborhood conditions to other properties in the same zoning district.

e. The problem and resulting need for the variance has not been self-created.

(2) *Use variances.* The ZBA may grant a use variance upon a finding of unnecessary hardship. A finding of unnecessary hardship requires demonstration by the applicant of all of the following:

a. The property subject to the request cannot be used for any of the uses permitted in the zoning district in which it is located.

b. The need for the variance is due to unique circumstances peculiar to the property (such as odd shape, extreme narrowness, etc.) and not due to general neighborhood conditions applicable to other properties in the same zoning district.

c. The proposed use would not alter the essential character of the neighborhood or area.

d. The problem and resulting need for the variance has not been self-created.

(e) *Conditions.* The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. Any condition imposed shall be in accordance with the regulations of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

(Ord. No. 2008-, 12-15-08)

Sec. 122-545. Applications and notices.

(a) *Application.* Applications to the ZBA shall be filed with the planning department.

(b) *Plot plan.* A plot plan shall be required with all variance requests. The plot plan shall be based on a mortgage survey, land survey, or other scaled drawing. The plan shall be to scale and shall include all property lines and dimensions, setbacks, all existing and proposed structures and building elevations. Where an applicant seeks a variance in conjunction with a site plan review, planning department staff shall have the discretion to require submission of a site plan prepared in accordance with article XV.

(c) *Applications involving an appeal of administrative order.* In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

(d) *Consent of property owner required.* Applications for a variance shall be made with the full knowledge and written consent of all owners of the property in question.

(e) *Notice.* The city shall give notice of the appeal to the persons to whom real property within 300 feet of the property in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney.

(f) *Stay of proceedings.* An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

(g) *Decision by the zoning board of appeals.* The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board or commission made in the administration of this chapter, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this chapter, or to grant a variance from the terms of this chapter. The concurring vote of two-thirds of the members of the board shall be necessary to decide in favor of the applicant for a variance from uses of land permitted in this chapter. The ZBA shall decide appeals within a reasonable period of time.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-546. Disposition and duration of approval.

(a) *ZBA powers.* The ZBA may reverse, affirm, vary or modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this article.

(b) *Decision final.* A decision by the ZBA shall be considered final. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as approved under supervision of the secretary, shall constitute the written decision.

(c) *Period of validity.*

(1) No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than twelve months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

(2) No order of the ZBA permitting a use of a building or land shall be valid for a period longer than twelve months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

(d) *Appeal of a ZBA decision.* Appeals of a ZBA decision shall be taken to the circuit court in the manner provided by law.

(e) *Reapplication for variance.* If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to reconsideration for a period of six months from the date of the decision. The ZBA may waive the six month by unanimous vote.

(Ord. No. 2008-, 12-15-08)

Secs. 122-547—122-560. Reserved.

ARTICLE XXIV. AMENDMENTS.

Sec. 122-561. Procedure.

The city commission may from time to time amend, supplement or repeal the regulations and provisions of this chapter in the manner prescribed by the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, and in accordance with the following procedural outline:

(1) Proposed amendment, supplement or repeal may be originated by the city commission, planning commission or by petition. All proposals not originating with the planning commission shall be referred to the planning commission for a report thereon before any action is taken on the proposal by the city commission.

(2) The planning commission shall study the proposed amendment, supplement or repeal.

a. If it decides the proposal has merit, the planning commission shall hold a public hearing thereon in accordance with procedures in the Michigan Zoning Enabling Act, PA 110 of 2006 as amended, and make a report of its findings and recommendation to the city commission.

b. If the planning commission decides that a proposed amendment, supplement or repeal does not have merit, it shall so report to the city commission without holding a public hearing.

(3) When the city commission receives an adverse report on a proposed amendment or change that has not received a public hearing by the planning commission, it may concur with the recommendation and stop further action; or, if it does not agree with the recommendation, the city commission shall refer the proposed amendment or change back to the planning commission with a request that the planning commission hold a public hearing on the proposed amendment, supplement or repeal and make a final report to the city commission.

a. When the city commission receives a recommendation from the planning commission on a proposal that has been given a public hearing by the planning commission, the city commission may hold a public hearing thereon.

b. If such a hearing is held, notice thereof shall be given in the manner prescribed by the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

The city commission may adopt such amendment, supplement or repeal without further reference to the planning commission unless the recommendation from

the planning commission is to be amended, in which case the same shall be referred again to the city planning commission for reconsideration.

(4) Following adoption of a zoning ordinance and subsequent amendments thereto by the city commission, the appropriate notice of adoption shall be published in a newspaper of general circulation in the city within 15 days of such adoption. Such notice shall include:

a. In the case of newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the city commission of the City of Bay City."

b. In the case of an amendment to this chapter, either a summary of the regulatory effect of the amendment, including the affected geographic area, or the text of the amendment.

c. The effective date of the ordinance or amendment.

d. The place and time where a copy of the ordinance may be inspected or purchased.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-562. Protests.

Whenever a written protest regarding an amendment to this chapter is presented to the city commission, duly signed by the owners of 20 percent or more of the area of land included in the proposed change, or by the owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change (public land being excluded in calculating the 20 percent land area requirement) such amendment shall be passed by not less than 2/3 vote by the members of the city commission.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-563—122-580. Reserved.

ARTICLE XXV. ADMINISTRATION, ENFORCEMENT AND PENALTIES.

Sec. 122-581. Responsibilities of the zoning administrator.

The zoning administrator or his designee shall have the following responsibilities:

- (1) Provide citizens and public officials with information relative to this chapter and related matters.
- (2) Assist applicants with applications and procedures applicable to site plan review, special uses, PUDs, rezoning and matters brought before the zoning board of appeals.
- (3) Review and investigate permit applications to determine compliance with the provisions of this chapter.
- (4) Perform inspections of buildings, structures, and premises to ensure compliance with applicable ordinance provisions.
- (5) Perform other related duties as may be required for the effective administration of this chapter.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-582. Responsibilities of the planning commission, city commission and zoning board of appeals.

The planning commission, city commission and zoning board of appeals shall assume those responsibilities relegated to them by applicable provisions of this chapter.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-583. Fees.

The fees for site plan review, special uses, PUD zoning, matters under the jurisdiction of the zoning of appeals, and petitions for text amendments and rezoning, or for a special meeting of any board or commission shall be those fees on file with the city clerk, which have been approved and filed by the city manager, and of which the city commission has been notified for at least 30 days in compliance with section of 2-1 of the city code.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-584. Enforcement.

The zoning administrator shall be responsible for the enforcement of the provisions of this chapter, including the investigation of alleged violations of this chapter, issuance of violation notices, coordination of actions to correct violations, and issuance of civil infraction notices and civil infraction citations.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-585. Permits required.

It shall be unlawful for any person to commence excavation for construction of any building or structure, any structural changes or repairs in any existing building or structure, or moving of an existing building without first obtaining zoning approval and a building permit from the building inspector. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this chapter showing that the construction proposed is in compliance with the provisions of this chapter and with the building code, and with other applicable ordinances.

(1) No plumbing, electrical, drainage or other permit shall be issued until the building inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.

(2) Alteration or repair of an existing building or structure shall include any changes in structural member, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the building code, property maintenance code, or the housing laws of the state or this chapter.

(Ord. No. 2005-11, 11-21-05)

Sec. 122-586. Violations.

A violation of any provision of this chapter shall be considered a municipal civil infraction:

(1) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this division is responsible for a municipal civil infraction, punishable by a class F fine. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(2) In addition to the other remedies available for a municipal civil infraction violation, an individual, partnership, firm, corporation, organization, institution, or agency of government that violates this section may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, neglected, or demolished.

(Ord. No. 2005-11, 11-21-05)

Secs. 122-587—122-600. Reserved.

ARTICLE XXVI. WIND ENERGY CONVERSION SYSTEMS.

Sec. 122-601. Purpose.

The regulation of wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation, while protecting the health, safety, or welfare of residents.

(Ord. No. 2009-4, 5-4-09)

Sec. 122-602. Scope of regulations.

Wind energy conversion systems may be erected, relocated, enlarged, structurally changed, or altered in accordance with the provisions of this article.

(Ord. No. 2009-4, 5-4-09)

Sec. 122-603. Definitions.

Certain words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in article II shall be given the meanings set forth in article II. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Adjacent occupied structure means a residence, school, hospital, church, public library, business or other buildings used for public gathering, excluding accessory structures, that is located on an adjoining property when the permit application is submitted.

Applicant means the person or entity filing an application under this article.

Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

Height means the height of a wind energy conversion system measured from natural grade to the tip of the rotor blade or assembly at its highest point or blade-tip height.

Mechanical shadow means the entire envelope that is occupied by the circle swept by the furthest extension of any blade or other exposed moving component of a wind energy conversion system.

Non-participating landowner means any landowner not under agreement with the system owner or operator, such as the adjacent property owner.

Participating landowner means a landowner under lease or other property agreements with the system owner or operator pertaining to the wind energy conversion system.

Pedestal means a maximum 12' tall structure that is designed and constructed primarily for the purpose of supporting one wind turbine.

Roof-mounted means any part of a wind energy conversion system that is located on the roof of a building, fire or parapet walls; stage lofts, chimneys, smokestacks, water tower, or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.

Shadow flicker means the visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.

System operator means the entity responsible for the day-to-day operation and maintenance of the wind energy conversion system.

System owner means the entity or entities having controlling or majority equity interest in the wind energy conversion system, including their respective successors and assigns.

Tower means any structure, including its supports, that are ground-mounted, taller than 12', and designed and constructed primarily for the purpose of supporting one or more wind turbines. This includes self-supporting lattice towers, guyed lattice towers, or monopole towers.

Wind energy conversion system means an electric generating system, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures & facilities. Such systems are designed for large-scale energy generation, typically for electrical utilities, or to supplement other electricity sources as an accessory use for residential, commercial, waterfront, office, and industrial buildings or facilities, wherein the power generated is used primarily for onsite consumption

Wind Turbine means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, blades, guy wires and pad transformer.

(Ord. No. 2009-4, 5-4-09)

Sec. 122-604. Development Standards.

All wind energy conversion systems shall conform to the following standards:

- (1) Application procedures. Applications for a permit to install a wind energy conversion system shall be submitted to the building department. The building department shall forward applications to the planning and electric departments for their approvals when required. The application shall include a plan showing the following:
 - a. Size and proposed location of the wind energy conversion system, including location of any buildings on the site and on any contiguous lot,
 - b. A picture or sketch of all the elements of the wind energy conversion system which would be exposed to view from adjacent properties,

- c. Dimensions of all buildings,
- d. Lot lines, and
- e. Setback lines as established in the zoning regulations.

(2) Standards. All structural, electrical and mechanical components of the wind energy conversion system shall conform to relevant and applicable local, state and national codes and all applicable industry standards.

(3) Utilities

No on-grid wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of and approves of the customer's intent to install an interconnected customer-owned generator.

(4) Exterior Finish.

- a. Tower and pedestal-mounted wind energy conversion systems shall typically maintain a neutral, non-reflective exterior color, or a galvanized steel finish, unless Federal Aviation Administration (FAA) or other applicable authority require otherwise. In addition, the City may require that such wind energy conversion systems be painted in such a way as to reduce visual obtrusiveness, in order to conform to the surrounding environment and/or architecture.
- b. Roof-mounted wind energy conversion systems and associated wires and equipment shall be painted so as to be architecturally compatible with the building to which they are attached.

(5) Lighting. Wind energy conversion systems may not be artificially lighted unless otherwise required by the FAA or approved authority or authorized by the Planning Commission.

(6) Signs. Wind energy conversion systems may include one or more small signs, emblems, or decals to identify the following:

- a. The name or logo of the manufacturer and/or installer.
- b. The make, serial number, and other pertinent information about the wind energy conversion.
- c. Such signs shall not contain advertising copy.

(7) Minimum clearances.

- a. The minimum distance between the ground and mechanical shadow shall be 15 feet.
- b. The minimum distance between the mechanical shadow and structures shall be 10 feet, excluding roof-mounted wind energy conversion systems.

(8) Provisions for safety.

- a. Towers that are not roof-mounted shall be enclosed with a 6-foot tall fence or the base of the tower shall not be climbable for a distance of 12 feet.
- b. When roof-mounted wind energy conversion systems can be accessed by the public, such systems shall provide adequate guards and warnings to ensure safety.
- c. When towers are supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.
- d. Wind energy conversion systems shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or over speeding.

(9) Noise. Wind energy conversion systems shall not exceed 60 decibels, as measured from the closest lot line. This level may be exceeded during short-term events, such as severe wind storms.

(10) Unsafe or inoperative systems.

- a. Any wind energy conversion system found to be unsafe by the building official shall be repaired by the owner to meet all code requirements, or removed as directed.
- b. If any wind energy conversion system is not used for a period of 12 months, the owner shall be notified by certified mail to set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If one is not provided to the satisfaction of the City, the landowner shall remove the wind energy conversion system within 60 days of receipt of the notice to remove.

(11) Signal Interference. Wind energy conversion systems shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication.

(Ord. No. 2010-1, 1-4-10)

Sec. 122-605. Approval of wind energy conversion systems located in regulated historic districts

Approval of wind energy conversion systems located in regulated historic districts.

(1) Design review required. Wind energy conversion systems located in regulated historic districts shall obtain approval from the Historic District Commission, where applicable, before seeking any other required approvals.

(2) Procedures for design review shall be in accordance with articles XII and XIII. In addition to the applicable standards and regulations found therein, the following design standards apply for wind energy conversion systems:

- a. Wind energy conversion systems shall be installed in a manner which does not damage or obscure character-defining features of an historic resource.
- b. Towers shall be installed in locations that are not clearly visible from public streets.
- c. Roof-mounted wind energy conversion systems.
 1. Wind energy conversion systems on pitched roofs may only be attached to the side or peak of a roof that is clearly visible from public streets when such systems could not otherwise be located on sides and peaks of the roof that are not clearly visible from public streets.
 2. Wind energy conversion systems on flat roofs shall not be attached to:
 - a. Parapet walls that are clearly visible from public streets.
 - b. Any extension of a front wall of a building that is clearly visible from public streets.
- d. The Historic District Commission, where applicable, may require that wind energy conversion systems be painted, so as to be architecturally compatible with the building on which it is located or to blend in with the surrounding area.

(Ord. No. 2010-1, 1-4-10)

Section 122-606. Specific Standards for Wind Energy Conversion Systems.

(a) The following wind energy conversion systems are a permitted accessory use in all districts subject to the following standards:

(1) *Height.* Wind energy conversion systems shall meet the following height standards:

- a. Height of wind energy conversion systems mounted on towers shall not exceed 60 feet.
- b. Height of wind energy conversion systems that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.
- c. Applicants may request special use approval from the Planning Commission to waive height restrictions for towers located at school, institutional, or governmental properties.

(2) *Setback requirements.* Wind energy conversion systems shall meet the following setback requirements:

- a. General rules for location on lot.
 1. Wind energy conversion systems, including mechanical shadow, may not encroach into setback requirements for uses for the zoning district in which they are to be located; nor shall they be located between the front lot line and the front wall of dwellings.

b. Wind energy conversion systems on towers.

Wind energy conversion systems shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures.

c. Wind energy conversion systems that are roof-mounted.

1. Wind energy conversion systems shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

2. Setbacks provisions for wind energy conversion systems may be waived if the following conditions are met:

- a. When the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive the setback

requirements on the participating landowner property and/or non-participating landowner property provided that the affected property owners sign a waiver that sets forth the applicable setback provision(s) and the proposed changes:

1. The written waiver shall notify all applicable property owner(s) of the setback required by this article, describe how the wind energy conversion system is not in compliance, and state that consent is granted to waive the setback as required by this article for the wind energy conversion system.
 2. Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Bay County Register of Deeds with a copy of the recorded original returned to the Planning Department.
- c. When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner property and/or City property or public right-of-way provided that the participating landowner receive an encroachment permit from the Engineering Department.

(3) *Number.* Wind energy conversion systems may consist of one to five wind turbines, towers, or pedestals and associated control or conversion electronics

(4) *Installation.* Wind energy conversion systems may be mounted on towers, pedestals, or roof-mounted.

(5) *Guy Wires.* Tower structures requiring guy wires are not permitted in R-1, Single Family Residential and R-2 Single and Two-Family Residential Districts.

(6) *Rotor Diameter.* Rotor diameter shall not exceed 24'(12' blades).

(7) *Minimum lot size.* None.

(b) The following wind energy conversion systems are a permitted accessory use in the RM-2, High Rise Residential, WF, Waterfront, O-1, Office, all commercial, and industrial districts subject to the following standards:

(1) *Height.* Wind energy conversion systems shall meet the following height standards:

- a. Height of wind energy conversion systems mounted on towers shall not exceed to 80 ft.
- b. Height of wind energy conversion systems that are roof-mounted may exceed the height of the tallest part of the roof to which it is attached by no more than 20 feet.

(2) *Setback requirements.* Wind energy conversion systems shall meet the following setback requirements:

- a. General rules for location on lot.

Wind energy conversion systems, including mechanical shadow, may not encroach into setback requirements for principal uses for the zoning district in which they are to be located; nor shall they be located between the front lot line and the front wall of dwellings.

- b. Wind energy conversion systems on towers.

Wind energy conversion systems, including mechanical shadow, shall be set back a distance equal to 110 percent of the system height from all property boundaries, public rights-of-way, utility lines, the Saginaw River or other wind energy conversion systems.

- c. Wind energy conversion systems that are roof-mounted.

- 1. Wind energy conversion systems shall be set back a distance equal to the mechanical shadow from all adjacent occupied structures, or other wind energy conversion systems.

- 2. Setbacks provisions may be waived if the following conditions are met:

- a. When the mechanical shadow encroaches onto an adjacent property, the Planning Commission may waive the setback requirements on the participating landowner property and/or non-participating landowner property provided that the affected property owners sign a waiver that sets forth the applicable setback provision(s) and the proposed changes:

- 1. The written waiver shall notify all applicable property owner(s) of the setback required by this article, describe how the wind energy conversion system is not in compliance, and state that consent is granted to

waive the setback as required by this article for the wind energy conversion system.

2. Any such waiver shall be in recordable form, signed by the participating land owner(s) and non-participating landowner(s), recorded in the office of the Bay County Register of Deeds with a copy of the recorded original returned to the Planning Department.

b. When the mechanical shadow encroaches upon an adjacent public property or public right-of-way the Planning Commission may waive the setback requirements on the participating landowner property and/or City property or public right-of-way provided that the participating landowner receive an encroachment permit from the Engineering Department.

(3) *Number.* Wind energy conversion systems may consist of one or more wind turbines, towers, or pedestals and associated control or conversion electronics.

(4) *Installation.* Wind energy conversion systems may be mounted on towers, pedestals or roof-mounted.

(5) *Rotor Diameter.* Rotor diameter is not limited.

(6) *Minimum lot size.* None.

(c) The following wind energy conversion systems, exceeding 80 feet, are a permitted use after special use approval in the M-2, General Industrial District subject to the following standards:

(1) *Height.* Height of wind energy conversion systems mounted on towers shall not exceed 150 ft.

(2) *Setback requirements.* Wind energy conversion systems shall meet the following setback requirements:

a. Wind energy conversion systems may not encroach into setback requirements for principal uses for the zoning district in which they are to be located.

b. No part of wind energy conversion system structures, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the site.

c. Wind energy conversion systems, including mechanical shadow, shall be set back a distance equal to 150 percent of the system height from all adjacent occupied structures and 110 percent of the system height from all property boundaries, public rights-of-way, utility lines, the Saginaw River or other wind energy conversion systems.

(3) *Number.* Wind energy conversion systems may consist of one or more wind turbines, towers, or pedestals and associated control or conversion electronics.

(4) *Installation.* Wind energy conversion systems are mounted on towers.

(5) *Rotor Diameter.* Rotor diameter is not limited.

(6) *Minimum lot size.* 2.5 acres.

(7) *Shadow Flicker.* The Planning Commission may require that the applicant conduct an analysis on potential shadow flicker at adjacent occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect residents and describe measures that shall be taken to eliminate or mitigate the problems.

(8) *Decommissioning.* The applicant shall submit a decommissioning plan. The plan shall include the anticipated life of the project, the estimated decommissioning costs, net of salvage value in current dollars, the method of ensuring that funds will be available for decommissioning and restoration and the anticipated manner in which the project will be decommissioned and the site restored.

(9) The Planning Commission may require that applicants provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the wind energy conversion system, of an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned wind energy conversion systems. If required, the applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

(Ord. No. 2010-1, 1-4-10)

Secs. 122-607—122-520. Reserved.

ARTICLE XXVII. SOLAR SYSTEMS.

Sec. 122-621. Purpose.

The regulation of solar systems, including the height, size and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety or welfare of residents.

(Ord. No. 2010-, 6-21-10)

Sec. 122-622. Scope of regulations.

Solar systems may be erected, relocated, enlarged, structurally changed or altered in accordance with the provisions of this article.

(Ord. No. 2010-, 6-21-10)

Sec. 122-623. Definitions.

Certain words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in article II shall be given the meanings set forth in article II. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Applicant means the person or entity filing an application under this article.

Building integrated solar systems means a solar system that is an integral part of a principal or accessory building rather than a separate mechanical device replacing or substituting for an architectural or structural component of the building. Building integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights or awnings.

Height means the height of a solar energy conversion system measured from natural grade to the highest point of the system.

Mounting devices means devices and hardware that allow the mounting of a solar collector onto a roof surface or the ground.

Off-grid solar system means a system that is not electrically connected in any way to electric circuits served by an electric utility company.

On-grid solar system means a system that is electrically connected in any way to electric circuits served by an electric utility company.

Photovoltaic system means an active solar energy system that converts solar energy directly into electricity.

Pole-mounted solar system means a ground-mounted pole structure and its supports designed and constructed primarily for the purpose of supporting one or more solar system. This includes self-supporting lattice towers or monopole towers.

Roof-mounted solar system means a solar energy conversion system located on the roof of a building, fire wall, parapet wall, stage loft, water tower, or a roof structure for the housing of an elevator, stairway, tank, ventilating fan, or similar equipment required to operate and maintain the building.

Solar access means a southern view of the sun from any point on the collector surface that is not obscured by any vegetation, building or object located on parcels of land other than the parcel upon which the solar collector or module is located, between sunrise and sunset on any day of the year.

Solar array means any number of solar collectors or photovoltaic modules.

Solar collector means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal or electrical energy.

Solar system means a device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or to provide for the collection, storage and distribution of solar energy for space heating or cooling, generation of electricity, or water heating.

Solar hot water system means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, such as residential domestic hot water or hot water for commercial processes.

Wall-mounted solar system means a system located on the wall of a building or structure.

(Ord. No. 2010-, 6-21-10)

Sec. 122-624. Development Standards.

All solar systems shall conform to the following:

- (1) For the purposes of this chapter, solar systems are considered to be accessory uses.

(2) Application procedures. Applications for a permit to install a solar system shall be submitted to the building department. The building department shall forward applications to the appropriate departments and agencies when required by this article or other relevant statutes. The application shall include a plan showing the following:

- a. Size and proposed location of the solar collector, including location of any buildings on the site and on any contiguous lot,
- b. A picture or sketch of all the elements of the solar collector which would be exposed to view from adjacent properties,
- c. Dimensions of all buildings,
- d. Lot lines, and
- e. Setback lines as established in the zoning regulations.

(3) Standards. All structural, electrical and mechanical components of the solar systems shall conform to relevant and applicable local, state and national codes and all applicable industry standards. Photovoltaic systems shall be installed by contractors certified by the North American Board of Certified Energy Practitioners (NABCEP).

(4) Utilities

Planning Department staff will notify the Electric Department of proposed on-grid solar systems and interconnected customer-owned generators.

(5) Signs. Solar systems may include one or more small signs, emblems, or decals to identify the following:

- a. The name or logo of the manufacturer and/or installer.
- b. The make, serial number, and other pertinent information about the solar system
- c. Such signs shall not contain advertising copy.

(6) Unsafe or inoperative systems.

- a. Any solar system found to be unsafe by the building official shall be repaired by the owner to meet all code requirements or removed as directed.
- b. If any solar system is not used for a period of 12 months, the owner shall be notified by certified mail to set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If one is not provided to the

satisfaction of the City, the landowner shall remove the solar system within 60 days of receipt of a notice to remove.

(7) Disconnecting solar systems during emergencies or utility maintenance.

- a. The city shall have the right to disconnect solar systems during emergencies, such as fire or other catastrophe, or when utility maintenance is to be performed.
- b. Solar systems shall include an emergency disconnect that is clearly labeled, easily accessible and in a location to be approved by the city's electrical inspector.

(Ord. No. 2010-, 6-21-10)

Sec. 122-625. Approval of solar systems located in regulated historic districts.

Approval of solar systems located in regulated historic districts.

(1) Design review required. Solar systems located in regulated historic districts shall obtain approval from the Historic District Commission, where applicable, before seeking any other required approvals.

(2) Procedures for design review shall be in accordance with chapters 64 and 122. In addition to the applicable standards and regulations found therein, the following design standards apply for solar systems:

- a. Solar systems shall be installed in a manner which does not damage or obscure character-defining features of an historic resource. Solar panels should be located so as not to change an historic roofline or obscure the relationship of an historic roof to character-defining features such as dormers and chimneys.
- b. Pole-mounted solar systems shall be installed in locations that are not clearly visible from public streets.
- c. Roof-mounted solar systems that are not building integrated systems.
 1. Solar systems on pitched roofs:
 - a. Systems may only be attached to the side or peak of a roof that is clearly visible from public streets when such systems could not otherwise be located on sides and

peaks of the roof that are not clearly visible from public streets.

- b. Systems shall be installed below the ridgeline of a pitched roof.
- c. Systems shall be mounted parallel to the plane of a pitched roof and have a low profile.

2. Solar systems on flat roofs:

- a. Systems shall not be attached to parapet walls that are clearly visible from public streets or any extension of a front wall of a building that is clearly visible from public streets.
- b. Systems shall be set back from the edge of a flat roof, so as not to be visible from a public street.

d. Building integrated solar systems.

The Historic District Commission, where applicable, shall review and approve the use of building integrated solar systems.

- e. The Historic District Commission, where applicable, may require that solar systems, excluding solar collector surfaces, be painted so as to be architecturally compatible with the building on which it is located or to blend in with the surrounding area.

(Ord. No. 2010-, 6-21-10)

Sec. 122-626. Specific Standards for Solar Systems.

(a) Solar systems are a permitted use subject to the following standards:

(1) *Height.* Solar systems shall meet the following height standards:

- a. Height of solar systems mounted on poles shall not exceed height requirements for principal uses as specified in Article XIV, Schedule of Regulations.
- b. Height of solar systems that are roof-mounted and not within regulated historic districts may exceed the height of the tallest part of the roof to which it is attached by no more than 10 feet.
- c. Applicants must obtain special use approval from the Planning Commission to exceed height restrictions

(2) *Setback requirements.* Solar systems shall meet the following setback requirements:

a. General rules for location on lot.

Solar systems, with the exception of building integrated solar systems, may not encroach into setback requirements for accessory uses for the zoning district in which they are to be located; nor shall they be located between the front lot line and the front wall of dwellings.

b. Pole-mounted solar systems.

Solar systems shall be set back a distance equal to the height of the pole or solar system, whichever is greater, from all adjacent occupied structures.

c. Roof-mounted solar systems.

1. Location on roof. The collector surface and mounting devices shall not extend beyond the exterior perimeter of the building on which it is mounted.
2. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the side or rear of a building and shall be painted to blend in with adjacent surfaces.

(3) *Number.*

1. Pole-mounted. Solar systems may consist of two pole-mounted systems.
2. Roof-mounted. Unlimited.
3. Building integrated. Unlimited.
4. Wall-mounted. Shall not cover more than 50 percent of the wall to which it is attached.

(4) *Installation.* Solar systems may be mounted on poles, roof-mounted, or wall-mounted.

(5) *Guy Wires.* Poles requiring guy wires are not permitted in R-1, Single Family Residential and R-2 Single and Two-Family Residential Districts.

(6) *Size of solar systems.*

1. Ground-mounted. Limited to lot coverage requirements for accessory structures.
2. Roof-mounted. May not exceed the square footage of the roof to which they are attached.
3. Building integrated. No limit to the size of building integrated systems.
4. Wall-mounted. Shall not cover more than 50 percent of the wall to which it is attached.

(7) *Minimum lot size.* None.

(b) Where a solar system is the principle use of the property, it is only permitted after special use approval in the M-1, Light Industrial and M-2, General Industrial Districts subject to the following standards:

(1) *Height.* Subject to special approval.

(2) *Square footage of systems.* Subject to special approval.

(3) *Setback requirements.* Solar systems shall meet the following setback requirements:

- a. Solar systems may not encroach into setback requirements for principal uses for the zoning district in which they are to be located.
- b. Solar systems shall be set back a distance equal to 100 percent of the system height from all property boundaries, public rights-of-way, utility lines, or the Saginaw River.

(4) *Number.* Subject to special approval.

(5) *Installation.* Solar systems may be ground-mounted, roof-mounted or on poles.

(6) *Minimum lot size.* Subject to special approval.

(7) *Decommissioning.* The applicant shall submit a decommissioning plan that is in recordable form to be recorded with the Bay County Register of Deeds. The plan shall include the anticipated life of the project, the estimated decommissioning costs net of salvage value in current dollars, the method of ensuring that funds shall be available for decommissioning and restoration and the anticipated manner in which the project shall be decommissioned and the site restored.

(8) The Planning Commission may require that applicants provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the solar system, of an amount and form determined to be reasonable by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein. Such surety shall not be required for municipally or state-owned solar systems. If required, the applicant shall submit a fully inclusive estimate of the costs associated with removal prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

(Ord. No. 2010-, 6-21-10)

Sec. 122-627. Responsibility of city.

The city shall not be responsible for requiring that adjacent property owners provide and/or maintain solar access to any solar collector system.

(Ord. No. 2010-, 6-21-10)

Secs. 122-628—122-640. Reserved.

(Ord. No. 2010-, 6-21-10)