CITY OF AU GRES
ZONING ORDINANCE

Adopted December 5, 2006
ARTICLE 1

TITLE, PURPOSE AND ENABLE AUTHORITY

SECTION 100. PURPOSE

The purpose of this ordinance is to establish zoning districts within the incorporated portions of the City of Au Gres, Arenac County, Michigan, to:

a. Promote compatibility of existing and future land uses;
b. Protect and enhance property and civic values;
c. Protect natural features;
d. Promote the gradual elimination of nonconforming uses and buildings; and
e. Implement objectives of the Au Gres Master Plan.

SECTION 101. ENABLING AUTHORITY

This Ordinance is adopted pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended. Said Act, covering City or Village Zoning, is hereby made a part of this ordinance just as if said Act were repeated verbatim herein.

SECTION 102. ENACTMENT

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, connivance, and general welfare of the inhabitants of the City of Au Gres, by protecting and conserving the character and social and economic stability of the residential, commercial industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue, congestions of population; providing adequate light, air, and reasonable access; facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means.

SECTION 103. SHORT TITLE

The City of Au Gres ordains as follows: This ordinance shall be known and cited as the “City of Au Gres Zoning Ordinance.”

SECTION 104. VESTED RIGHTS

a. Site Plans Submitted Prior to Effective Date

1. Construction Begun. Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance,
provided construction has lawfully begun, is being diligently carried on, and shall be completed within one (1) year of the effective date of this Ordinance. The Zoning Board of Appeals may permit an extension of up to one (1) year for completion.

2. **Application Submitted.** An application shall meet the requirements of this Ordinance effective on the date of submission. An application submitted before the effective date of this Ordinance must be approved by the Planning Commission by the date that the Ordinance takes effect or the requirements of this Ordinance shall be followed.

3. **Application Approved.** If an application has been approved within twelve (12) months of the effective date of this Ordinance, it shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Ordinance.

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

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

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

**SECTION 105.  VALIDITY AND SEVERABILITY CLAUSE**

This Ordinance and the various components, articles, sections, subsections, sentences, and phrases thereof are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building, or structure not specifically included in said ruling.

**SECTION 106.  SCOPE AND INTERPRETATION**

This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, Ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the City is a party.
SECTION 107. REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by the City Council of the City of Au Gres on the 12th day of June 1, 2000, and all amendments thereto, are hereby repealed insofar as they conflict with this Ordinance. The repeal of the above Ordinance and their amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 108. EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance are hereby effective, pursuant to the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006). Made and passed by the City Council of the City of Au Gres, Arenac County, Michigan, on this 5th day of December, A.D., 2006.

a. Date of Planning Commission Public Hearing: November 20, 2006

b. Date of Adoption by City Council: December 5, 2006


City Clerk

Date

Mayor

Date
ARTICLE 2
DEFINITIONS

SECTION 200. CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this ordinance and amendments thereto:

a. The particular shall control the general.

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

c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive, as determined by the City Council, Planning Commission, Zoning Board of Appeals or other authority as indicated.

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

e. A "building" or "structure" includes and part thereof.

f. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

g. The word "person" includes an individual, or corporation, a partnership, an incorporated association, or any other similar entity.

h. 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 "either...or", the conjunction shall be interpreted as follows.

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

2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

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

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

j. The terms "abutting" or "adjacent to" include property "across from", such as across a street, alley, or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.
SECTION 201. DEFINITIONS A-B

ACCESSORY USE OR ACCESSORY. An "accessory use" is a use which is clearly incidental to, customarily founded in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as, the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following.

a. Residential accommodations for servants and/or caretakers.

b. Swimming pools for the use of the occupants of a residence, or their guests.

c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.

d. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.

e. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.

f. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.

g. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district which the zoning lot is located.

h. Uses clearly incidental to a main use such as but not limited to offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

i. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.

j. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

ADDITION. A structure added to the original structure for the district in which the zoning lot is located.

ADULT CARE FACILITY: A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the state under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:
a. **Adult Foster Care Facility:** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, an alcohol or substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

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

c. **Adult Foster Care Small Group Home:** Facility with the approved capacity of not more than twelve (12) adults who shall be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

d. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

e. **Adult Foster Care Congregate Facility:** A foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

f. **Adult Day Care Facility:** An unlicensed facility which provides care for elderly and/or functionally impaired adults in a protective setting for a portion of a 24 hour day.

**ADULT REGULATED USES OR SEXUALLY-ORIENTED BUSINESSES.** Any business which primarily features sexually stimulating material and/or performances, including the following uses.

a. **Adult Personal Service Establishment.** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult personal service establishment.
1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner, or any other similarly licensed medical professional.

2. Fitness center, as defined herein.

3. Electrolysis treatment by a licensed operator of electrolysis equipment.

4. Continuing instruction in martial or performing arts, or in organized athletic activities.

5. Hospitals, nursing homes, medical clinics, or medical offices.

6. Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only.

7. Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.

b. **Adult Book Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage of books, magazines, and other periodicals, photographs, drawings, and other print material which is distinguished or characterized by its emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).

c. **Adult Cabaret.** An establishment where live entertainment is provided, presented, permitted or performed, where a substantial portion of performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

d. **Adult Motion Picture Theater or Adult Live Stage Performing Theater.** An enclosed building wherein still or motion pictures, video tapes or similar material is presented or viewed where a substantial portion is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

e. **Adult Model Studio.** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

f. **Adult Motion Picture Arcade or Mini Motion Picture Theater.** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the
images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).

g. **Adult Video Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, storage, or on-premises viewing of films, movies, motion pictures, video cassettes, slides, or other visual representations which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

h. **Adult Outdoor Motion Picture Theater.** A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

i. **Sexual Paraphernalia Store.** An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display, or storage, of instruments, devices, or paraphernalia designed for use related to "Specified Anatomical Areas" or as part of, in connection with, or related to "Specified Sexual Activities" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.

j. **Substantial Portion.** A use of activity accounting for more than twenty percent (20%) of any one or more of the following: stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time, or entertainment time measured per month.

k. **Specified Anatomical Areas.** Portions of the human body defined as follows.

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below the point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

l. **Specified Sexual Activities.** The explicit display of one or more of the following.

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast.
3. Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation, oral copulation, sexual intercourse, or sodomy.
4. Human excretory functions as part of, or as related to, any of the activities described above.
5. Physical violence, bondage, mutilation, or rape, actual or simulated, as part of or related to, any of the activities described above.

AIRPORT. A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

AIR RIGHT. The rights to the space above a property, for development.

AISLE. The traveled way by which cars enter and depart parking places.

ALTERATIONS. Any changes, additions, or modification in construction or type of occupancy on in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

ANIMAL, DOMESTICATED. An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

ANIMAL, EXOTIC. An exotic animal shall mean an animal that is not typically domesticated nor found on farms, but typically exists in the wild and is typically found in zoos, circuses, wildlife sanctuaries, or nature preserves.

ANIMAL, WILD. Animals which are wild by nature and not customarily domesticated. This definition does not include birds, small rodents, or small, nonpoisonous reptiles commonly used for educational or experimental purposes, or as pets.

ANIMAL HOSPITAL (see KENNEL)

APARTMENTS. A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single or a group of individuals living together as a single housekeeping unit.

APPEALS. The process, as prescribed in the ordinance, for contesting a zoning interpretation made by the Zoning Administrator or decision made by the Planning Commission.

APPLICANT. A person or entity submitting an application for review and action by the City or any of its departments or commissions.

AREA OF SIGN BILLBOARD. The total exterior surface computed in square feet for a sign having one exposed exterior surface: one-half the total of the exposed exterior surface computed in square feet for a sign having more than one such surface.

ATTACHED. Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same.
ATTACHED GARAGE. An outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

ATTIC. That part of a building which is immediately below the ceiling beams of the top story and wholly or partly within the roof framing.

AUTOMATIC CAR WASH. A structure containing facilities for washing automobiles using a conveyer or other methods of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

AUTO AND VEHICLE REPAIR STATION. A place where, along with the sale of engine fuels, the following services may be carried out; general repair, engine rebuild, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting and undercoating of automobiles.

AUTOMOBILE OR VEHICLE SALES AREA. An area used for the display, sales and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in operable condition.

AUTOMOBILE SALVAGE. The dismantling or disassembling of used motor vehicles or trailers; the storage, sale, or dumping of dismantled or partially dismantled, or wrecked vehicles or their parts.

AUTOMOBILE SERVICE STATION OF FILLING STATION. A place where gasoline, kerosene, or any other motor fuel of lubricating oil or grease for operation motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling and light motor service on the premises, but in no case to include automobile or truck major mechanical repair. Convenience foods sales and/or fast food restaurants may also be provided on the premises.

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED AND BREAKFAST OPERATIONS. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and board in return for payment, and which does not provide separate cooking facilities for such guests.

BERM, OBSCURING. An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this ordinance.
BILLBOARD OR SIGNBOARD. Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition shall not be held to include any sign used for official notices issues by a court or public body.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way un-subdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier the continuity of development, or corporate boundary lines of the municipality.

BOARD OF APPEALS. The Zoning Board of Appeals of the City of Au Gres.

BOARDING HOUSE or ROOMING HOUSE. A dwelling having one kitchen and used for the purpose of providing meals or lodging for pay or compensation of any kind to more than two persons other than members of the family occupying the dwelling.

BREEZEWAY. Any covered passageway between two buildings, the sides of which may be enclosed by lattice, screens, or other material allowing the passage of air.

BUFFER. A strip of land used to visibly separate one land use from another, or to shield or block noise, lights, or other nuisances.

BUILDABLE AREA. The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

BUILDING. Any structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDING COVERAGE. The horizontal area measured within exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING HEIGHT. The vertical distance measured on the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See illustration on following page.)

BUILDING LINE. A line formed by the face of the building and for the purposes of this ordinance, a minimum building line is the same as a front setback line. (See illustration on following page.)

BUILDING PERMIT. A permit signifying compliance with the provisions of this ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the City of Au Gres.
BUSINESS OR COMMERCE. Engaging in the purchase, sale, barter, or exchange of services or goods, wares, or merchandise, of the maintenance or operation of offices or recreational or amusement enterprises.

BUSINESS SERVICES. Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

SECTION 202. DEFINITIONS C-D

CANOPY. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

CARRY-OUT RESTAURANT. An establishment which, by design of physical facilities or by service or packaging procedures, permits, or encourages the purchase of prepared, ready-to-eat foods intended primarily to be consumed entirely off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or encouraged.

CEMETARY. Land used or dedicated to the burial of the dead, including accessory columbaria and mausoleums. Crematories are not permitted.

CEMETARY. PET. A parcel of land, buildings, and/or structures used for the interring of animal remains.

CERTIFICATE OF OCCUPANCY. A document issued by the proper authority (Building Official and Zoning Administrator) allowing the occupancy or use of a building and certifying that the structure or use has been constructed and/or will be used in compliance with all applicable municipal codes and ordinances and approved plans and specifications.

CERTIFICATION OF COMPLETION. A signed written statement by the Building Official that specific construction has been inspected and found to comply with all grading and building plans and specifications.

CHANGE OF USE. Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

CHILD CARE ORGANIZATION. A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows.
a. **Child Care Center** or **"Day Care Center"**. A facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. "Child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

b. **Foster Family Home**. 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.

c. **Foster Family Group Home**. 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.

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

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

**CHURCH**. A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

**CELLULAR TOWERS**. A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

**CLEAR VISION**. An area 50 feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist.
CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

CLUSTER. A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

COIN-OPERATED AMUSEMENT CENTER. Establishments engaged in providing amusement or entertainment through the provision of coin operated amusement devices, incorporating either electro-mechanical devices such as pinball machines or electronic video display operations.

COMMERCIAL. A term relating to the use of property in connection with the purchase, sale or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any 12 month period.

COMMERCIAL RECREATION. Establishments engaged in providing amusement or entertainment for a fee or admission charge, and including such activities as dance halls, studios, bowling alleys and billiard and pool establishments, commercial sports such as arenas, rings, racetracks, golf courses, amusement parks, carnival operations, exposition, game parlors and swimming pools.

CONDOMINIUM. The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure located as a permitted use within a zoning classification and requirements of this ordinance.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

CORNER LOT. Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. See also "LOT" defined.

DECK. A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.
DEVELOPMENT. The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISH-TYPE SATELLITE SIGNAL-RECEIVING ANTENNAS. Also referred to as "earth stations" or "ground stations" shall mean one, or a combination of two or more of the following.

a. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extra-terrestrial sources.

b. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

c. A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

DISTRICT. A portion of the incorporated area of the City of Au Gres within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

DWELLING UNIT. A building or portion thereof designed for occupancy by one (1) family for residential purposes and having cooking facilities.

a. Dwelling, One-Family. A building designed exclusively for and occupied exclusively by one (1) family.

b. Dwelling, Two-Family. A building designed exclusively for occupancy by two (2) families living independently of each other.

c. Dwelling, Multiple-Family. A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

d. Dwelling, Attached. A building designed for dwelling unit attached to one or more dwelling units by common major structural elements.

SECTION 203. DEFINITIONS E-F

EASEMENT. Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property having a width of not less than twenty (20) feet.
ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distributions system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare. This definition includes sewer substations and water towers but does not include wireless communication towers or antennas.

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

FABRICATION. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects, excluding the refining or other initial processing of basic raw materials such as metal, ores or rubber. Fabrication relates to stamping, cutting or otherwise shaping the processed materials into useful objects.

FAMILY. One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a single dwelling unit. Every additional group of two or less persons living in such dwelling units shall be considered a separate family for the purpose of this Ordinance.

FAST FOOD RESTAURANT. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following.

a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers.

b. More than 45 percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

FLAG LOT. A lot not fronting entirely on or abutting a public road and where access to the public road is a narrow, private right-of-way

FLEA MARKET. An occasional or periodic market held in an open area or structure, where groups of individual sellers offer goods for sale to the public.
FLOOR AREA, RESIDENTIAL. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FLOOR AREA, USABLE. That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of, "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.

FRATERNAL ORGANIZATION. A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals and formal written membership requirements.

FULL SERVICE EATING AND DRINKING ESTABLISHMENT. An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one of the following.

a. Customers are normally provided with an individual menu; are served their foods or beverages by a restaurant employee at the same table or counter at which the items are consumed.

b. Cafeteria-type operation where foods, or beverages are generally consumed within the restaurant building.

FUNERAL HOME. A building used for the preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

SECTION 204. DEFINITIONS G-H

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, SERVICE. Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation repaired, or kept for remuneration, hire or sale.

GASOLINE SERVICE STATION. A building or premises or portions thereof arranged or designed to be used for the retail sale of oil, gasoline or other fuel for the propulsion or lubrication of motor vehicles and which may include facilities for changing
of tires, tube repairing, polishing, greasing, washing or servicing such motor vehicles; but excluding so-called high speed automotive washing, steam cleaning, body repairing, bumping or painting.

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the dwelling.

GUEST HOUSE. A separate structure or dwelling, on a residential parcel, used for sleeping and/or eating purposes by nonpaying friends, relatives or acquaintances of the resident or owner of the main structure.

HAZARDOUS MATERIALS. Any materials that have been declared to be hazardous to any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

HEALTH CARE (SERVICES) FACILITIES. A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bio-analytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

HEIGHT OF BUILDING. The vertical distance, measured from the adjoining curb level, to the highest point of the ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

HOME OCCUPATION. An occupation, business or professional service customarily engaged in by residents in their dwelling, which is conducted entirely within the building by the residents thereof and not in any accessory building.

HOSPICE. A home-like facility for the care of the terminally ill, with acute care facility capabilities.

HOSPITAL (see HEALTH CARE FACILITIES)
HOTEL (MOTEL). A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered.

a. Maid service

b. Furnishing of linen

c. Telephone, secretarial or desk service

d. Bellboy service

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

HOUSING FOR THE ELDERLY. Housing with special characteristics as called for in this ordinance for individuals 55 years or older, or married couples where the head of the household is 55 years or older.

SECTION 205. DEFINITIONS I-J

IMPERVIOUS SURFACE. Any material which reduces and prevents the absorption of storm water into previously undeveloped land.

INFRASTRUCTURE. Facilities and services needed to sustain industry, residential and commercial activities.

INSTITUTIONAL AND PUBLIC USES. Churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, parks and playground.

JUNK YARD. An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

SECTION 206. DEFINITIONS K-L

KENNEL or ANIMAL HOSPITAL. Any building or land used for the sale, boarding, treatment, or breeding of dogs, cats, or other household pets as a business.
LABORATORY (see HEALTH CARE FACILITY).

a. Medical or Dental. A laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.

b. Experimental. A building or part of a building devoted to the testing and analysis of any product or animal.

LAUNDROMAT. An establishment providing washing drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

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

LOT. A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance, and fronting for a distance of at least fifty (50) feet upon a street as defined herein. A lot may or may not be specifically designated as such on public records. (See illustration on following page.)

LOT AREA. The total horizontal area within the lot lines of the lot.

LOT, CORNER. A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE. The part or percent of the lot occupied by a building, including accessory buildings.
LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

a. Front Lot Line. In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.

b. Rear Lot Line. That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot lines and wholly within the lot.

c. Side Lot Line. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, THROUGH. Any interior lot having frontage on two or more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines.

LOT, ZONING. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot
shall satisfy this ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of records as filed with the County Register of Deeds, but may include one or more lots of record.

LOUNGE (see TAVERN, LOUNGE OR BAR)

SECTION 207. DEFINITIONS M-N

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE. The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAJOR ROADS. Major roads in Au Gres are US-23, Michigan Avenue, South, West, Court, and Main Streets.

MANUFACTURED BUILDING. Includes all factory constructed buildings, or three-dimensional modules or units thereof, designed and constructed in a manner facilitating ease of transportation to the site for placement in accordance with local construction codes, connection to required utilities, and subsequent occupancy. The term "manufactured building" includes both a single, three-dimensional module or unit intended to constitute a building and all three dimensional modules or units intended to be combined on site for form a building. The term "manufactured building" applies only to those major structural, three dimensional modules or units requiring relatively minor, incidental combination on site and is not intended to include prefabricated support system components such as panels, trusses, plumbing systems, or similar types of prefabricated support system components designed to be incorporated within buildings during the course of construction.

MANUFACTURED DWELLING. A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law.

MANUFACTURING FACILITY. Establishment engaged in the mechanical, chemical, or electrical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors.

MARINA. A facility for the secure mooring of boats, including facilities for storage and repair of boats and sale of boating supplies and fuel.

MARQUEE. Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.
MEZZANINE. An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

MEDICAL OFFICE (see HEALTH CARE FACILITY)

MINI-STORAGE. A structure containing separate storage of varying sizes leased or rented on an individual basis.

MIXED USE ZONING. Regulations which permit a combination of different uses within a single development, under special regulations.

MINOR OR LOCAL STREET (SECONDARY ROAD). A dedicated public way or recorded private street which affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

MOBILE HOME. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, and which includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. MOBILE HOME does not include a recreational vehicle.

MOBILE HOME PARK. A parcel of land under the control of a person upon which three (3) or more mobile homes are located on a continual non recreational basis and which is offered to the public for that purpose, regardless 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.

MOBILE HOME SITE. A measured parcel of land within a mobile home park which is delineated by lot lines on a final development plan and which is intended for the placement of a mobile home and the exclusive use of the occupants of such mobile home.

MOBILE HOME SUBDIVISION. A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Michigan Act 288 of 1967, as amended.

MODULAR AND SECTIONAL HOME. A dwelling unit consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for conventional residence.

MORTUARY. A place for the storage of dead human bodies prior to burial or cremation.

MOTEL. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

MUNICIPAL BUILDING. A structure housing an operation of the City of Au Gres.
MUNICIPALITY. The City of Au Gres, Arenac County, Michigan.

NATURAL RETENTION AREA. A naturally-occurring pond or wetland which retains storm water runoff.

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this Ordinance, or thereto and that does not conform to the provisions of the Ordinance.

NONCONFORMING LOT. A lot, the area, dimensions or location of which was legal prior to the adoption, revisions, or amendment of the zoning code: but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the zoning district.

NONCONFORMING SIGN. Any sign lawfully existing of the effective date of an ordinance, or amendment thereto, which renders the sign nonconforming, because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING USE. Any property use which legally existed at the time this chapter became effective and which now does not comply with its regulations.

NUISANCE FACTORS. An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: noise, dust, smoke, odor, glare, fumes, flashes, vibrations, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, or invasion of non-abutting street frontage by traffic.

NURSERY, PLANT MATERIALS. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

SECTION 208. DEFINITIONS O-P

OCCUPANCY PERMIT. A required permit allowing occupancy of a building or structure after it has been determined that the building meets all of the requirements of applicable ordinances.

OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

OFFICE BUILDING. A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, they may include
ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

**OFF-STREET PARKING LOT.** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**OPEN FRONT STORE.** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

**OPEN SPACE.** Is that part of a zoning lot, including courts or yards which:

a. Is open and unobstructed from its lowest level to the sky.

b. Is accessible to all residents upon the zoning lot.

c. Is not part of the roof of that portion of a building containing dwelling units.

d. Is comprised of lawn and landscaped area.

e. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

**PARAPET.** A low wall or railing (typically 4 ft. or less in height).

**PARKING Aisle.** The area behind the parking space used for backing and turning into and out of the parking space.

**PARKING ACCESS.** The area of a parking lot that allows motor vehicles ingress and egress from the street to the parking aisle or parking space of not longer than one hundred (100) feet.

**PARKING SPACE.** An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

**PASSIVE RECREATION.** An open area designed for walking or sitting and enjoying nature or surroundings.

**PATIO, PORCH.** Roofed open area that, while may be glassed or screened, is usually attached to, or part of, and with direct access to or from a building.
PERFORMANCE STANDARDS. A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) which a particular use or process may not exceed.

PERMANENTLY AFFIXED. To affix a structure to the ground or to another structure in accordance with the design and material specification of applicable building codes.

PERMITTED USE. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSONAL SERVICES ESTABLISHMENT. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, excluding tattoos and piercings.

PLANNED RESIDENTIAL DEVELOPMENT OR "PRD". An area of a designated minimum contiguous size, specified within this ordinance, to be planned and developed as a single entity containing one or more residential clusters of single family and/or multiple family developments.

PLANNED UNIT DEVELOPMENT OR "PUD". An area of minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified.

POOL, COMMERCIAL SWIMMING. An artificially constructed basin for holding water for use by paying customers or patrons of a commercial facility.

POOL, PRIVATE SWIMMING POOL (over 500 Gallons). Any artificially-constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

PRELIMINARY PLAN. A preliminary map indicating the proposed layout of the subdivision, PUD, or site plan, which is submitted to the proper review authority for consideration and preliminary approval.

PRINCIPAL BUILDING. A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

PRINCIPAL USE. The primary and predominate use of the premises including customary accessory uses.

PRIVATE RECREATION. Recreational, playgrounds and parks activities which are not open to the general public and for which a fee may or may not be charged.
PROFESSIONAL SERVICES. Services offered to the general public by the traditional professions, such as law, medicine, engineering & accounting, and architecture.

PROCESSING. Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

PUBLIC FACILITIES. Facilities which are owned and operated by a municipality, government agency, or publicly owned utility.

PUBLIC HEARING. A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak or participate.

PUBLIC UTILITY. A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam electricity, sewage disposal, communication, telegraph, transportation or water. This definition does not include wireless communication towers or antennas.

SECTION 209. DEFINITIONS Q-R

QUASI-PUBLIC AGENCY. A service owned and operated by a nonprofit, religious, or missionary institution and providing educational, cultural, recreational, or similar types of public programs.

RADIO ANTENNA. A signal receiving device, the purpose of which is to receive radio signals from radio transmitters in the area.

RECREATION, COMMERCIAL. Any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, but not movie theaters.

RECREATION, INDOOR. A commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

RECREATION, OUTDOOR. Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

RECREATION FACILITY, PUBLIC. Publicly owned or operated recreation facilities.
RECREATIONAL VEHICLE. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

RESEARCH AND DEVELOPMENT FACILITY. Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

RESOURCE RECOVERY FACILITY. A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose being to reuse the recovered materials.

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

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

b. Delicatessen: A restaurant typically offering sandwiches and other foods and beverages for both carry-out and consumption on the premises. A delicatessen also typically offers meats, cheese and prepared foods on a retail basis.

c. Restaurant, Drive-In: A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.

d. Restaurant, Drive-Through: A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

e. Restaurant, Fast-Food: A business establishment whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
f. **Restaurant, Open Front Window:** See "Open front store or restaurant."

g. **Restaurant, Standard:** A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

h. **Bar/Lounge/Tavern:** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may extend beyond 11:00 p.m.; thereby differentiating it from a standard restaurant. A brewpub or microbrewery that operates beyond 11:00 p.m. is considered a bar, tavern or lounge.

**RESTRICTION.** A limitation on property, which may be created in a deed, lease, mortgage, or other appropriate document, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

**RESTRICTIVE COVENANT.** A restriction on the use of land usually set forth in a deed or other appropriate document.

**RETAIL TRADE.** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

**RIGHT-OF-WAY.** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses. Generally, the right of one to pass over the property of another.

**RIGHT-OF-WAY LINE.** The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

**RINGLEMAN CHART.** A device to measure the opacity of smoke emitted from stacks and other sources.

**ROAD FRONTAGE.** The length of the lot line which borders a public road.

**ROOM.** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.
SECTION 210. DEFINITIONS S-T

SCHOOL. Any building or part thereof which is designed or used for education or instruction in a branch of knowledge.

SCHOOL, CHARTER. A school that has been issued a charter by a certified institution of higher education, is established as a corporation, is financed through public tax revenues, and is not restricted to enrollment according to school district boundaries.

SCHOOL, PRIVATE. Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education and which does not secure a major part of its funding from any governmental agency.

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEASONAL BUSINESS. A retail business or service business that is not normally used as a business for more than eight (8) months during any one calendar year.

SEASONAL RESIDENCE. A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during any calendar year.

SETBACK. The distance required to obtain front, side, or rear yard open space provisions of this ordinance.

SIGN. The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

SIGN, ACCESSORY. A sign which is accessory to the principal use of the premises.

SIGN FACE. The area or display surface used for the message.

SIGN, NON-ACCESSORY. A sign which is not accessory to the principal use of the premises.

SINGLE OWNERSHIP. Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

SITE. Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE CONDOMINIUM. A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and
improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).

**SITE PLAN.** The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of Section 2201 of this ordinance

**SKETCH PLAN.** A rough map of the proposed subdivision or site plan, of sufficient accuracy to be used for the purpose of discussion and classification

**SPECIAL LAND USE.** A use, permitted within certain zoning districts, of such a nature that the public has reserved the right to approve its exact location, subject to conditions stated in this ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the City.

**SPECIAL USE PERMIT.** Uses allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**SPOT ZONING.** Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses, and not for the purpose or effect of furthering the objectives of the Comprehensive Plan.

**STORMWATER DETENTION.** Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

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

**STORY, HALF.** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' - 6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.
STREET. A public dedicated or private right-of-way, other than an alley which affords the principal means of access to abutting property.

a. Street, Collector. A street which collects traffic from local streets and connects with minor and major arterials.

b. Street, Cul-De-Sac. A street with a single, common ingress and egress, and with a turnaround at the end.

c. Street, Local. A street designed to provide vehicular access to abutting property and to discourage through traffic.

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

STRUCTURE, CHANGES OR ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

STUDIO. A building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for radio or television broadcasting.

SUBDIVISION. The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

SUPPLY YARD. A fenced yard for the open or enclosed storage of supplies, equipment, or merchandise.

SWIMMING POOL. Any structure containing an artificial body of water for swimming or recreational bathing, located either in part or wholly outside a permanent enclosed building, installed either above or below the surrounding ground level, and having a depth of two (2) feet or more at any point.

TAVERN, LOUNGE, OR BAR. A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

TEMPORARY CERTIFICATE OF OCCUPANCY. A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal-conditions make it impossible to complete all needed external improvements.
TEMPORARY USE OF BUILDING. The use of a non-residential structure or parcel for a continuous period of thirty (30) days or less, with renewal for an additional thirty (30) days within any twelve month (one year) period; the use of any structure permitted to exist during periods of construction of the main building or structure.

TENANT. An occupant of land or premises who occupies, uses, or enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner's consent.

TOWNHOUSES. A row of three (3) or more attached one-family dwellings, not more than two and one-half (2.5) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term "condominium" which refers to how property or space is owned rather than to a particular housing style.

TRAILER RIG. A truck vehicle unit as classified by the American Association of State Highway Officials as a WB-40 or WB-50 vehicle. The minimum specifications are as set forth below.

<table>
<thead>
<tr>
<th></th>
<th>W-40</th>
<th>W-50</th>
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<tbody>
<tr>
<td>Wheelbase</td>
<td>13+27 = 40 feet</td>
<td>20+30 = 50 feet</td>
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<tr>
<td>Front overhang</td>
<td>4</td>
<td>3</td>
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<tr>
<td>Rear overhang</td>
<td>6</td>
<td>2</td>
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<tr>
<td>Overall length</td>
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<tr>
<td>Overall width</td>
<td>8.5</td>
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<tr>
<td>Height</td>
<td>13.5</td>
<td>13.5</td>
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</tbody>
</table>

TRANSITION ZONE. A zone permitting transitional uses, such as parking in a residential district

TRANSITIONAL USE (see USE, TRANSITIONAL)

SECTION 211. DEFINITIONS U-V

USE, BY RIGHT. Any use which is listed as a use by right in any given zoning district in this ordinance. Uses by right are not required to show need for their location.

USE, LAWFUL. The use of any structure or land that conforms with all of the regulations of this code or any amendment hereto and which conforms with all of the codes, ordinances, and other legal requirements that exist at the time of the enactment of this code or any amendment thereto.

USE, SPECIAL PERMIT. Uses allowed in a zoning district and subject to the restrictions applicable to that Zoning District.
USE, TRANSITIONAL. A use of land or structure located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two (2) zoning districts on either side of such a boundary line.

USED CAR LOT. A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

VARIANCE, DIMENSIONAL. Permission to depart from the literal requirements relating to setbacks, building height, lot width, and/or lot area as regulated by this Ordinance.

VARIANCE, USE. Permission to establish a use of land that is otherwise not provided for in the zoning district as regulated by this Ordinance.

VEHICLE REPAIR SHOP (see AUTOMOBILE OR VEHICLE REPAIR)

VEHICLE SALES AREA (see AUTOMOBILE OR VEHICLE SALES)

VETERINARY HOSPITAL. A structure designed for the care and treatment of animals.

SECTION 212. DEFINITIONS W-X

WALL, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this ordinance.

WASTE DISPOSAL VEHICLES. Self-propelled and trailer devices used for the collection, transport and hauling of solid waste, garbage, recyclable material, or rubbish from households, public places and businesses to a disposal or recycling area.

WASTE RECEPTACLE. A container, such as a dumpster, used for the temporary storage of rubbish or recycling materials, pending collection and having a capacity of at least one cubic yard.

WATER, FRONTAGE. The land adjacent to and abutting the mean high water mark of all rivers, streams and inland lakes.

WATERFRONT LOT – FRONT. The single parcel of property which lies between the building line of a dwelling unit and the mean high water mark of the Au Gres River.

WATERFRONT LOT – REAR. The portion of a single parcel of property which lies between the lot line farthest from the water's edge and the building line of a dwelling unit farthest from the mean high water mark of the Au Gres River.
WETLANDS. Swamps or marshes (natural or man-made) with seasonal water present, especially as areas preserved for wildlife.

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

A. Attached Wireless Communication Facilities: Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

B. Wireless Communication Support Structures: Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

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

SECTION 213. DEFINITIONS Y-Z

YARDS. The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

a. Front Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. A lot between a public road and a body of water shall have the front yard defined as between the

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body of water and the main building. The front yard setback shall be measured from the top of the bank or the high water line.

b. Rear Yard. An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage. A lot between a public road and a body of water shall have the rear yard defined as between the public road and the main building.

c. Side Yard. An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building. (See illustration).

ZERO LOT LINE. The location of a building in such a manner that one or more of the building's sides reset directly on a lot line.
ARTICLE 3
ZONING DISTRICTS AND MAP

SECTION 300. DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the City of Au Gres is hereby divided into the following districts:

RESIDENTIAL DISTRICTS
R-1 One Family Residential District
R-2 One and Two Family Residential District
R-3 Multiple Family District
R-4 Manufactured Home Park District

NON RESIDENTIAL DISTRICTS
TC Town Center District
C General Commercial District
PT Professional Technical District
I Industrial District
CR Conservation/Recreation District

SECTION 301. ZONING MAP

A. Established. The boundaries of zoning districts are hereby established as shown on the Official Zoning Map, City of Au Gres Zoning Ordinance, with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

B. Adoption of Map. All zoning districts are hereby described by the boundaries established by the Official Zoning Map of the City of Au Gres as adopted December 5, 2006 by the City Council, published and effective January, 2007, this map being a compilation of the geographic designation of all zoning districts, including changes or amendments formally approved by action of the City Council since the December 5, 2006 Zoning Map which was adopted December 5, 2006.

C. Signature. The Official Zoning Map shall be identified by the signature of the City Clerk, under the following words:

"This is to certify that this is the Official Zoning Map of the Zoning Ordinance of the City of Au Gres adopted December 5, 2006. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, those changes shall be made on the Official Zoning Map after the amendment has been approved by the City Council"
together with an entry on the Official Zoning Map as follows: On (date), by
official action of the City Council, the following change(s) were made: (brief
description with reference number to Council proceedings)."

D. **Official Copy.** One (1) copy of the Official Zoning Map is to be maintained and
kept up-to-date by the City Clerk's Office, accessible to the public, and shall be
final authority as to the current zoning status of lands, buildings, and other
structures in the City.

**SECTION 302. DISTRICT BOUNDARIES**

The boundaries of the districts are hereby established as shown on the Zoning Map, City
of Au Gres Zoning Ordinance, which accompanies this Ordinance, and which map with
all notations, references, and other information shown shall be as much a part of this
Ordinance as if fully described herein.

**SECTION 303. DISTRICT BOUNDARIES INTERPRETED**

Where uncertainty exists with respect to the boundaries of the various districts as shown
on the Zoning Map, the following rules shall apply:

a. Boundaries indicated as approximately following the centerlines of streets, highways,
or alleys, shall be construed to following such center lines.

b. Boundaries indicated as approximately following platted lot lines shall be construed
as following such lot lines.

c. Boundaries indicated as approximately following city limits shall be construed as
following city limits.

d. Boundaries indicated as following shore lines shall be construed to follow such shore
lines, and in the event of change in the shore line shall be construed as moving with
the actual shore line; boundaries indicated as approximately following the centerline
of streams, rivers, canals, lakes or other bodies of water shall be construed to follow
such centerlines.

e. Boundaries indicated as parallel to or extensions of features indicated in subsections
a. through d. above shall be so construed. Distances not specifically indicated on the
official Zoning Map shall be determined by the scale on the map.

f. Where physical or natural features existing on the ground are at variance with those
shown on the official Zoning Map, or in other circumstances not covered by
subsections a. through e. above, the Board of Appeals shall interpret the district
boundaries.
SECTION 304.  ZONING OF ANNEXED AREAS

Wherever any area is annexed to the City of Au Gres one of the following conditions will apply:

a. Land that is zoned pervious to annexation shall be classified as being in whichever district of this Ordinance most clearly conforms with the zoning that exists prior to annexations, such classification to be recommended by the Planning Commission to the City Council and the Council shall approve same by resolution.

b. Land not zoned prior to annexation shall be automatically classified as R-1 District until a Zoning Map for said area has been adopted by the City Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the City Council.

SECTION 305.  ZONING OF VACATED AREAS

Whenever any street alley or other public way, within the City of Au Gres shall be vacated such street, alley or other public way or portion thereof, shall automatically be classified in the same Zoning District as the property to which it attaches, measured from the center line.
ARTICLE 4

R-1 ONE FAMILY RESIDENTIAL DISTRICT

SECTION 400. INTENT

The R-1 One Family Residential District is designed to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district.

SECTION 401. PRINCIPAL USES PERMITTED

In the R-1 One Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

a. Cemeteries.

b. Home occupations, subject to the regulations in Section 1941.

c. One-Family dwellings.

d. Public, private, charter and parochial elementary schools offering courses in general education, and not operated for profit.

e. Publicly owned parks and parkways.

f. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

SECTION 402. USES ALLOWED BY SPECIAL PERMIT

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission in accordance with the standards for Special Use Permits listed in ARTICLE 22 SPECIAL LAND USES:

a. Planned Unit Developments in accordance with the provisions of ARTICLE 17 PLANNED UNIT DEVELOPMENT.

b. Adult and child residential care facilities in accordance with Section 1933 Adult and Foster Care Facilities.

c. Bed and Breakfast Operations.
d. Churches and other facilities normally incidental thereto subject to the following conditions:

1. Building of greater than the maximum height allowed in ARTICLE 16 SCHEDULE OF REGULATIONS may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
2. The site shall be so located as to have at least one (1) property line abutting a major road as defined in, Section 201. All access to the site shall be directly onto said major road.
3. Minimum lot width shall be eighty (80) feet.
4. Minimum lot area shall be twelve thousand (12,000) square feet.
5. Off-street parking shall be prohibited within the front yard setback and within twenty (20) feet of the rear or side property lines. Parking areas shall be screened from lot lines by either a four (4) foot fence or landscaping which will provide an opaque screen at least four (4) feet high.

e. Essential services buildings and uses (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity. All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located.

f. Golf courses, which may or may not be operated for profit subject to the following conditions:

1. The site shall be so planned as to provide all access directly onto or from a major road.
2. The site plan shall be laid out to achieve a relationship between the major road and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
3. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands and shall have a front yard setback of at least ninety (90) feet.
4. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.

g. Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit subject to the following conditions.
1. The proposed site shall have direct access only to a major road.

2. No building or stands for a sports event shall be located closer than eighty (80) feet to any property line.

h. Publicly owned libraries, recreational facilities and outdoor recreation including play and sporting areas, field trails for nature study, hiking and horseback riding, swimming, boating, and fishing where otherwise legally permitted and regulated.

SECTION 403. AREA AND BULK REQUIREMENTS

See Article 16 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.
ARTICLE 5

R-2 ONE AND TWO FAMILY RESIDENTIAL DISTRICT

SECTION 500. INTENT

The R-2 One and Two Family Residential District is designed to provide for development on those lots within the City that were originally platted with smaller dimensions. It provides for one-family detached and two-family dwellings along with other residentially related facilities which serve the residents in the district.

SECTION 501. PRINCIPAL USES PERMITTED

In the R-2 One and Two Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

a. Home occupations, subject to the regulations in Section 1941.

b. One-Family dwellings.

c. One-Family detached manufactured dwellings, outside a manufactured home park.

d. Publicly owned parks, parkways, and recreational facilities.

e. Two-family dwellings (duplexes).

f. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

SECTION 502. USES ALLOWED BY SPECIAL PERMIT

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, in accordance with the standards for Special Use Permits listed in ARTICLE 22 SPECIAL LAND USES:

a. Planned Unit Developments in accordance with the provisions of ARTICLE 17 PLANNED UNIT DEVELOPMENT.

b. Adult and child residential care facilities in accordance with Section 1933 Adult and Foster Care Facilities.

a. Bait shops.
b. Bed and Breakfast Operations.

 c. Churches and other facilities normally incidental thereto subject to the following conditions:

 1. Building of greater than the maximum height allowed in ARTICLE 16 SCHEDULE OF REGULATIONS may be allowed provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 2. The site shall be so located as to have at least one (1) property line abutting a major road. All access to the site shall be directly onto said major road.
 3. Minimum lot width shall be eighty (80) feet.
 4. Minimum lot area shall be twelve thousand (12,000) square feet.
 5. Off-street parking shall be prohibited within the front yard setback and within twenty (20) feet of the rear or side property lines. Parking areas shall be screened from lot lines by either a four (4) foot fence or landscaping which will provide an opaque screen at least four (4) feet high.

 d. Essential Services buildings and uses (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity. All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located.

c. Public, parochial and private elementary, intermediate, and or secondary schools offering courses in general education, not operated for profit subject to the following conditions.

 1. The proposed site shall have direct access only to a major road.
 2. No building or stands for a sports event shall be located closer than eighty (80) feet to any property line.

f. Publicly owned libraries, recreational facilities and outdoor recreation including play and sporting areas, field trails for nature study, hiking and horseback riding, swimming, boating, and fishing where otherwise legally permitted and regulated.

SECTION 503. AREA AND BULK REQUIREMENTS

See ARTICLE 16 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.
ARTICLE 6

R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 600. INTENT

The R-3 Multiple Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses. The multiple family district is further provided to serve the limited needs for the apartment and townhouse type of units as well as congregate living facilities in an otherwise low density, single family community.

SECTION 601. PRINCIPAL USES PERMITTED

In a Multiple Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

a. Churches, synagogues and other religious uses, subject to the requirements of Section 402 (d).

b. Multiple-family dwellings.

c. One-Family dwellings.

d. Publicly owned parks, parkways, and recreational facilities.

e. Two-family dwellings.

f. Home occupations, subject to the regulations in Section 1941.

g. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

SECTION 602. USES ALLOWED BY SPECIAL PERMIT

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, in accordance with the standards for Special Use Permits listed in ARTICLE 22 SPECIAL LAND USES:

a. Adult and child residential care facilities in accordance with Section 1938 Adult and Foster Care Facilities.

a. Convalescent homes, nursing homes and orphanages when the following conditions
are met:

1. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one (1) bed in the home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The fifteen hundred (1,500) square feet requirement is over and above the building coverage area.

2. No building shall be closer than forty (40) feet from any property line.

b. Essential Services buildings and uses (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity. All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located, and are not naturally larger than other buildings in such areas.

c. General hospitals, with no maximum height restrictions, when the following conditions are met:

1. All such hospitals shall be developed only on a site consisting of at least ten (10) acres in area.

2. The proposed site shall have at least one property line abutting a major road. All access to the off-street parking area for guests, employees, staff, as well as any other users of the facilities, shall be directly from a major road.

3. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least, one hundred (100) feet for all two (2) story structures. For every story above two (2) the minimum yard distance shall be increased by at least twenty (20) feet.

d. Housing for the elderly, when the following conditions are met:

1. All housing for the elderly shall be provided as a planned development consisting of at least five (5) acres and may provide for the following:
   (a) Cottage type dwellings and/or apartment type dwelling units.
   (b) Common services containing, but not limited to: central dining rooms, recreational rooms, central lounge, and workshops.

2. All dwellings shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).

3. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site exclusive of any dedicated public right-of-way.

e. Marinas subject to the following conditions:

1. Maintenance or repair will be allowed in the boat owner slip or a designated repair area, or in an enclosed building on the premises. Repair will not be
allowed to present a nuisance or be offensive to others, either by sight or sound.
2. No boat storage, storage of gear or equipment, nor boat parts, shall be allowed other than within an enclosed building upon the premises or allowable dock storage containers.
3. There will be no discharge or depositing of garbage, oil, fuel, refuse material, sewage or waste material of any kind into the Au Gres River or adjoining waterways.
4. Cooking on wooden decks, docks, or similar structures shall be prohibited.
5. No deck, dock, or similar structure shall be less than three feet (3) wide, nor exceed a length of one hundred feet (100).

f. Public, parochial and private elementary, intermediate, and/or secondary schools offering courses in general education, not operated for profit subject to the following conditions.

1. The proposed site shall have direct access only to a major road.
2. No building or stands for a sports event shall be located closer than eighty (80) feet to any property line.

SECTION 603. AREA AND BULK REQUIREMENTS

See ARTICLE 16 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.
ARTICLE 7

R-4 MANUFACTURED HOME PARK

SECTION 700. INTENT

The R-4 Manufactured Home Park district is intended to provide areas of such size and location as will encourage good mobile home residential developments served by necessary community services, and otherwise capable of protecting the health, safety and welfare of the residents.

SECTION 701. PRINCIPAL USES PERMITTED

In the R-4 Manufactured Home Park District, no building or part thereof shall be erected, used or structurally altered, nor land or premises used in whole or in part, except for one or more of the following permitted uses or structures:

a. Churches, temples and other places of worship.

b. Condominium developments.

c. Essential Services, but not including outdoor storage areas.

d. Mobile homes and manufactured dwellings located in a manufactured home park.

e. Manufactured home subdivisions.

f. Municipal buildings and uses not requiring outdoor storage of material and vehicles.

g. Private and public schools, K-12.

h. Publicly owned and operated parks, parkways and recreational facilities.

i. Temporary buildings.

j. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

k. Other uses similar to the above.
SECTION 702. DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS – MOBILE HOMES AND MANUFACTURED HOUSING LOCATED IN A MANUFACTURED HOME PARK

A manufactured home park shall comply with the requirements of Public Act 96 of the Michigan Public Acts of 1987 (MCLA 125.2301 to 125.2350 inclusive), as amended and all other provisions of this Section. In order to ensure an adequate local review of a manufactured home park in compliance with Section 11(2) of PA 96 of 1987 (MCLA 125.2311), the rules of the State Manufactured Housing Commission as set forth and provided for under Section 4(1)(a) of PA 96 of 1987 as amended and the requirements of this Section.

a. Park Area. The minimum manufactured home park area shall be fifteen (15) acres, excluding adjacent parcels which may be proposed for expansion.

b. Lot Area. Each manufactured home lot, exclusive of streets, shall have a minimum area of five thousand five hundred (5,500) square feet. This may be reduced by up to twenty (20%) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet and for each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.

c. Number of Homes. No more than one (1) manufactured home shall be parked on any one (1) lot.

d. Setbacks and Spacing. Each manufactured home site shall have the following minimum yard requirements:

1. Home not Sited Parallel to an Internal Road. Twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year.

2. Home Sited Parallel to an Internal Road. Fifteen (15) feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year if the adjacent home is sited next to a home on and parallel to the same internal road or an intersecting internal road.

e. Periphery Setback. Manufactured homes shall be set back at least fifty (50) feet from any public street right-of-way line and ten (10) feet from any other exterior property line.

f. Manufactured Unit. All manufactured homes shall be in compliance with the construction standards promulgated by the United States department of housing and urban development, 24 C.F.R. part 1700 et seq. and parts 3280 and 3282, under the

g. Height. The maximum height of any community or similar building shall not exceed thirty-five (35) feet, or two (2) stories in height, whichever is less. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.

h. Concrete Slab, Skirting, and Anchoring. Each home shall be installed in compliance with the standards established in R125.1602, Rule 602 of the Manufactured Housing Commission’s General Rules. All areas between the manufactured home and ground shall be enclosed by a skirt, providing said skirting is constructed or installed and is fire resistant and in conformity with the requirements under R125.1604, Rule 604 of the Manufactured Housing Commission’s General Rules. A home anchoring system shall be provided that is designed and constructed in compliance with the United States Department of Housing and Urban Development standards entitled " Manufactured Home Construction and Safety Standards" and be installed in compliance with its manufacturer’s specifications.

i. Occupancy. No manufactured home shall be occupied without first being connected to a permanent sanitary system and water source, and in accordance with Part 2 of the MDEQ Manufactured Home Park Standards.

j. Access and Circulation

1. Interior Street Widths. Minimum street widths within the manufactured home park shall be accordance with the following table.

<table>
<thead>
<tr>
<th>Schedule of Manufactured Home Park Streets</th>
<th>Minimum Street Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>21 feet</td>
</tr>
<tr>
<td>No on-street parking</td>
<td>31 feet</td>
</tr>
<tr>
<td>Parallel parking one side</td>
<td>41 feet</td>
</tr>
</tbody>
</table>

2. Street Construction

(a) All streets within the manufactured home park shall be of concrete or bituminous aggregate meeting AASHTO street construction specifications, and may be provided with concrete curbing.

(b) A street in a mobile home park or seasonal mobile home park shall be sloped at a minimum grade of 0.4% to an approved storm water catch basin or other approved outlet.

(c) Dead end internal roads shall be required to end in a fifty (50) foot turning radius. Parking is not allowed within the turning area and a "No Parking" sign shall be posted.
(d) Maximum dead end internal road length shall be one thousand (1,000) feet.
(e) Stop signs shall be located at ingress and egress and all intersections of interior streets.
(f) The location of speed limit signs will be so located to promote safety for all occupants and visitors to the park.

3. Access. The manufactured home park shall provide for egress and ingress off of a public road. Access drives shall provide for two-way traffic and be a minimum of thirty-three (33) feet in width.

4. Signage. All road signs (name and traffic control) shall be installed and maintained by the community in accordance with the Michigan Manual of Uniform Traffic Control Devices.

5. Sidewalks. Concrete walkways are to be at least three (3) feet wide. If a developer provides sidewalks, the sidewalks are to be designed, constructed, and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to public sidewalks outside the community. Individual sidewalks shall be constructed between at least one (1) entrance or patio, porch, or deck if provided, and the parking spaces on the home site or parking bay, whichever is provided, or common sidewalk, if provided.

k. Parking

1. Unit Parking. Each site shall provide off street and/or on-street parking that will accommodate a minimum of two (2) vehicles.
2. Visitor Parking. Parking for visitors shall be provided at a ratio of one (1) space per three (3) unit lots.

l. Landscaping. A typical landscape plan shall be incorporated in the plans submitted for preliminary site plan review to the Planning Commission. The typical plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured housing community. Manufactured housing communities shall be landscaped and screened as follows:

1. All areas of circulation, common parking lots, recreation facilities, open space areas, buildings for service and areas of storage shall be completely and permanently landscaped and maintained in good condition.
2. One (1) deciduous canopy tree shall be provided for every two (2) lots.
3. If a manufactured home park abuts an existing development, the development shall be required to provide screening along the boundary abutting the existing development.
4. The required screening shall consist of evergreen trees or shrubs at least three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home park as effectively as the required landscaping described in subsection (c) above.
5. Manufactured homes and accessory buildings and structures shall be setback a minimum of 50 feet from any public street, and the setback shall be properly
landscaped with grass area and/or trees and maintained by the owner and operator of the manufactured home park.

6. Dead, damaged, or diseased landscaping shall be replaced, within one (1) year, so as to maintain the approved screening originally approved.

m. Waste Receptacles. A location for the storage and removal of daily waste shall be established and maintained by the park, unless curb side pick-up is provided, at a location approved by the Planning Commission and the MDEQ. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents.

n. Utilities

1. General Rules. The sanitary sewer and water system of the manufactured home park shall comply with MDEQ requirements.
2. All utilities, including telephone, cable, and electric, shall be placed underground throughout the park in accordance with R125.1932 to R125.1940 of the Manufactured Housing Commission’s easement granted to the provider.

o. Fire Protection. The manufactured home park shall provide on-site water sources for fire protection. The park management shall notify each resident, upon occupancy, of all of the following:

1. The home site shall be kept free of fire hazards, including combustible materials under the home.
2. That vehicular parking is prohibited within fifteen (15) feet of a fire hydrant.
3. Each home site shall be numbered and clearly marked for positive identification. Each number shall be easily readable from the road servicing the home site.
4. Each home is to be provided with at least one (1) fire extinguisher approved by the National Fire Protection Association and one (1) smoke detector approved by the State Construction Code Authority.

p. Accessory Buildings and Uses

1. Accessory Buildings. Site-built buildings within a manufactured home park shall be approved and built in compliance with the Michigan Residential Code and shall require applicable permits. Any addition to a manufactured home that does not comply with the standards of the U. S Department of Housing and Urban Development for manufactured homes shall comply with the State Building Code. Storage sheds, carports and garages shall comply with the State Building Code.

2. Storage. If the owner of the manufactured home park permits storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured home park, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents and management of the manufactured home park. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured home park. A storage area shall be screened from view from existing residences adjacent to the manufactured home park.
SECTION 703. DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS – ALL OTHER USES

Other uses, not including manufactured home parks and manufactured home subdivisions, are subject to Article 19 General Provisions.

SECTION 704. MANUFACTURED HOME INSTALLATION

Installation of manufactured homes upon each manufactured home site shall be accomplished in accordance with Part 6 of the Manufactured Home Commission rules. All manufactured homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Home Commission rules.

SECTION 705. SITE PLAN APPROVAL

a. In accordance with Part 9 of the Manufactured Home Commission rules and Article 21 Site Plan Review of this Ordinance, a preliminary plan shall be submitted to the City of Au Gres Planning Commission for approval and the Planning Commission shall render its response within sixty (60) days.

b. The Planning Commission shall defer to the City Manager for engineering approval and fire department approval with respect to those aspects of the plan which require staff approval pursuant to this Ordinance or in accordance with the Manufactured Home Commission rules.

c. All plans submitted shall conform to the rules of the Manufactured Home Commission and to this Ordinance.

d. Construction of manufactured home parks shall not commence until the Manufactured Home Commission has reviewed the owner's or developer's construction plans and issued its permit for construction.

SECTION 706. COMPLIANCE

A manufactured home park owner or developer shall comply with this Ordinance and with the rules of the Manufactured Home Commission. If the Manufactured Home Commission should in the future impose a higher or more restrictive standard, then the Manufactured Home Commission's standard shall take precedence.

SECTION 707. PROHIBITED USES

Within the R-4 District, no building structure or premises shall be used or erected which building structure or premises is intended or designed to be used in whole or in part for any use not permitted by Section 701 Principal Uses Permitted.
ARTICLE 8
RESERVED
ARTICLE 9
TC TOWN CENTER DISTRICT

SECTION 900. INTENT

The Town Center District is intended to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian-oriented, unified setting with shared parking and public amenities. The Town Center District permits a variety of commercial, administrative, financial, civic, cultural, residential, entertainment and recreational activities in an effort to provide a harmonious mix of activities. This district does not benefit from uses which tend to detract from or interfere with pedestrian shopping activity including automobile sales facilities, auto service centers, drive-through uses, and other automobile-centered uses of a like nature. This district is characterized by multiple story buildings, and many persons entering the district will come by automobile and typically will park once to carry out several errands.

SECTION 901. PRINCIPAL USES PERMITTED

The following uses of buildings and premises, individually or in combination, shall be permitted in the TC Town Center District:

a. Business or instructional schools, such as accounting, typing, clerical, music, voice, or dance schools.

b. Dry cleaners and laundries where the dry-cleaning establishments occupies a total floor area not to exceed two thousand (2,000) sq. ft. and using not more than two (2) clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-explosive and nonflammable.

c. Fraternal Clubs and Lodges.

d. Funeral parlors and mortuaries.

e. Mixed use establishments, i.e., commercial and residential uses combined in one structure.

f. Multi-family dwellings.

g. Office use or establishment, including but not limited to, general and professional offices, medical and dental offices, banks and financial institutions, automatic teller machines, real estate offices, travel agencies, and offices of civic organization or associations.

h. Personal service establishment such as barber and beauty shops, shoe repair shops,
millinery shops, tailor and pressing shops, photographers, and service establishments of a like nature.

i. Public and semi-public uses including government and public utility offices, libraries, churches, museums, art galleries, and post offices or postal substations.

j. Restaurant, Carry-Out.

k. Delicatessen.

l. Restaurant, Fast-Food.

m. Restaurant, Open Front Window.

n. Restaurant, Standard.

o. Bar/Lounge/Tavern.

p. Retail sales, excluding drive-throughs and drive-ins, such as grocery store or supermarket; drug store; bakery; clothing or shoe store; hardware store; gift shop; florists, dry goods, book store; music; radio and TV sales, with a maximum gross floor area of fifteen thousand (15,000) square feet.

q. Theaters, public assembly halls, concert halls, meeting rooms and clubs.

r. The following Accessory Uses in addition to uses customarily incidental to the main use of the building or lot are permitted, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

1. Automatic teller machines which are enclosed within or attached to the principal building.
2. Home occupations, subject to the approval of a home occupation permit as provided in this ordinance.
3. Hotels and motels
4. Public, private, and commercial parking lots.
5. Recreational uses and facilities such as swimming pools, indoor or outdoor court facilities, and weight or training rooms for the use of the patrons or tenants of a hotel or apartment use, provided that, such uses do not exceed twenty percent (20%) of the gross floor area.

SECTION 902. USES ALLOWED BY SPECIAL PERMIT

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, in accordance with the standards for Special Use Permits listed in ARTICLE 22 SPECIAL LAND USES:
a. Adult and child residential care facilities in accordance with Section 1933 Adult and Foster Care Facilities.

b. Essential Services buildings and uses (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity.

c. Outdoor cafes, outdoor eating areas, walk-up service windows and open front restaurants.

d. Recreational uses and facilities which do not serve alcoholic beverages, including but not limited to, video game arcades, billiard or pool parlors, spas, and health clubs.

d. Wireless communication facilities, subject to the requirements of ARTICLE 25 TELECOMMUNICATIONS FACILITIES.

SECTION 903. REQUIRED CONDITIONS

The following conditions are required in the Town Center District.

a. All permitted uses shall be conducted within the confines of a building or within an enclosure which screens any outdoor operations or storage of materials from the view of adjoining streets or properties. This may include high-quality materials for fencing and landscaped screening; chain link fencing is not permitted.

b. All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located.

c. All dwellings, apartments and hotels shall meet the provisions of the R-3 Multiple Family District as provided in Sections 601 Principal Uses Permitted and 602 Uses Allowed by Special Permit.

d. Screening of Dumpsters. For all lots in the Town Center District abutting on one or more sides of a Residential District all areas of trash storage and disposal visible from the Residential District, including dumpsters, must be screened by a six (6) foot screen fence, but in no case less than six (6) inches in height over the top of the trash or dumpster.

SECTION 904. APPEARANCE STANDARDS

The following standards are intended to apply design principles to commercial buildings in the TC Town Center District. These standards are established to emphasize the importance of the design of the building site, including structures, plantings, signs, street hardware and other objects observed by the public. These standards are to be applied to new construction as well as additions or modifications to existing buildings.
which exceed fifty (50) percent of the floor area or fifty (50) percent of the exterior wall surface area of the existing building, whichever is less. Submittal and approval requirements and procedures are identified in ARTICLE 21 SITE PLAN REVIEW.

a. **Factors for Evaluation.** The following factors and characteristics, which affect the appearance of a development, will govern the evaluation of a design submission:

1. Conformance to ordinances and the Appearance Code.
2. Logic of design.
3. Exterior space utilization.
4. Architectural character.
5. Attractiveness
7. Harmony and compatibility.

b. **Relationship of Building to Site**

1. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, and safe pedestrian movement.
2. Without restricting the permissible limits of the TC Zoning District, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
3. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

c. **Relationship of Buildings and Site to Adjoining Area**

1. The proposed building shall be generally compatible with the architectural style of adjoining buildings. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks, and materials.
2. Attractive landscape design transition to adjoining properties shall be provided.
3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

d. **Building Design**

1. While architectural style is not restricted it should reflect the general nautical character of the City, with emphasis upon Traditional or Colonial styles, incorporating nautical themes. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
2. Buildings shall have good scale and be in harmonious conformance with permanent neighborhood development.
3. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings. Pole barns and metal facades shall not be
allowed.
(a) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.
(b) Materials shall be of durable quality.
(c) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
4. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
5. Colors shall be harmonious and shall use only compatible accents.
6. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
7. Exterior lighting may be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
8. Refuse and waste removal areas, service yards, storage yards, and exterior work shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
9. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

c. Signs: Shall meet the requirements of ARTICLE 24 SIGNS in addition to the following:

1. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
2. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
3. The back of the sign shall be mounted flat against the surface of the building. Projecting signs are not allowed.
4. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
5. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
6. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
7. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

f. Miscellaneous Structures and Street Hardware

1. Miscellaneous structures and street hardware shall be designed to be a part of the
architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.

2. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

g. Maintenance - Planning and Design Factors

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

SECTION 905. AREA AND BULK REQUIREMENTS

See Article 16 Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
ARTICLE 10

C  GENERAL BUSINESS DISTRICT

SECTION 1000. INTENT

The C General Business District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Town Center District. Businesses in this district will be oriented toward serving automobile oriented traffic and be located on larger lots that provide adequate space for off-street parking. This district is along US-23 on the west and east sides of the City.

SECTION 1001. PRINCIPAL USES PERMITTED

In the C General Business District no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

a. Archery/pistol ranges (indoors).

b. Arcades.

c. Automobile or recreational vehicle, parts, equipment or farm implement sales, rental and service.

d. Automobile service stations, quick oil change shops.

e. Barbershops.

f. Beauty shops.

g. Bowling alleys.

h. Business, professional or governmental offices.

i. Clubs and lodges (Fraternal)

j. Drug stores/pharmacies.

k. Dry cleaning establishments and self-service laundry.

l. Dry cleaning establishments occupying a total floor area not to exceed two thousand (2,000) square feet using not more than two (2) clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-explosive and non-flammable, and subject to the off-street waiting requirements of
Section 2303 Off-Street Waiting Area for Drive-Through Facilities.

m. Financial institutions, including banks, savings and loan association offices, credit unions and associated drive-thru facilities, and for which off-street parking space is provided on the premises or within two (2) blocks thereof equal to the total area of the main floor of the building upon which it conducts its business with the general public. Provided, that in case of "drive-in" banks, spaces for the parking of five (5) cars may be deducted for each "drive-in" service window.

n. Golf driving ranges.

o. Health salons, exercise/body building facilities.

p. Home improvement stores/building supply stores/lumber yards.

q. Hospitals/convalescent homes

r. Hotels in which parking is provided on the premises or within two blocks thereof for eight (8) cars for each ten (10) bedrooms.

s. Indoor amusement places for which off-street parking space is provided on the premises or within two (2) blocks thereof equal to space for the parking of one (1) automobile for each ten (10) seat of seating capacity or fraction thereof.

t. Mini-storage/self storage facilities.

u. Mortuaries/funeral homes.

v. Motels, motor courts.

w. Movie Theaters.

x. Outdoor commercial water parks, including water slides, swimming pools and other similar outdoor recreation and amusement activities.

y. Plumbing and heating equipment including wood burning stoves.

z. Restaurant, Carry-Out.

aa. Restaurant, Drive-In.

bb. Restaurant, Drive-Through.

cc. Restaurant, Fast-Food.

dd. Restaurant, Open Front Window
ee. Restaurant, Standard.

ff. Bar/Lounge/Tavern.

gg. Supermarket/grocery stores.

hh. Veterinary offices, including retail sales of pet supplies and minor surgery/sterilization of small animals.

ii. Uses similar to the above, as determined by the City Planning Commission.

jj. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

kk. Off-street parking and loading facilities in accordance with the requirements of ARTICLE 23 OFF-STREET PARKING REQUIREMENTS.

ll. Temporary buildings and trailers for use incidental to construction.

SECTION 1002. USES ALLOWED BY SPECIAL PERMIT

a. Boat storage and sales yard (except for properties bordering U.S. 23).


c. Commercial Kennels.

d. Essential services buildings and uses (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity. All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located, and are not naturally larger than other buildings in such areas.

e. Mixed Residential Office/Commercial Uses (not including home-based businesses) provided the following requirements are met:

   1. Landscaping shall be maintained in all required front and side yards, in accordance with plans approved by the Zoning Administrator. A landscape plan showing locations and varieties of plant materials shall be submitted for site plan review. All landscaped areas shall be planted with suitable living plant materials and replaced as necessary. Landscaped areas shall be watered, weeded and generally maintained.

   2. Side and rear yards may not be used for storage.

   3. Off-street parking requirements applicable to the proposed commercial or office use shall be adhered to.
4. Applicable sign restrictions, as provided for in ARTICLE 24 SIGNS shall be adhered to.
5. All refuse containers, including trash and recycling containers, shall be enclosed on at least three (3) sides by a screening device approved by the Zoning Administrator.
6. If the residential and office or commercial uses are located in a single building, the portion occupied for residential use shall adhere to the following requirements:
   (a) The entrance to the residence shall be separate from the entrance to the commercial or office use.
   (b) The minimum floor area requirements for apartment units within the R-3 Multiple Family Residential District shall apply.
   (c) No more than one family may occupy the residence.
   (d) Separate off-street parking for the residence shall be provided for at least two vehicles.

f. Nurseries for Plants and Flowers.

g. Parks/Recreational Facilities.

h. Trailer Sale Yards.

SECTION 1003. AREA BULK REQUIREMENTS

See ARTICLE 16 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
ARTICLE 11

RESERVED
ARTICLE 12

PT PROFESSIONAL TECHNICAL DISTRICT

SECTION 1200. INTENT

The PT Professional Technical District is intended to generate substantial economic development within a park-like setting that preserves the rural character of the City and promotes attractive and cohesive architecture. This district is designed to provide a working environment conducive to research and development, office, and specialized light manufacturing and blends into the surrounding community with minimum impacts.

SECTION 1201. PRINCIPAL USES PERMITTED

In the PT Professional Technical District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

a. Corporate headquarters offices, administrative offices, professional offices, medical offices.

b. Private trade or technical schools or colleges.

c. Processing and/or assembly of engineering, medical, laboratory, scientific, and research instruments and associated equipment.

d. Production of prototypical products as may be necessary for research and development purposes, provided such use occupies not more than fifty percent (50%) of the total floor area of the principal building on the lot.

e. Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities.

f. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

SECTION 1202. USES ALLOWED BY SPECIAL PERMIT

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, in accordance with the standards for Special Use Permits listed in ARTICLE 22 SPECIAL LAND USES:

a. Branches of banks, credit unions, savings and loans, and other similar financial
institutions including drive-up facilities, when incorporated into a building with a principal permitted use, provided it occupies no more than fifty percent (50%) of the gross floor area of the building in which it is located.

b. Commercial telecommunication antennas, but only when permitted and constructed in accordance with *ARTICLE 25 TELECOMMUNICATION FACILITIES*.

c. Facilities for the production, packaging, assembly or treatment of finished or semi-finished products from prefabricated parts or previously prepared materials when conducted wholly within an enclosed building, in accordance with the standards and requirements of *Section 1920 Developments in Floodplains*, if applicable.

d. Utility and public services buildings and uses (without storage yards) when operating requirements necessitate the locating of said buildings within the district in order to serve the immediate vicinity. All buildings shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located, and are not naturally larger than other buildings in such areas.

e. Accessory buildings and structures associated with the above uses.

f. The Planning Commission shall review the special use request for the following factors:

1. Consistency with the special use standards of *Section 2202 Standards for Special Land Use Approval*.
2. Consistency with the overall development plan for the development area.
4. Compatibility of the proposed business with other businesses in the PT District.
5. Compatibility with land uses and activities in surrounding districts.

**SECTION 1203. REQUIRED CONDITIONS**

a. The standards of *Section 904 Appearance Standards* shall be applied.

b. **Landscaping.** To provide a park-like setting, all improved lots shall be landscaped including the provision of canopy-type shade trees or evergreens. All land not covered by buildings, structures, storage areas, parking lots, loading areas, and driveways shall be landscaped and maintained, or left in a natural state. The use of native plant species during landscaping is encouraged. Landscaping shall mean decorative plazas, mounds, pools, or the planting of grass, shrubs, trees, native vegetation and other plant materials or other comparable surface cover. To comply with the above provisions, a landscape plan shall be submitted at the time of site plan review.

c. **Storm Water Retention.** Storm water retention facilities shall meet the following
requirements:

1. All storm water retention facilities shall be designee and constructed in a manner consistent with Federal, State and local regulations and best management practices.
2. Onsite storm water retention facilities shall be provided whenever feasible, based upon site engineering studies.
3. On-site storm water retention facilities shall be improved to create an attractive appearance; use of natural vegetation and natural filtration methods will be encouraged.
4. A storm water retention plan shall be submitted at the time of site plan review.

d. Wetlands. Wetlands, as defined an regulated by Michigan Act P.A. 451 of 1994, Part 303, shall be protected in accordance with all applicable, Federal, State and local regulations. Wetland protection plans shall be submitted at the time of site plan review.

e. Lighting. All lighting shall be arranged and designed to meet the following requirements:

1. All lighting shall be arranged so that the source is not visible from, nor a glare produced upon, any adjoining residential property or public or private street right-of-way.
2. All lighting shall be arranged so that the illumination is directed downward or onto buildings, signs, landscaping, sidewalks, walkways or parking areas.

f. Sidewalk, Bicycle/Pedestrian Path Requirements. Sidewalks and bicycle/pedestrian paths shall be installed in accordance with the following requirements:

1. All public street frontage shall have sidewalks a minimum of five (5) feet in width on both sides of the street
2. Private streets may have bicycle or pedestrian paths a minimum of six (6) feet in width in lieu of sidewalks. The bicycle/pedestrian paths need not be located adjacent to such private streets. Lots not served by sidewalks shall be served by bicycle/pedestrian paths.
3. Sidewalks or bicycle/pedestrian paths shall be constructed simultaneously with streets and shall provide continuous circulation from one lot to another and to sidewalks or bicycle/pedestrian paths on adjacent properties, if existing.

g. Parking and Loading Facilities. Parking and loading facilities shall be provided for as specified in ARTICLE 23 OFF-STREET PARKING REQUIREMENTS. In addition to the requirements of the Article, the following shall be met:

1. Loading facilities and truck storage areas must be screened from abutting residential uses and public street rights-of-way.
2. Accessory off-street parking lots and loading facilities, as well as access
driveways shall be located, designed, and improved so as to provide for safe and convenient access from adjoining streets, as well as safe and convenient circulation within the site.

3. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences, or other appropriate materials to ensure pedestrian safety.

4. Off-street parking lots or loading facilities shall not be located in required front yards, but may be located in required rear yards or in an interior side yard.

5. Off-street parking lots or loading facilities shall not be allowed within a required yard that abuts a residential zoning district.

6. Access driveways shall be designed and located so that such driveways do not provide a direct unlandscaped view from the street to the loading facilities.

7. A plan for tree islands and parking lot landscaping shall be included with the required landscape plan.

8. A truck circulation plan should be required to verify that all turning movements can be met.

h. Cross-Access Interior Drives. Drives that enable vehicles to move from one site to another without entering the frontage street may be allowed as long as the centerline of the access drive is a minimum of fifty (50) feet from the closest paved edge of the frontage street and the interior drive is no wider than twenty (20) feet.

i. Storage Areas. All storage, except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings.

j. Signs. Sign requirements for the PT Professional Technical District shall comply with the applicable requirements of Article 24 Signs.

SECTION 1204. BUILDING COVERAGE AND TOTAL GROUND COVERAGE

a. The building coverage on any zoning lot shall not exceed thirty five percent (35%) and shall be determined by dividing the area of a lot which is occupied by the total horizontal projected surface of all buildings, including covered porches and accessory buildings (but not including roof overhangs or projections) by the gross area of the lot.

b. The total ground coverage on any zoning lot shall not exceed fifty percent (50%). The total ground coverage shall be determined by dividing the area of a lot which is occupied by the buildings and any impervious surface, by the gross area of the lot. Impervious surface shall include any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land as well as graveled driveways and parking areas.
SECTION 1205. AREA AND BULK REQUIREMENTS

See ARTICLE 16 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing a buffer between uses in the PT District and adjacent residential parcels.
ARTICLE 13

1 INDUSTRIAL DISTRICT

SECTION 1300. INTENT

The Industrial District is designed primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The "I" District is so structured as to permit the manufacturing, processing, packaging, assembly, treatment and compounding of semi-finished or finished products from raw materials as well as from previously prepared material. The processing of raw materials, for shipment in bulk form for use in an industrial operation at another location, shall not be permitted.

SECTION 1301. PRINCIPAL USES PERMITTED

In the I Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

a. Any use charged with the principal function of basic research, design, and pilot or experimental products development when conducted within a completely enclosed building.

b. Any uses when the manufacturing, compounding, or processing of products are conducted wholly within a completely enclosed building.

c. Auto repair garages.

d. Commercial kennel.

e. Essential services facilities including buildings, necessary structure and other related uses, but excluding storage yards.

f. Greenhouses.

g. Trade or industrial schools.

h. Accessory buildings and uses customarily incidental to the above permitted uses, subject to the requirements of Sections 1906 Accessory Uses and 1907 Accessory Buildings.

i. Other uses of a similar and no more objectionable character to the above uses.
SECTION 1302. USES ALLOWED BY SPECIAL PERMIT

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, in accordance with the standards for Special Use Permits listed in ARTICLE 22 SPECIAL LAND USES:

a. Adult Regulated Uses and Sexually-Oriented Businesses

1. Purpose and Intent

(a) Adult regulated uses and sexually-oriented businesses are established as a Special Land Use in order to establish areas of the City where the constitutionally protected right of free expression is permitted subject to reasonable conditions to protect the community from adverse effects of such uses.

(b) Because adult regulated uses and sexually-oriented businesses have been documented to produce adverse effects to surrounding properties and the community as a whole, including residential and commercial disinvestment in the vicinity, decreases in property values, and increases in crime, these uses are permitted only at locations where these adverse effects are minimal and will not contribute to deterioration of the surrounding neighborhood.

(c) Because concentrations of two (2) or more adult regulated uses and sexually-oriented businesses in close proximity have been documented to create inordinate increases in crime and decreases in property values in the vicinity, a requirement of separation between adult regulated uses and sexually-oriented businesses has been established.

(d) Because certain uses are particularly susceptible to the adverse effects created by adult regulated uses and sexually-oriented businesses, provisions are established that require sufficient spacing of adult regulated uses and sexually-oriented businesses from those uses considered most susceptible to adverse effects.

2. Uses Regulated. The following uses are regulated by this subsection.

(a) Adult book store.
(b) Sexual paraphemia store.
(c) Adult model studio.
(d) Adult motion picture arcade.
(e) Adult motion picture theater or adult live stage performing theater.
(f) Adult outdoor motion picture theater.
(g) Adult personal service establishment.
(h) Adult cabaret.
(i) Adult video store.
3. **Required Spacing.** The establishment of the types of adult regulated uses and sexually-oriented businesses listed in "b" above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:

(a) At least five hundred (500) feet from any other adult regulated use or sexually-oriented business.
(b) At least five hundred (500) feet from all churches, convents, temples and similar religious institutions.
(c) At least five hundred (500) feet from all child care centers, public or nonpublic nursery school, elementary, intermediate, or secondary schools, public parks and hospitals.
(d) At least five hundred (500) feet from any use defined as a "care organization".
(e) At least five hundred (500) feet from any one-family or multiple-family residential district or use.
(f) At least five hundred (500) feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks and similar uses frequented by children and teenagers.

4. **Special Site Design Standards**

(a) Maximum size of the building shall be five thousand (5,000) square feet.
(b) Adult regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
(c) A six (6) foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.
(d) All activities shall be conducted within an enclosed building and not visible through windows or doors to adjacent properties or the public right-of-way, including public sidewalks.
(e) No sound shall be produced by the activities conducted within the building that are discernable at or beyond the boundaries of the adult regulated use or sexually-oriented business.
(f) Signage shall conform to the City’s sign ordinance and in addition shall include no graphic displays and shall not include wording that depicts, describes, or relates to "specified sexual activities" or "specified anatomical areas" (as defined in this ordinance) and cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent land use.
(g) No direct vehicular access shall be taken from a street other than an arterial roadway, unless it is determined that the access will not create problems of through traffic and on-street parking for a residential neighborhood.

5. **Conditions of Approval.** Prior to the granting of approval for the establishment of any regulated use, the Planning Commission may impose any conditions or
limitations upon the establishment, location, construction, maintenance, or
operation of the regulated use as in its judgment may be necessary for the
protection of the public interest. Any evidence, bond, or other performance and
guarantee may be required as proof that the conditions stipulated in connection
therewith will be fulfilled.

6. Minors Not Permitted. No person operating an adult entertainment business
shall permit any person under the age of eighteen (18) to be on the premises of
said business.

7. Waivers

(a) Standards. Upon denial of any application for a regulated use under the
above, the applicant may appeal for a waiver of the location provisions above
to the Zoning Board of Appeals consistent with the standards set forth below.
The Zoning Board of Appeals may waive the location provisions set forth
above, after all of the following findings are made:

(1) Compliance with Regulations. The proposed use will not be contrary to
any other provision of these zoning regulations, or injurious to nearby
properties.
(2) Not Enlarge District. The proposed use will not enlarge or encourage the
development of a "skid row" or "strip.
(3) Consistent with Law. All applicable City, State or Federal laws and
regulations will be observed.

(b) Procedure. Prior to granting a waiver of the location restrictions set forth
above, and not less than five (5), nor more than fifteen (15) days before the
request for waivers is considered or a public hearing held pursuant to this
section, the City Council shall publish, in a newspaper of general circulation
in the City, one notice indicating that a request for waivers to establish a
regulated use has been received, and shall send by mail or personal delivery a
copy of that notice to the owners of the property for which waivers are being
considered, and to all waivers are being considered, and to all persons to
whom any real property is assessed within 300 feet of the boundary of the
premises in question, and to the occupants of all structures within 300 feet. If
the name of the occupant is not known, the term "occupant" may be used in
making notification. The notice of application shall further indicate that a
public hearing on the proposed regulated use may be requested by a property
owner or occupant, no less than eighteen (18) years of age, of a structure
located within 300 feet of the boundary of the property being considered for
the regulated use. The applicant, City Council, or Zoning Board of Appeals
may request a public hearing.

b. Essential services buildings and uses when operating requirements necessitate
the locating of said buildings within the district in order to serve the immediate
vicinity. All buildings shall be compatible in appearance and design with the
development of the area and with the zoning classification in which they are located.

c. Heating and electric power generating plants, and all necessary uses provided an
environmental assessment shall be prepared for review by the City Planning
Commission which indicates no risk to the public health, safety or welfare of residents.
There must be provided an eight hundred (800) foot minimum clear zone between the
use and the nearest residential district.

d. Junk yards, provided such are entirely enclosed within a building, or within an
eight (8) foot obscuring wall and provided further that one (1) property line abuts a
major road. There shall be no burning on the site and all industrial processes
involving the use of equipment for cutting, compressing or packaging shall be
conducted within a completely enclosed building. A minimum lot size often (10)
acres shall be provided. All storage areas shall be screened within eight (8) foot
opaque wall or landscaping from road rights-of-way and residential or commercial
zoned properties.

e. Lumber, building material storage yards, and planning mills when completely
enclosed and when located in the interior of the district so that no property line shall
form the exterior boundary of the I District. The open storage of material shall be
set back at least one hundred (100) feet from any public road right-of-way.

f. Metal plating, buffing and polishing, subject to appropriate measures to control
the type of process to prevent noxious results and/or nuisances. Uses shall be
located in the interior of the district so that no property line shall form the exterior
boundary of the I District.

g. Retail uses which have an industrial character in terms of either their
outdoor storage requirements or activities (such as, but not limited to: lumber
yards, building materials outlets, garage sales, upholsterer, cabinet maker;
outdoor boat or house trailer; automobile, or agricultural implement sales). All
outdoor storage shall be located at least one hundred (100) feet from the right-of-way.

h. Mini or self-storage warehouses.

i. Municipal uses such as water treatment plants, sewage treatment plants, and all other
municipal buildings and uses that include outdoor storage.

j. Parks and Recreational Facilities

k. Race tracks (including midget auto karts, horse and snowmobile) shall be
permitted with the following conditions:

1. A minimum lot size of forty (40) acres shall be provided with a minimum of six
hundred sixty (660) feet of frontage on a major road.
2. All sides of the development not abutting a major road shall be provided with a twenty (20) foot greenbelt so as to obscure view of all activities.
3. The track shall not be located closer than two hundred (200) feet to a residential district.

l. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all Residents or Business Districts, and on any yard abutting a public road.

m. Telecommunication Towers and Facilities subject to the requirements of ARTICLE 25 TELECOMMUNICATION FACILITIES.

n. Truck Stops.

o. Warehouse storage and transfer, and freight terminals.

p. Other uses of a similar character to the above uses.

q. Any other use which shall be determined by the Board of Zoning Appeals, after recommendation from the Planning Commission, to be of the same general character as the above permitted uses in Section 1301. The board may impose any required setback and/or performance standards so as to insure public health, safety, and general welfare.

SECTION 1303. REQUIRED CONDITIONS

Any use established in the I District after effective date of this Ordinance shall be operated so as to comply with the performance standards set forth hereinafter in Section 1919 Performance Standards.

SECTION 1304. AREA AND BULK REQUIREMENTS

See ARTICLE 16 SCHEDULE OF REGULATIONS limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.
ARTICLE 14

CR  CONSERVATION/RECREATION DISTRICT

SECTION 1400. INTENT

The Au Gres River is a major physical resource running through the City of Au Gres and the City contains wet soils that are susceptible to high water tables at any time during the year. The river and its floodplain as well as the wet areas are subject to federal and state development restrictions and consequently are limited in their ability to become part of the City's built environment. These areas are valuable resources that should be retained and utilized to help define the open space (and recreation) fabric of the City as well as act as a means of functional drainage of the land.

The Conservation/Recreation District is intended to preserve the natural resources and unbuildable wet areas of the City of Au Gres. In so doing, it is also intended to utilize these resources for the visual and recreational enjoyment of the City's residents by providing "pockets" of open space and preventing ecological and aesthetic damage that may result from unwise and disorderly development. The District is intended to provide for minimal development in these areas in order to prevent physical harm, impairment and/or destruction to the natural environment and to prevent potential damage to buildings. The regulations that apply within the CR District are designed to reserve such areas for the purposes outline in this section and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the undeveloped character of this District.

SECTION 1401. PRINCIPLE USES PERMITTED

In the CR Conservation/Recreation district, no building or land shall be used and no building shall be erected, unless otherwise provided in this ordinance, except for one or more of the following specified uses:

a. General farming including, but not limited to, the cultivation and harvesting of crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.

b. Nonresident buildings used solely in conjunction with raising water fowl, minnows, and other similar lowland animals, fowl or fish, subject, however, to the minimum lot size, maximum building height, and minimum yard setback requirements for the R-1 Single Family Residential Zoning District.

c. Pasture, grazing, forestry, outdoor plant nursery.

d. Publicly owned and/or operated park, open space, recreational facility or use, and the equipment necessary for serving the users of such facilities, including accessory buildings.
e. Walkways/trails following as much as possible the natural topography in which they are located, with the base and surface limited to the use of natural materials and subject to Planning Commission review. Structural improvements shall be limited to retaining walls and similar structures when required to maintain the integrity and safety of the walkway.

f. Wildlife sanctuary, woodland preserves, arborets.

SECTION 1402. USES ALLOWED BY SPECIAL PERMIT

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, in accordance with the standards for Special Use Permits listed in ARTICLE 22 SPECIAL LAND USES:

a. Campgrounds, travel trailer parks when the following conditions are met:
   1. Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park.
   2. No camp sites shall be located within fifty (50) feet of the property line.
   3. Natural features of the site such as water bodies, trees, topography or other natural features shall be protected from possible soil erosion, unnecessary removal of trees, change in topography or other actions which will adversely impact the natural features of the site.
   4. Individual camp sites shall be at least two thousand three hundred (2,300) square feet in size, including half of a roadway.

b. Golf course.

c. Marinas subject to the following conditions:
   1. Maintenance or repair will be allowed in the boat owner slip or a designated repair area, or in an enclosed building on the premises. Repair will not be allowed to present a nuisance or be offensive to others, either by sight or sound.
   2. No boat storage, storage of gear or equipment, nor boat parts, shall be allowed other than within an enclosed building upon the premises or allowable dock storage containers.
   3. There will be no discharge or depositing of garbage, oil, fuel, refuse material, sewage or waste material of any kind into the Au Gres River or adjoining waterways.
   4. Cooking on wooden decks, docks, or similar structures shall be prohibited.
   5. No deck, dock, or similar structure shall be less than three feet (3) wide, nor exceed a length of one hundred feet (100).
d. Ponds when the following conditions are met:

1. No pond may be constructed on a parcel of less than five (5) acres, or within one hundred (100) feet of any public road or within hundred (100) feet of any adjoining property line.
2. Pond side slopes shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, with slopes flattened to seven (7) feet horizontal one (1) foot vertical in all areas below the water surface.
3. The City Planning Commission may require erection of a fence and gates suitable to afford adequate protection to persons and property.

SECTION 1403. PROHIBITED USES

Within the CR District, no structure shall be erected or used which is not permitted in Sections 1401 Principle Uses Permitted and 1402 Uses Allowed by Special Permit.

SECTION 1404. REQUIRED CONDITIONS

The following restrictions and conditions are applicable to the CR District:

a. No land filling and no principal structures shall be permitted in the CR District except in accordance with the Michigan Department of Environmental Quality requirements under Public Act 295 of 1992.

b. The Planning Commission shall receive a copy of the permit application and approval of such application for those improvements that require a permit under Public Act 295 of 1992.

c. The minimum setback required for any use adjacent to the CR District shall be twenty-five (25) feet from the edge of the CR District.

d. For those portions of the CR District adjacent to a river or watercourse, to minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, screen man-made structures and preserve aesthetic values of the CR District, a natural vegetation strip shall be maintained. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed to achieve a filtered view of the river from the principal structure and for reasonable private access to the river or watercourse.

e. All applications for physical alterations to properties located in this district, that are not allowed by right under P. A. 295 shall be subject to the site plan review requirements of ARTICLE 21 SITE PLAN REVIEW.
ARTICLE 15

LANDSCAPE STANDARDS

SECTION 1500. PURPOSE

The intent of this Article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscape improvements. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values and the overall character of the City. The standards of this Article are intended to help achieve a number of functional and environmental objectives such as:

a. promoting the implementation of the City Master Plan and sub area studies;

b. defining and articulating outdoor spaces and architectural elements;

c. obscuring, integrating and complementing various site elements;

d. assisting in directing safe and efficient movement of vehicular and pedestrian circulation;

e. screening headlights to reduce glare and incidental pollution;

f. reducing the physical impact between adjacent land uses;

g. provide landscape treatments that are consistent with adjacent sites and parcels within the surrounding area;

h. providing incentives to preserve quality existing plant material; and

i. providing reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein.

SECTION 1501. DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

a. Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.
b. **Buffer zone:** A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing singularly or in combination to serve as a visual and noise barrier.

c. **Caliper:** The diameter of a trunk measured as follows:

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

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

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

e. **Diameter breast height (DBH):** The diameter of a tree measured at four (4) feet above the natural grade.

f. **Drip line:** An imaginary vertical line extending from the outermost branches of a tree to the ground.

g. **Greenbelt:** A landscaped area along a street between the curb or road shoulder and the front yard building or parking setback line, this area is also referred to as the front yard parking lot setback area.

h. **Hedgerow:** A row of eight (8) or more trees having a four-inch diameter or greater at a height of four (4) feet; the drip line of the trees defines the land area of the hedgerow.

i. **Landscaping:** The treatment of the ground surface with live plant materials normally grown in Lapeer County such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural or processed materials, such as wood chips, crushed stone, boulders or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping if provided in combination with live plant material. Various landscaping related terms are defined below.

j. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns.
k. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

l. **Parking lot landscaping:** Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

m. **Planting:** A young tree, vine or shrub that would be placed on or in the ground.

n. **Screen or screening:** A wall, wood fencing or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

o. **Shrub:** A self-supporting, deciduous or evergreen woody plant normally branched near the base, bushy, and less than fifteen (15) feet in height.

p. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of at least fifteen (15) feet.

q. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty five (25) feet or less.

**SECTION 1502. LANDSCAPE PLAN SPECIFICATIONS**

a. The requirements set forth in this Article shall apply to all uses, lots, sites, and parcels which are developed, expanded or otherwise modified. A separate detailed landscape plan shall be submitted as part of the preliminary site plan review or tentative preliminary plat review process.

b. The landscape plan shall demonstrate that all requirements of this Article are met and shall be prepared in accordance with the following:

1. illustrate location, spacing species, and size of proposed plant material;
2. separately identify compliance with the minimum numeric requirements for greenbelts, buffer zones, parking lot trees, detention ponds, and interior landscaping; required trees or materials cannot be double counted;
3. if applicable, identify compliance with the numeric requirements for tree replacement and
preservation;

4. provide, where required by the City, typical cross sections to illustrate views from adjacent land uses and the slope, height and width of proposed berms or landscape elements;
5. identify trees and other landscape elements to be preserved;
6. delineate the location of tree protection fence and limits of grading at the perimeter of areas that to be preserved;
7. provide significant construction details to resolve specific conditions such as limits of grading adjacent to areas with trees and vegetative cover to be preserved, tree wells to preserve existing trees or culverts to maintain natural drainage patterns;
8. provide details to ensure proper installation and establishment of proposed plant material;
9. identify grass areas and other methods of ground cover; and
10. identify a landscape maintenance program including statement that all diseased, damaged or dead materials shall be replaced in accordance with standards of this Ordinance.

SECTION 1503. DESIGN STANDARDS

a. Greenbelts. A greenbelt shall be planted or preserved along public right-of-ways and designated frontage roads. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:

1. The width of the greenbelt shall be thirty-five (35) feet in residential districts and equivalent to the minimum required parking lot setback in non-residential districts.
2. Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.
3. Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway to provide visual and physical separation between the vehicular and pedestrian circulation.
4. The greenbelt shall contain a minimum of one (1) canopy tree and six (6) shrubs per thirty (30) linear feet, or fraction thereof, of road frontage including any openings for driveways, pathways or easements. The Planning Commission may approve the substitution of evergreen trees for up to fifty percent (50%) of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses.
5. Ornamental trees may be used to diversify greenbelt planting requirements, provided two (2) ornamental trees shall be provided for each one (1) required canopy tree.
6. Greenbelt plantings shall be arranged to simulate a natural setting such as massing or staggered rows, except where the Planning Commission finds a more formal arrangement would be consistent with the established character of the area.
7. Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate
clearance for pedestrians and vehicles, clearance from overhead over head utility lines, adequate separation from underground utilities and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location of the required materials so as long as the design intent is met.

b. Buffer Zones.

1. A buffer shall be provided between the subject site and all adjacent properties in accordance with the table below. The Planning Commission shall determine whether landscaping, a wall, a berm, or combination of these elements is needed to attain the intended screening. The use of canopy trees and associated understory are encouraged while walls and berms are discouraged.

2. At a minimum, the width of the buffer shall be equal to the required setback. However when a wall or berm are used, a larger buffer width may be required to accommodate both the required plant material and the wall or berm. All walls and berms shall be designed in accordance with the standards contained herein. (Note: exceptions may be granted as outlined below.)

**Type A buffer.** Two (2) canopy trees and four (4) shrubs, or one (1) canopy tree, one (1) evergreen and four (4) shrubs per twenty (20) linear feet along the property line, rounded upward.

**Type B Buffer.** One (1) canopy tree and four (4) shrubs, or one (1) evergreen tree and four (4) shrubs per twenty (20) linear feet along the property line, rounded upward.
### City of An Gres Zoning Ordinance

<table>
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<tr>
<th>Zoning or Use of Adjacent Site</th>
<th>Single Family</th>
<th>Multiple Family</th>
<th>Manufactured Housing</th>
<th>Office</th>
<th>Medical or Municipal Use</th>
<th>TC</th>
<th>Commercial</th>
<th>Industrial</th>
<th>Outdoor Storage Areas in any District</th>
<th>Public Utility Buildings &amp; Structures in any District</th>
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<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type B</td>
<td>none</td>
<td>Type A</td>
<td>Type A</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
</tr>
<tr>
<td>Industrial</td>
<td>Type A</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type B</td>
<td>none</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type B</td>
<td>Type B</td>
</tr>
<tr>
<td>Outdoor Storage Areas in Any District</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type B</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type B</td>
<td>none</td>
<td>Type B</td>
<td>Type B</td>
</tr>
<tr>
<td>Public Utility Buildings &amp; Structures in Any District</td>
<td>Type A</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type B</td>
<td>none</td>
<td>Type B</td>
<td>none</td>
</tr>
<tr>
<td>Parking Lots</td>
<td>Type A</td>
<td>Type A</td>
<td>Type A</td>
<td>Type B</td>
<td>Type B</td>
<td>Type B</td>
<td>Type B</td>
<td>Type B</td>
<td>none</td>
<td>Type B</td>
<td>none</td>
</tr>
</tbody>
</table>
c. **Parking Lot Landscaping.** Parking lot landscaping shall be provided in accordance with the following standards:

1. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
2. At least one (1) canopy tree shall be provided per eight (8) parking spaces provided.
3. All of the required parking lots trees shall be placed within the parking lot envelope as described by the area including the parking lot surface and extending ten (10) feet from the edge of the parking lot.
4. A minimum of one-third (1/3) of the trees shall be placed within the interior of the parking area.
5. Parking lot islands shall be curbed and be at least one hundred (100) square feet in area. Islands within parking lots having less than 100 spaces may be a minimum of ten (10) feet in width. Parking areas with more than 100 spaces shall have islands at least twenty (20) feet in width. The depth of the island shall be two (2) feet shorter than an adjacent parking space.
6. Only shrubs, grass or other living ground cover shall be used to supplement trees within parking lot islands.
7. The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.

d. **Detention/Retention Pond Landscaping.** Ponds shall be located outside required setbacks and designed to provide a natural appearance. Detention and retention ponds shall be provided in accordance with the following standards:

1. Side slopes shall not exceed requirements that require the perimeter of the pond to be fenced.
2. One (1) canopy or evergreen tree and ten (10) shrubs are required per fifty (50) feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
3. Where a natural landscape is found not to be particular or desirable the Planning Commission may require some type of decorative fencing.

e. **Residential and Site Condominium Developments.** Landscaping for single family and multiple family residential developments shall be provided in accordance with the following requirements:

1. Street trees shall be provided at a rate of one (1) tree per forty (40) linear feet of frontage, or thereof, along all interior roads. The Planning Commission may determine that existing trees preserved within ten (10) feet of the road edge may fulfill the street tree requirement for that portion of the road. Trees should generally be planted between the sidewalk and road curb, in consideration of intersection sight distance.
2. The landscape plan shall also include details of the cul-du-sac islands, project entrances, accessory buildings and common open space areas.
f. **Berm Standards.** While berms are not necessarily encouraged, certain situations may be appropriate for provision of a structural screen. In instances where large setbacks are available between uses, the Planning Commission may allow the substitution of a berm with additional landscaping in place of the wall requirement. Berms shall be constructed with horizontal and vertical undulations so as to represent a natural appearance with a crest area at least four (4) feet in width. Berms shall be planted with trees, shrubs or lawn to ensure that it remains stable. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other similar method. The maximum slope of the berm shall not exceed one (1) foot of vertical rise to three (3) feet of horizontal distance.

g. **Plant Material.** All plant material shall be hardy to the City of Au Gres, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Nurserymen.

h. **Minimum Sizes and Spacing.** The minimum plant sizes and spacing shall be provided in accordance with the following:

1. Wherever screening is required, screening shall consist of closely spaced evergreen plantings which can be reasonably expected to form a complete visual barrier. Deciduous plant material may be used for variety to supplement evergreen plantings.

<table>
<thead>
<tr>
<th>PLANT MATERIAL</th>
<th>MINIMUM PLANT SIZES</th>
<th>SPACING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deciduous canopy trees</td>
<td>2½&quot; caliper</td>
<td>25' on-center</td>
</tr>
<tr>
<td>Ornamental trees</td>
<td>2&quot; caliper</td>
<td>15' on-center</td>
</tr>
<tr>
<td></td>
<td>6' height (clump form)</td>
<td></td>
</tr>
<tr>
<td>Evergreen trees</td>
<td>6' height</td>
<td>15' on-center</td>
</tr>
<tr>
<td>Narrow evergreen trees</td>
<td>4' height</td>
<td>12' on-center</td>
</tr>
<tr>
<td>Deciduous shrubs</td>
<td>2' height</td>
<td>4'-6' on-center</td>
</tr>
<tr>
<td>Upright evergreen shrubs</td>
<td>2' height</td>
<td>3'-4' on-center</td>
</tr>
<tr>
<td>Spreading evergreen shrubs</td>
<td>18&quot;-24&quot; spread</td>
<td>6' on-center</td>
</tr>
</tbody>
</table>
City of Au Gres Zoning Ordinance

i) **Mixing of Species.** The overall landscape plan shall not contain more than 33% of any one plant species. The use of native species and mixture of trees from the same species association is strongly encouraged.

j) **Trees Not Permitted.** The following trees are not permitted as they split easily, their wood is brittle, their roots clog drains and sewers, and they are unusually susceptible to disease or insects. The Planning Commission may however allow trees from this list when associated with an appropriate ecosystem. Trees not permitted are as follows: Box Elder, Elms, Tree of Heaven, Willows, Soft Maples (silver), Poplars, Horse Chestnut (nut bearing), Ginkgo (female), Cottonwood, Mulberry, Black Locust, Honey Locust (with thorns).

k) **Planting Beds.** Bark used as mulch shall be maintained at minimum of two (2) inches deep. Planting beds shall be edged with either plastic or metal edging in residential districts and metal edging in all other zoning districts.

l) **Waiver or Modification of Landscaping and Screening Requirements.** During site plan or subdivision plat review, the Planning Commission may determine that existing plant material would provide adequate landscaping or screening or than dimensional conditions unique to the subject parcel would prevent development of required landscape components. If such a determination is made, the Planning Commission may waive or modify the landscape provisions of this Article in consideration of, but not limited to, the following:

1. existing vegetation;
2. topography and grade changes;
3. existing wetlands;
4. type of and distance to adjacent land uses;
5. tree sizes proposed being larger than the minimum requirements;
6. existing development pattern in the central business district; or
7. the future land use designation proposed in the City Master Plan.

m) **Maintenance.** Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within thirty (30) days written notice from the City or within an extended time period as specified in said notice.

n) **Standards for Compliance for Existing Sites.** In any case where the building and/or parking area is being increased by at least twenty-five (25%) percent over the originally approved site plan or is being changed to a more intense use as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than twenty-five (25%) percent over the original site plan, the extent of new landscaping shall be equal to four (4%) percent of compliance for every (1%) percent of increase in building or parking footprint. For example, a building or parking area increase of ten (10%) percent requires forty (40%) percent compliance with the landscape standards.
SECTION 1504. WALL REQUIREMENTS

a. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except otherwise required in subsections d. and e. of this Section).

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-street Parking Area within twenty (20) feet of a property line</td>
<td>4'-6&quot;-high wall.</td>
</tr>
<tr>
<td>TC, C and PT Districts</td>
<td>4'-6&quot; high wall.</td>
</tr>
<tr>
<td>I District</td>
<td>4'-6&quot; to 8' high wall or fence. (Height shall provide the most complete obscuring possible).</td>
</tr>
<tr>
<td>Hospital ambulances and delivery areas</td>
<td>6'-0&quot; high wall.</td>
</tr>
<tr>
<td>Utility Buildings, stations and/or substations</td>
<td>6'-0&quot;, high wall.</td>
</tr>
<tr>
<td>Non-residential use in residential district</td>
<td>6'-0&quot; high wall</td>
</tr>
</tbody>
</table>

b. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts.

c. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance. All walls herein required shall be constructed of visually appealing materials approved by the Building Official, not to include a stamped concrete product, to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be permitted only if weather-treated.

d. The wall requirement may be substituted by the Planning Commission if a twenty (20) foot deep landscaped area is provided that shall consist of closely-spaced evergreen plantings (no farther than fifteen (15) feet apart) that can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year.

e. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4'-6") in height.
SECTION 1505. FENCES

Fences are permitted, or required subject to the following:

a. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, or whichever is greater.

b. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.

c. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of the total area of the fence.

d. Fences are permitted within a front yard or within a side or rear yard abutting a street or vehicular easement, subject to the following conditions:

1. Fence shall not exceed 42 inches in height.
2. Fence and associated structures shall meet the corner clearance standards of this article.
3. Within any single plane, decorative fences shall not obstruct vision, as viewed from perpendicular to the plane of the fence, to an extent greater than 60%, evenly distributed over the total area of the fence.
4. Sections of fence shall not exceed 20 feet in length.
5. Sections of fence shall not be closer than ten (10) feet to each other.
6. The total length of all sections of decorative fence shall not exceed a combined total of 100 feet.

e. Fences in non-residential districts shall be allowed, when located within a side or rear yard, for the purpose of providing a buffer to adjacent uses; walls and fence height requirements in accordance with the following:

1. Walls and fences within the front yard shall be used for decorative or aesthetic purposes and shall not exceed four feet in height. If a taller fence is required as an enclosure, a five (5) foot fence may be approved by the Planning Commission.
2. Chain link fences are not permitted, unless necessitated for safety reasons. If chain link is used, it shall be black or dark green vinyl coated.
3. No fence shall contain barbed wire, electric current or charges of electricity except that barbed wire may be permitted in Industrial Districts and for enclosing public utility facilities or satellite communication facilities which require such fencing for the safety of the public. If used, barbed wire shall be no closer than six (6) feet to the ground.
ARTICLE 16
SCHEDULE OF REGULATIONS

SECTION 1600. DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the Zoning Districts as indicates, including the regulations contained in Section 1601 Footnotes.

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Zoning Lot Size per Unit</th>
<th>Minimum Yard Setback (Per Lot in Feet)</th>
<th>Minimum Floor Area</th>
<th>Maximum % of Lot Area Covered by All Buildings and Impervious Surfaces</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Area in Square Feet</td>
<td>Width in Feet</td>
<td>Maximum Height of Structures in Feet (k)</td>
<td>Front</td>
</tr>
<tr>
<td>R-1</td>
<td>12,000</td>
<td>80</td>
<td>25</td>
<td>30 (a)</td>
</tr>
<tr>
<td>R-2</td>
<td>6,000 (e)</td>
<td>60</td>
<td>25</td>
<td>25 (a)</td>
</tr>
<tr>
<td>R-3</td>
<td>6,000 (e)</td>
<td>100</td>
<td>30</td>
<td>50 (a)</td>
</tr>
<tr>
<td>R-4</td>
<td>(g)</td>
<td>330 (h)</td>
<td>25 (h)</td>
<td>50 (a,h)</td>
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<tr>
<td>TC</td>
<td>5,000</td>
<td>50</td>
<td>30</td>
<td>none</td>
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<tr>
<td>C</td>
<td>7,500</td>
<td>60</td>
<td>30</td>
<td>55</td>
</tr>
<tr>
<td>PT</td>
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<td>L</td>
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<td>55</td>
</tr>
<tr>
<td>CR</td>
<td>10,000</td>
<td>80</td>
<td>25</td>
<td>55</td>
</tr>
</tbody>
</table>

SECTION 1601. FOOTNOTES TO SCHEDULE OF REGULATIONS

a. For all uses permitted other than single-family residential, the setback shall equal the height of the main building.
b. In the case of a rear yard abutting a side yard, (or when a side yard is adjacent to a front yard across a common separating sheet), the side yard abutting a street shall not be less than the minimum front yard setback of the district in which is located.

c. On an existing zoning lot having a width of 60 feet or less in a residential district, the required side yard setback may be reduced to six (6) feet, provided both parcels bordering the existing lot are improved with a permitted dwelling or structure.

d. The minimum floor area per dwelling unit shall not include area of attics, basements, breezeways, porches, or attached garages.

e. Minimum land area required for each dwelling unit in a two unit (duplex) residential building in the R-2 or R-3 Districts and for each apartment and townhouse unit in the R-3 District.

<table>
<thead>
<tr>
<th>Dwelling Unit Size</th>
<th>Land Area in Square Feet per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Apartment Dwellings</td>
</tr>
<tr>
<td>Efficiency or one bedroom unit</td>
<td>3,600</td>
</tr>
<tr>
<td>Two bedroom unit</td>
<td>4,200</td>
</tr>
<tr>
<td>Three bedroom unit</td>
<td>5,400</td>
</tr>
<tr>
<td>Four or more bedroom unit</td>
<td>7,200</td>
</tr>
</tbody>
</table>

1. Floor plans designating the dwelling unit as having one, two, or three bedrooms yet show a “den”, “family room”, “library”, “study”, or other additional room, shall have the additional room counted as a bedroom for land area computation purposes.

2. The area used for computing density shall be the total site areas exclusive of any dedicated public right-of-way or of any body of water, including regulated wetlands and detention basins, on the site.

f. Side and rear yards for each building along a lot line shall be increased beyond the indicated minimum by two (2) feet for each ten (10) feet-or part thereof by which said building exceeds forty (40) feet in overall dimension along the lot line.

\[ 35 + \frac{2(L - 40)}{10} = Y \]

\[ L = \text{Total length of building} \]
\[ Y = \text{Total yard setback} \]

When two (2) or more multiple or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be twenty (20) feet plus two (2) feet for each ten (10) feet, or part thereof, by which the combined length of those portions of the two structures lie opposite each other.

\[ 20 + \frac{2(L_A - L_B)}{10} = D \]
10

LA = Length of Building A that overlaps the length of Building B.
LB = Length of Building B that overlaps the length of Building A.
D = Distance between buildings

g. The minimum lot size for a mobile home park shall be ten (10) acres.

h. Pertains to the required dimensions for the lot width and perimeter setbacks of the entire park.

i. No side yards are required along the interior side lot lines of the District, except as otherwise specified in the State of Michigan Building Code. If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten (10) feet shall be required. Corner lots in the District which border a residential district shall be required to provide a setback of twenty (20) feet on the exterior side lot line. A side yard that shares the side lot line with a lot in a residential district shall require a setback of ten (10) feet in width.

j. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

k. The maximum height does not apply to certain features as set forth in Section 1914 Height Limit.