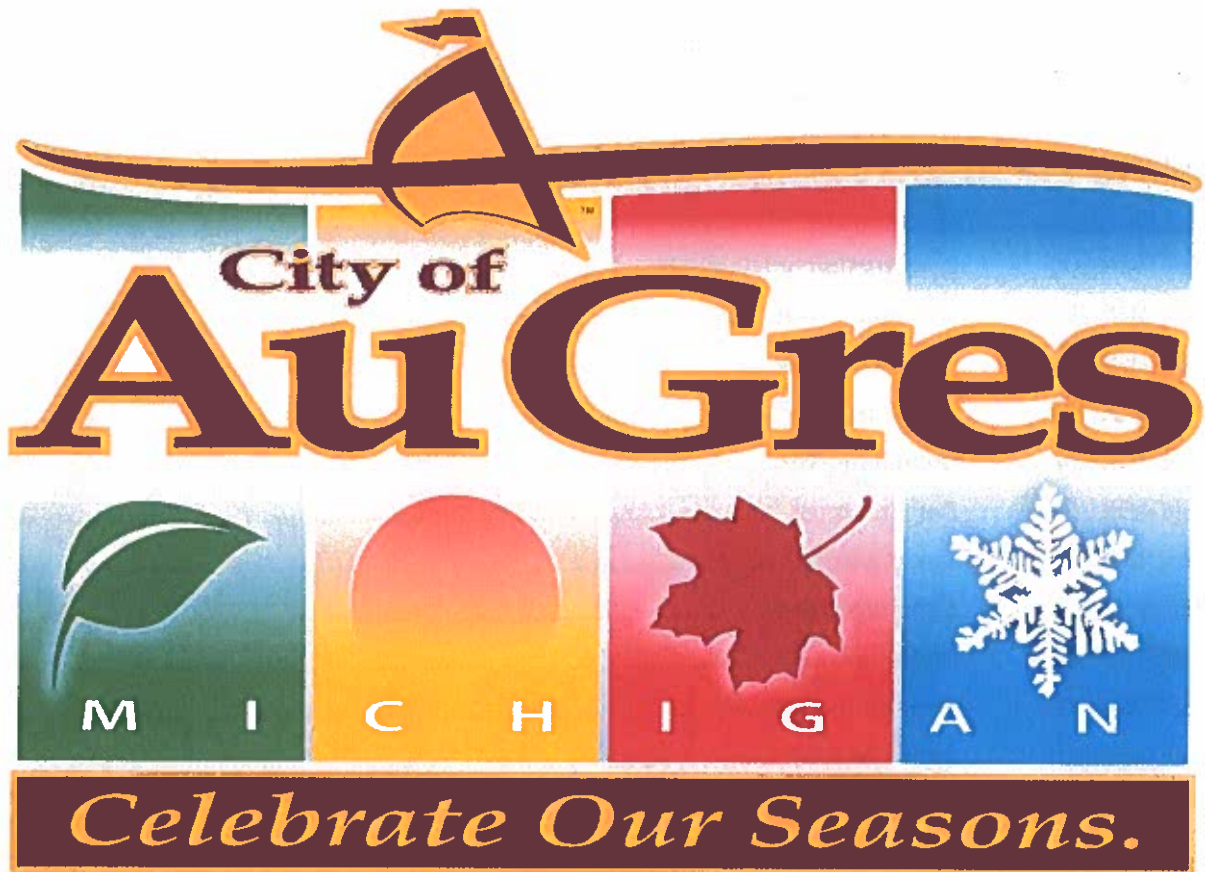


CITY OF AU GRES  
ZONING ORDINANCE



Adopted November 1, 2022

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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, 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, convenience, 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**

As outlined here and in SECTION 1101 of this ordinance, the following apply to projects with approval granted prior to the effective date of this ordinance:

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. However, if a zoning regulation is more stringent or restrictive than another ordinance, the zoning ordinance provisions shall apply unless the issue is preempted by the law or regulation.

City of Au Gres Zoning Ordinance

**SECTION 107. REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance adopted by the City Council of the City of Au Gres on the 5<sup>th</sup> day of December, 2006, 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, 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 \_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_.

- a. Date of Planning Commission Public Hearing: \_\_\_\_\_
- b. Date of Adoption by City Council: \_\_\_\_\_

\_\_\_\_\_  
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 in the most current edition of the unabridged version of Webster's Dictionary.
- 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**

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

**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".

**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.

**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

**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.

**BEDROOM.** A room designed or used in whole or in part for sleeping purposes. 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.

**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.

**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.

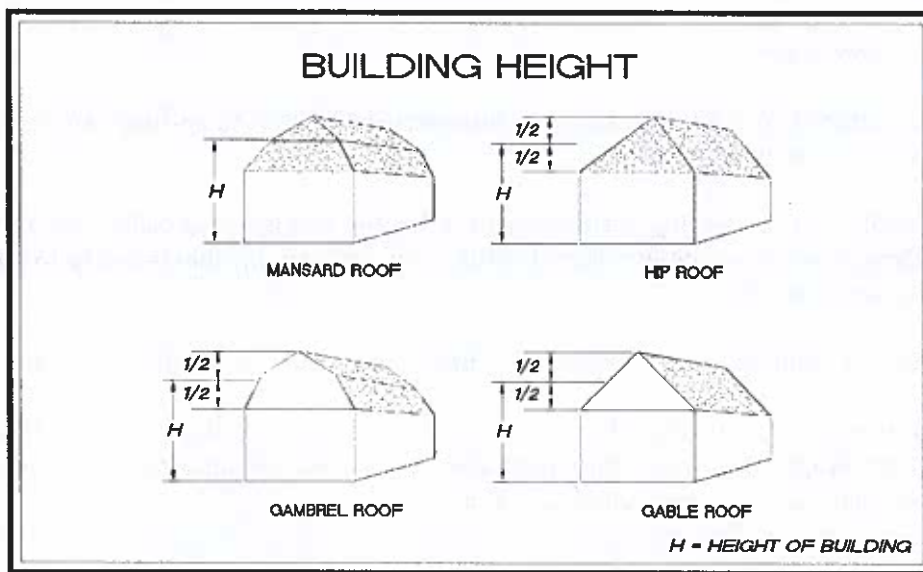
**BUILDABLE AREA.** The space remaining on a lot or lots of record after the minimum setback and open space requirements have been met.

**BUILDING.** Any structure, either temporary or permanent, having a roof supported by columns or rails 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 Figure 2-1.)

Figure 2-1



**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 Figure 2-4.)

**BUILDING PERMIT.** A permit signifying compliance with the provisions of the State Building Code.

**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.

**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.

**CHANGE OF USE.** Any use which differs from the previous use of a building or land, based on its classification in the Table of Uses Section 307 .

**CLEAR VISION.** An area along each street at its intersection with another street, where no visual obstruction of sight may exist as regulated by this ordinance.

**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.

**CONDOMINIUM.** The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure as regulated by the Condominium Act (PA 59 of 1978).

**DECK.** A horizontal structure of a single elevation or varying elevations commonly used as a floor attached or adjacent to the principal 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.

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

#### **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.

**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 metals 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.

**FAMILY, FUNCTIONAL.** A group of no more than six (6) people, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

**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.

**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.

#### **SECTION 204. DEFINITIONS G-H**

**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.

**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.

#### **SECTION 205. DEFINITIONS I-J**

**IMPERVIOUS SURFACE.** Any material which reduces and prevents the absorption of storm water into previously undeveloped land such as asphalt or concrete pavement or building siding or roofing.

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

#### **SECTION 206. DEFINITIONS K-L**

**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 principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with associated yards and open spaces. A lot may or may not be specifically designated as such on public

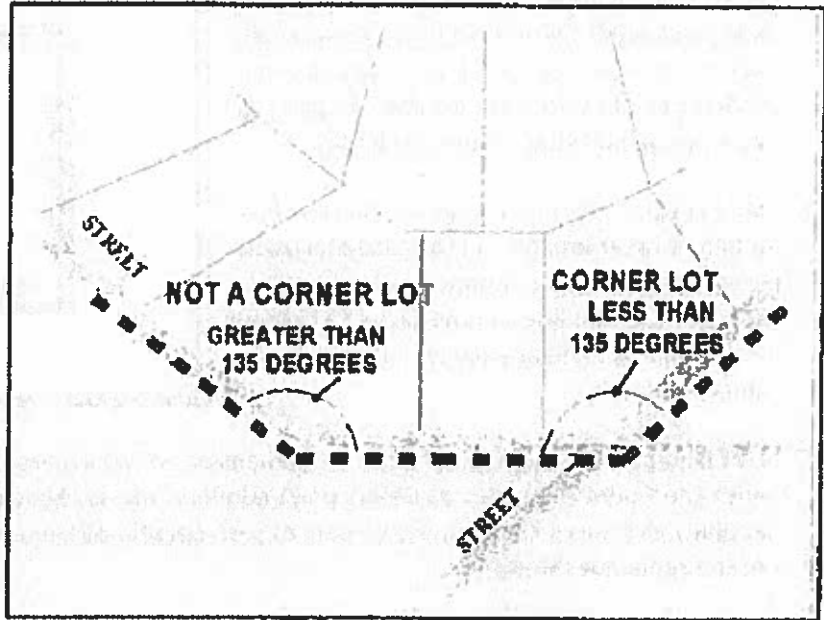


records, and may consist of multiple lots of record or portions of lots of record, provided they are all contiguous.

**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.

Figure 2-2



**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

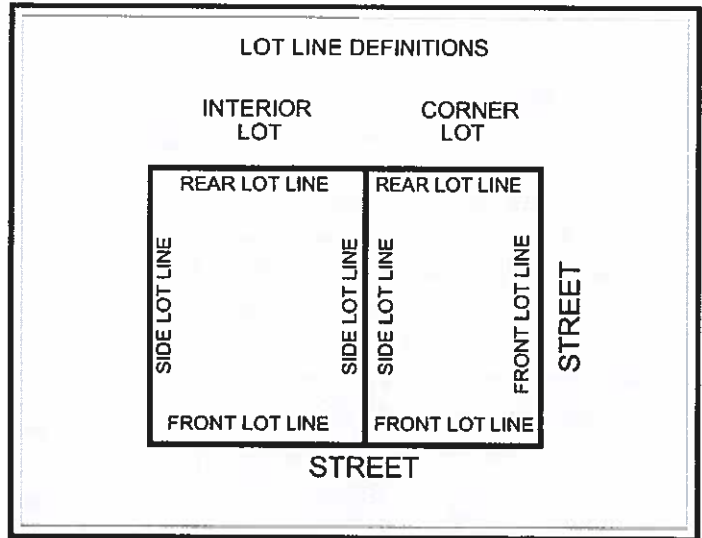
**LOT LINES.** The lines bounding a lot as defined herein.

- 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 through lot, is that line separating said lot from both streets. In the case of a lot with frontage on a river or lake, the front yard is the side adjacent to the river or lake.

Figure 2-3

b. **Rear Lot Line.** The 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. In the case of a corner lot the rear lot line is opposite the shorter of the two front lot lines. In the case of a through lot there is no rear lot line.

c. **Side Lot Line.** Any lot line other than the front lot line or rear lot line. In the case of a corner lot the side lot line is opposite the longer of the two front lot lines. In the case of a through lot the side lot line are any lot lines other than the front lot lines.



d. **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 more or less parallel streets as distinguished from a corner lot. In the case of a row of through 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 the 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.

**SECTION 207. DEFINITIONS M-N**

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

**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.

**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.

**MUNICIPALITY.** The City of Au Gres, Arenac County, Michigan.

**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 due to characteristics of the building such as height, area or setback, but not based on the use of the building.

**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.

#### **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.

**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 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 4ft. 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 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.

**PATIO, PORCH.** An open area that, while it may be roofed and 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.

**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.

**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.

**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.

**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.

**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.

**RINGLEMANN 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.

**SECTION 210. DEFINITIONS S-T**

**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.

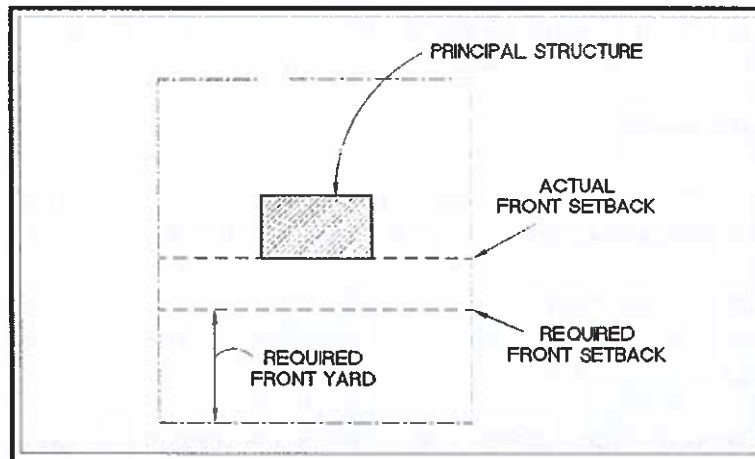
**SEASONAL BUSINESS.** A retail business or service business that is not normally used as a business for more than eight (8) months during any one calendar year.

**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, ACTUAL.** The distance between the principal structure and the property lot lines.

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

Figure 2-4



**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.

**AREA OF SIGN or 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

**AWNING SIGN.** A sign incorporated into or attached to an awning

**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.

**ELECTRONIC/DIGITAL SIGNAGE.** Electronic signs include electronic message boards and changeable message centers, multi-media or computer-controlled variable message signs, and similar devices.

**GROUND SIGN.** A monument sign or a sign suspended or supported by two or more uprights or braces anchored in the ground with no more than 30 inches clearance from the bottom of the sign to the ground below.

**POLE SIGN.** A freestanding sign which is supported by a structure, or poles, or braces. The width of the supporting structures must be less than 25 percent of the width of the sign.

**PROJECTING SIGN.** A sign (other than a wall sign) which projects from and is supported by a building wall, and part of which extends more than twelve (12) inches beyond the building face of ends of the building wall.

**ROOF SIGN.** A sign attached and any portion of which is erected, constructed and maintained above the roof of a building.

**SANDWICH BOARD SIGN.** A movable advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member

**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.

**WALL SIGN.** A sign which is attached directly to the wall of a building, and which extends not more than twelve (12) inches from the wall, including window signs.

**SINGLE OWNERSHIP.** Ownership by one person or by two or more persons of two or more contiguous parcels.

**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).

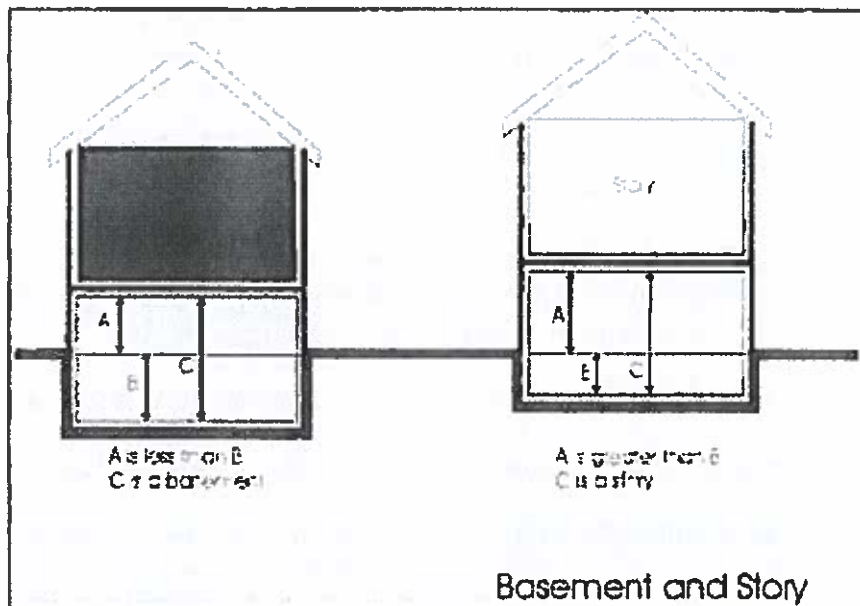
**SITE PLAN.** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot under the terms of 0 of this ordinance.

**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.

**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)



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

**SUBDIVISION.** May mean the division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land, or it may mean the approved division of land under the Land Division Act, the Condominium Act or similar authority as represented in an approve drawing.

**TEMPORARY CERTIFICATE OF OCCUPANCY.** A certificate of occupancy which is issued for a fixed time period to allow occupancy, because seasonal-conditions make it impossible to complete all needed external improvements.

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

**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.

**VARIANCE, NON-USE.** Permission to depart from the literal requirements of this Ordinance relating to setbacks, building height lot width, number of parking spaces, lot area or similar requirements other than 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.

#### **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 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.

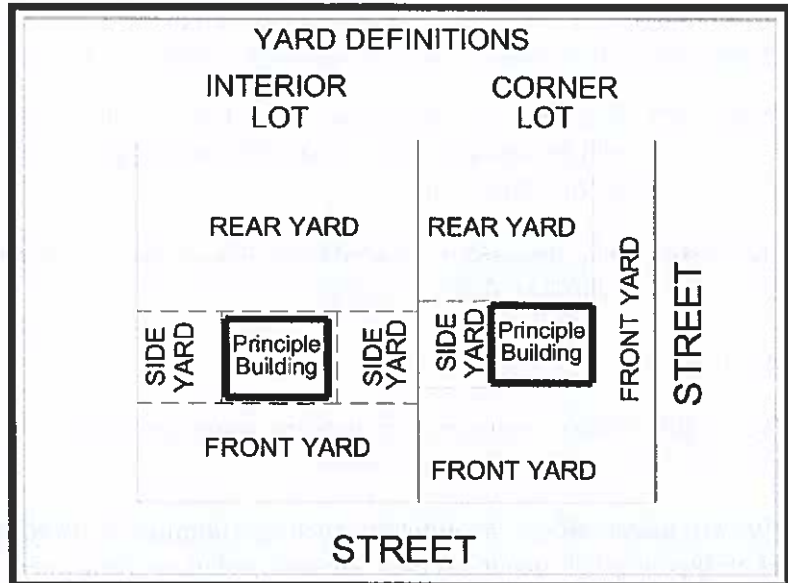
**WETLANDS.** Swamps or marshes (natural or man-made) with seasonal water present, especially as areas preserved for wildlife.

#### **SECTION 213. DEFINITIONS Y-Z**

**YARDS.** The open spaces on the same lot with a principal 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 principal building. . The front yard setback for a lot fronting on a river or lake 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 principal building.



c. **Side Yard.** An open space between a principal 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 principal 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.

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

**ZONING 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.

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
- R-5 Senior Housing District

NON RESIDENTIAL DISTRICTS

- TC Town Center District
- C General Commercial District
- PT Professional Technical District
- I Industrial District
- CR Conservation/Recreation District
- PUD Planned Unit Development 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 November 1, 2022 by the City Council, published and effective November 8, 2022, 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 previous Zoning Map was adopted.
- 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 November 1, 2022. 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 BOUND 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 shorelines shall be construed to follow such shorelines, 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.

**SECTION 306. TABLE OF DISTRICT PURPOSES**

Zoning District	District Purpose Statements
R-1	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.
R-2	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.
R-3	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.
R-4	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.
R-5	The R-3 Multiple Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses intended to provide primarily for the needs of residents 55 years of age and older.
TC	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.
C	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.
PT	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.

City of Au Gres Zoning Ordinance

Zoning District	District Purpose Statements
I	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.
CR	<p>a. 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.</p> <p>b. 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.</p>
PUD	The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon his/her/its initiation, can relate the type, design, and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other land uses in a manner consistent with the preservation of property values and environmentally sensitive areas within the city. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of uses and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which shows difficulty or costly development problems or sites that contain natural features such as wetlands or woodlots that are important for the City to retain in order to protect its character.

SECTION 307. TABLE OF USES

Uses by Category (Key- P= Permitted Use SLU= Special Land Use	R-1	R-2	R-3	R-4	R-5	TC	C	PT	I	C/R	PUD
<b>Agricultural Uses</b>											
General farming										P	P
Nonresident buildings for raising animals										P	P
Pasture, grazing, forestry, outdoor plant nursery										P	P
Wildlife sanctuary, woodland preserves, arboretums										P	P
<b>Residential Uses</b>											
Adult foster care large group home (13-20)			P								P

City of Au Gres Zoning Ordinance

Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	R-1	R-2	R-3	R-4	R-5	TC	C	PT	I	C/R	PUD
Adult foster care small group home (1-6)	P	P	P								P
Adult foster care small group home (7-12)		P	P								P
Adult foster care family home (1-6)	P	P	P								P
Adult foster care congregate facility (21+)			SLU								SLU
Assisted living			SLU		P						P
Attached dwelling		SLU	P								P
Boarding house		SLU									SLU
Bed and breakfast operations	SLU	SLU	SLU								SLU
Family day care home	P	P	P								P
Foster family group home	P	P	P								P
Foster family home	P	P	P								P
Group day care home	SLU	SLU	SLU								SLU
Home occupations	A	A	A	A	A	A					A
Home occupations- Incidental	A	A	A	A	A	A					A
Housing for the elderly			P		P						P
Manufactured home subdivision				SLU							SLU
Mobile home park				P							P
Multiple-family dwellings			P			P					P
One-Family dwellings	P	P	P							P	P
Two family dwellings (duplexes)		P	P								P
<b>Institutional Uses</b>											
Auditoriums or assembly halls		SLU	SLU			P	P	P			P
Cemeteries	SLU										SLU
Churches	SLU	SLU	P	P							P
Convalescent homes, nursing homes			SLU		P						P
Fraternal clubs, lodges, and similar uses.						P	P				P
Heating and electric power generating plants									SLU		SLU
Hospitals			S				P				P
Municipal buildings and uses not requiring outdoor storage of material and vehicles	SLU	SLU	SLU	P		P	P	P	P		P
Municipal uses such as water treatment plants, sewage treatment plants, and all other municipal buildings and uses that include outdoor storage									SLU		SLU
Private and public schools, K-12	SLU	SLU	SLU	P							P
Public and semi-public uses	SLU	SLU	SLU			P	P	P	P		P
Publicly owned recreational facilities	SLU	SLU	SLU								SLU
Utility and public services buildings and uses	SLU	SLU	SLU	SLU		SLU	SLU	SLU	SLU	SLU	SLU
<b>Commercial Uses</b>											
Adult day care facility	SLU	SLU	SLU								SLU

City of Au Gres Zoning Ordinance

Uses by Category (Key- P= Permitted Use SLU= Special Land Use	R-1	R-2	R-3	R-4	R-5	TC	C	PT	I	C/R	PUD
Adult regulated uses and sexually-oriented businesses									SLU		SLU
Automatic Car Wash							SLU				SLU
Automatic teller machines						A	A				A
Automobile car wash (self-service)							SLU				SLU
Automobile or recreational vehicle parts, equipment or farm implement sales, rental, and service							P				P
Automobile service stations; quick oil change shops							P				P
Automobile or vehicle sales area							S				S
Auto repair garages									P		P
Banquet halls						SLU	SLU	SLU			SLU
Bar/lounge/tavern						P	P				P
Bowling alleys							P				P
Business or instructional schools, such as accounting, typing, clerical, music, voice, or dance schools						P					P
Business, professional, or governmental offices							P				P
Business services						P	P	P			P
Campgrounds, travel trailer parks										SLU	SLU
Car wash						SLU	SLU	SLU			SLU
Child care center	SLU	SLU	SLU			SLU	SLU	SLU	SLU	SLU	SLU
Clinic						P	P	P			P
Commercial kennels							S		P		P
Delicatessen						P					P
Dry cleaning establishments							P				P
Financial institutions							P	SLU			P
Furniture, appliance, carpet, and flooring stores						P	P				P
Gasoline service station							SLU	SLU			SLU
Golf driving ranges							P				P
Golf courses	SLU									SLU	SLU
Greenhouses									P		P
Health care service facilities						P	P	P			P
Home improvement stores/building supply stores/lumber yards							P				P
Hospice	SLU					SLU	SLU				SLU
Hotels and motels						P	P				P
Indoor recreation						SLU	SLU				SLU
Laundromat						P	P	P			P
Marinas			SLU							SLU	SLU
Mini storage/self-storage facilities – No outdoor storage							SLU		P		P
Mini storage/self-storage facilities – With outdoor storage							SLU		P		P
Mixed residential office commercial uses						P	SLU				SLU



City of Au Gres Zoning Ordinance

Uses by Category (Key- P= Permitted Use SLU= Special Land Use	R-1	R-2	R-3	R-4	R-5	TC	C	PT	I	C/R	PUD
Mortuaries/funeral homes						P	P				P
Motels, motor courts							P				P
Movie theaters							P				P
Nurseries for plants and flowers							SLU				SLU
Office use						P	P				P
Open air businesses							SLU				SLU
Outdoor recreation									SLU	SLU	SLU
Outdoor commercial water parks. including water slides, swimming pools and other similar outdoor recreation and amusement activities							P				P
Parks recreational facilities							SLU			SLU	SLU
Personal service establishment such as barber and beauty shops, shoe repair shops						P	P				P
Plumbing and heating equipment including wood burning stoves							P				P
Private clubs						SLU	SLU	SLU			SLU
Private trade or technical schools or colleges								P			P
Professional services						P	P				
Racetracks (including midget auto karts, horse, and snowmobile)									SLU		SLU
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						SLU					SLU
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						A					A
Restaurant, carry-out						P	P				P
Restaurant, drive-in							P				P
Restaurant, drive-through							P				P
Restaurant, fast-food						P	P				P
Restaurant, open front window						P	P				P
Restaurant, standard						P	P				P
Retail sales									SLU		SLU
Self-service car wash						SLU	SLU	SLU			SLU
Service garage								SLU	SLU		SLU
Studio						P	P	P			P
Supermarket/grocery stores							P				P
Theaters, public assembly halls, concert halls, meeting rooms, and clubs						P					P

City of Au Gres Zoning Ordinance

Uses by Category (Key- P= Permitted Use SLU= Special Land Use	R-1	R-2	R-3	R-4	R-5	TC	C	PT	I	C/R	PUD
Trade or industrial schools									P		P
Trailer sale yards							SLU				SLU
Truck stops									SLU		SLU
Veterinary offices, including retail sales of pet supplies and minor surgery / sterilization of small animals							P				P
<b>Industrial Uses</b>											
Any use charged with the principal function of basic research, design, and pilot or experimental products development when conducted within a completely enclosed building									P		P
Any uses when the manufacturing, compounding, or processing of products are conducted wholly within a completely enclosed building									P		P
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								SLU			SLU
Junk yards									SLU		SLU
Lumber, building material storage yards, and planing 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									SLU		SLU
Metal plating, buffing, and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances									SLU		SLU
Processing and/or assembly of engineering, medical, laboratory, scientific, and research instruments and associated equipment								P			P
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								P			P

City of Au Gres Zoning Ordinance

<b>Uses by Category (Key- P= Permitted Use SLU= Special Land Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>R-5</b>	<b>TC</b>	<b>C</b>	<b>PT</b>	<b>I</b>	<b>C/R</b>	<b>PUD</b>
Research and development facility								P	P		P
Resource recovery facility									SLU		SLU
Scientific or medical laboratories, engineering, testing, or design facilities, or other theoretical or applied research facilities								P			P
Storage facilities for building materials, sand, gravel, stone, lumber. storage of contractor's equipment and supplies									SLU		SLU
Warehouse storage and transfer, and freight terminals									SLU		SLU
<b>Other Uses</b>											
Accessory buildings	A	A	A	A	A	A	A	A	A/S	A	A
Accessory uses	A	A	A	A	A	A	A	A	A	A	A
Boat docks and wells				P							A
Dish type satellite signal receiving antennas	A	A	A	A	A	A	A	A	A	A	A
Essential services buildings and uses (Without storage yards)	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Essential services (basic)	P	P	P	P	P	P	P	P	P	P	P
Keeping of Pets	A	A	A	A	A						A
Outdoor dining and service						A	A				A
Off-street parking and loading facilities						P	P		P		P
Other similar uses	P	P	P	P	P	P	P	P	P	P	P
Ponds										S	
Swimming pools	A	A	A	A	A	A	A	A	A	A	A
Temporary buildings.	A	A	A	A	A	A	A	A	A	A	A
Temporary uses	A	A	A	A	A	A	A	A	A	A	A
Temporary uses - dwellings	A	A	A	A	A	A	A	A	A	A	A
Temporary uses - outdoor cafes and eating areas	A	A	A	A	A	A	A	A	A	A	A
Temporary uses - seasonal	A	A	A	A	A	A	A	A	A	A	A
Temporary uses - trash and storage facilities	A	A	A	A	A	A	A	A	A	A	A
Wireless telecommunication antennae						P	P	P	P		
Wireless telecommunication facilities						SLU	SLU	SLU	SLU		

City of Au Gres Zoning Ordinance

**SECTION 308. TABLE OF USE REQUIREMENTS**

City of Au Gres- Table of Use Requirements			
USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
<b>Agricultural Uses</b>			
General farming operations	Activities that include, but not limited to, the cultivation and harvesting of crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds		
Nonresident buildings for raising animals	Buildings other than dwellings used solely in conjunction with raising waterfowl minnows, and other similar lowland animals, fowl, or fish		
Pasture, grazing, forestry, outdoor plant nursery	A space for the storage or growing of live trees, shrubs, or plants or a field for the feeding of animals		
Wildlife sanctuary, woodland preserves, arboretums	An area set-aside for the protections of wild plants and animals		
<b>Residential Uses</b>			
Adult foster care large group home (13-20)	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.	One (1) space per person for the maximum number of employees on-site at any one (1) time.	<ol style="list-style-type: none"> <li>1. The applicant shall have on file with the City Clerk's office a current license with the state as required by state law</li> <li>2. The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the one-family or multiple-family residential district in which it is located, as determined by the Planning Commission.</li> <li>3. The lot shall be at least one thousand, five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.</li> </ol>
Adult foster care small group home (1-6)	Facility with the approved capacity to receive not more than six (6) 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.	One (1) space per person for the maximum number of employees on-site at any one (1) time in addition to two (2) for the residing family	The applicant shall have on file with the City Clerk's office a current license with the state as required by state law
Adult foster care small group home (7-12)	Facility with the approved capacity to receive at least seven (7), but not more than thirteen (13) 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.	One (1) space per person for the maximum number of employees on-site at any one (1) time.	<ol style="list-style-type: none"> <li>1. The applicant shall have on file with the City Clerk's office a current license with the state as required by state law</li> <li>2. The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the one-family or multiple-family residential district in which it is located, as determined by the Planning Commission.</li> <li>3. The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.</li> </ol>

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Adult foster care family home (1-6)	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.	Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.	The applicant shall have on file with the City Clerk's office a current license with the state as required by state law
Adult foster care congregate facility (21+)	A foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.	Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.	<ol style="list-style-type: none"> <li>1. The applicant shall have on file with the City Clerk's office a current license with the state as required by state law</li> <li>2. The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the one-family or multiple-family residential district in which it is located, as determined by the Planning Commission.</li> <li>3. The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.</li> </ol>
Assisted living	A home for the care of the aged or infirm, or a place of rest for those suffering bodily disorders and who require some nursing care and supervision.	One (1) space per each room or three beds, whichever is less	
Attached dwelling	A building, or a portion thereof, designed exclusively for occupancy by three (3) or four (4) families living independently of each other.	One and a half (1.5) spaces per dwelling	
Boarding 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.	One (1) space per guest room plus one (1) space per employee, plus two (2) spaces for the resident family	
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.	One (1) space per guest room plus one (1) space per employee, plus two (2) spaces for the resident family	

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements			
USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
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.	Two (2) spaces per resident family plus two (2) spaces.	<ol style="list-style-type: none"> <li>1. The applicant shall have on file with the City Clerk's office a current license with the state as required by state law</li> <li>2. The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the one-family or multiple-family residential district in which it is located, as determined by the Planning Commission.</li> <li>3. Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.</li> <li>4. There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.</li> <li>5. There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.</li> <li>6. The facility shall operate not more than sixteen (16) hours per day.</li> </ol>
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.	Two (2) spaces	The applicant shall have on file a current license with the state as required by state law.
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.	N/A	

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Group day care home	A private home in which more than 6 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.	Two (2) spaces per resident family plus one (1) space per employee.	<ol style="list-style-type: none"> <li>1. The applicant shall have on file with the City Clerk's office a current license with the state as required by state law.</li> <li>2. The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the one-family or multiple-family residential district in which it is located, as determined by the Planning Commission.</li> <li>3. Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.</li> <li>4. There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.</li> <li>5. There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.</li> <li>6. The lot shall be at least one thousand, five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.</li> <li>7. The facility shall operate not more than sixteen (16) hours per day.</li> </ol>
Home occupations	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.	Two (2) spaces	See Section 501
Home occupations- incidental	The use of a residence for incidental office work activity associated with employment at a business in another location	N/A	An incidental home occupation does not require zoning approval. If the activity rises to the level that it qualifies as a regulated home occupation, then applicable zoning approval would be required
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.	1.0 spaces per dwelling unit plus 1 space for any support staff	<ol style="list-style-type: none"> <li>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:               <ol style="list-style-type: none"> <li>(a) Cottage type dwellings and/or apartment type dwelling units.</li> <li>(b) Common services containing, but not limited to central dining rooms, recreational rooms, central lounge, and workshops.</li> </ol> </li> <li>2. All dwellings shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).</li> <li>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.</li> </ol>
Manufactured home subdivisions	A site developed under the subdivision provisions of the Land Division Act and which homes meeting the Manufactured Housing Commission's definition of a mobile home are allowed.	2.0 spaces per dwelling unit plus 5.0 additional spaces for any office or clubhouse facility, plus 1 visitor space for every 3 homes	

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
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.	2.0 spaces per dwelling unit plus 5.0 additional spaces for any office or clubhouse facility, plus 1 visitor space for every 3 homes	Must comply with the requirements of the Manufactured Housing Commission
Multiple-family dwellings	A building, or a portion thereof, designed exclusively for occupancy by five (5) or more families living independently of each other.	1.5 spaces per each efficiency or one-bedroom dwelling unit; 2.0 spaces per each unit with two bedrooms; 2.5 spaces per each unit with three or more bedrooms; plus 5.0 additional spaces for any office, plus 1.0 space per 200 sq. ft. of gross floor area of any clubhouse facility, plus visitor off-street parking equal to at least 20% of the total spaces required	
One-family dwellings	A building designed exclusive for and occupied exclusively by one (1) family.	2.0 spaces per dwelling unit	See Section 502
Two-family dwellings	A building designed exclusively for occupancy by two (2) families living independently of each other.	2.0 spaces per dwelling unit	
<b>Institutional Uses</b>			
Auditoriums or assembly halls	A building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations or public gatherings	1.0 space per each three seats or six lineal feet of bleachers, plus 1.0 space per employee	
Cemeteries	Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery	1 space per 4 seats of chapel or assembly area	1. The lanes in the cemetery should be wide enough to allow parallel parking
Churches	A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for organized religious services and associated accessory uses.  Examples include a church, a temple, a synagogue, or a mosque	1.0 spaces per each 3 seats or 6 feet of pews in the main unit of worship, plus required spaces for any accessory uses such as a school, childcare center, recreation facilities, etc.	1. Building of greater than the maximum height allowed in applicable zoning district 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 ARTICLE 2. 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.



City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Convalescent homes, nursing homes	A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing, and medical care.	1.0 space per each four beds or two rooms, whichever is less	<ol style="list-style-type: none"> <li>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.</li> <li>No building shall be closer than forty (40) feet from any property line.</li> </ol>
Fraternal clubs, lodges, and similar uses	A group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings, rituals, and formal written membership requirements.	1.0 space per 120 sq. ft. of gross floor area	
Heating and electric power generating plants	Any plant facilities and equipment for the purposes of producing, generating, transmitting, delivering, or furnishing electricity or heat.	As determine necessary during site plan review	
Hospitals	An institution where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed, and provided nursing and related services. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals, or other similar facilities.	1.0 space per 175 sq. ft. of gross floor area plus 1.0 space per employee	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Building of greater than the maximum height allowed in applicable zoning district 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</li> </ol>
Municipal buildings and uses not requiring outdoor storage of material and vehicles	A structure housing an operation of the City of Au Gres.	1.0 space per 250 sq. ft. of gross floor area	
Municipal uses, including utility operations and uses that include outdoor storage	A structure housing an operation of the City of Au Gres including such uses as water treatment plants, sewage treatment plants, and all other municipal uses that include outdoor storage	1.0 space per 250 sq. ft. of gross floor area	
Private and public schools, K-12	Any building or part thereof which is designed or used for education or instruction in a branch of knowledge for classes kindergarten through senior year of high school.	1 space per employee in addition to auditorium.	Public and charter schools are exempt from the requirements of the City Zoning Ordinance. Non-charter private schools including parochial schools are not exempt from the ordinance
Public and semi-public uses	A use conducted by, or a facility or structure owned or operated by, a governmental, nonprofit, religious, or eleemosynary institution that provides administrative educational, cultural, recreational, religious, or other similar types of public services. Examples include city hall, public utility offices, libraries, churches, museums, art galleries. and post offices or postal substations	As determined by the Planning Commission during site plan review	
Publicly owned recreational facilities	Publicly owned or operated recreation facilities including play and sporting areas. Walkways and trails, hiking and horseback riding, swimming, boating, and fishing.	As determined by the Planning Commission during site plan review	

**City of Au Gres Zoning Ordinance**

<b>City of Au Gres- Table of Use Requirements</b>			
<b>USE</b>	<b>DEFINITION</b>	<b>PARKING<sup>1</sup></b>	<b>DESIGN STANDARD</b>
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.	Facilities for the provision of utility services including electrical transfer stations, telephone substations, sewage lift stations, and similar facilities	As determined by the Planning Commission during site plan review	
<b>Commercial Uses</b>			
Adult day 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.		
Adult regulated uses and sexually oriented businesses	Any business which primarily features sexually stimulating material and/or performances, including the following uses.	By Planning Commission based on the type of services (retail, personal service, tavern, etc.)	<ol style="list-style-type: none"> <li>1. Maximum size of the building shall be five thousand (5,000) square feet.</li> <li>2. 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.</li> <li>3. 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.</li> <li>4. 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.</li> <li>5. 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.</li> <li>6. 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.</li> <li>7. 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.</li> <li>8. Adult uses shall be separated from other adult uses by a minimum of 2,000 feet.</li> </ol>
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.	Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.	
Automatic teller machines	Machines for the receipt and distribution of funds as accessory to a financial institution or a retail facility	4.0 stacking spaces per each drive-through window or ATM machine	Free standing facilities may be located in a parking lot. Those attached to a principal building shall comply with the setback requirements for that building and requirements for drive through facilities if applicable

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Automobile car wash (self-service)	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.	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1/2) vehicles beyond the washing bay as a drying and vacuum area	
Automobile or recreational vehicle parts, equipment or farm implement sales, rental, and service	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.	1.0 space per 400 sq. ft. of gross floor area of interior sales space, plus 1.0 space per 600 sq. ft. of gross floor area of exterior display, plus 3.0 spaces per each service bay (bay can be included as a space)	
Automobile service stations; quick oil change shops	A place where gasoline, kerosene, or any other motor fuel or 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.	3.0 spaces for each service bay (bay can be included as a space), plus 1.0 space per employee, plus 1.0 space for each tow truck, plus 1.0 stacking space per bay	
Automobile 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.	1 per 200 sq. ft. of indoor sales area + 2 spaces per stall for any service area	
Auto repair garages	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.	2 spaces per stall + 1 per 200 sq. ft. of sales area	
Banquet halls	A meeting facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings and other such gatherings by appointment.	1.0 space per guest room plus 1.0 space per employee, plus 75% of required spaces for restaurants, conference rooms, banquet halls and other uses	
Bar/lounge/tavern	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.	1.0 space per 50 sq. ft. of gross floor area	
Business or instructional schools such as accounting, typing, clerical, music, voice, or dance schools	Any building or part thereof which is designed or used for education or instruction in a branch of knowledge related to business, the arts or similar fields.		
Business, professional, or governmental offices	The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like, or for other for non-professional or government services of a clerical nature	1.0 space per 300 sq. ft. of gross floor area	

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City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
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.		
Campgrounds, travel trailer parks	Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units	1 space per campsite plus 1 space per employee plus one visitor space per 10 campsites	<ol style="list-style-type: none"> <li>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.</li> <li>2. No camp sites shall be located within fifty (50) feet of the property line.</li> <li>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.</li> <li>4. Individual camp sites shall be at least two thousand three hundred (2,300) square feet in size, including half of a roadway.</li> </ol>
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.	Car Wash (tunnel wash) Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.	

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City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Child care center	A facility, other than a private residence, receiving preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day	1.0 space per 400 sq. ft. of gross floor area, plus 1.0 space per employee, plus adequate drop-off area Minimum stacking Requirements: One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.	<ol style="list-style-type: none"> <li>5. The applicant shall have on file with the City Clerk's office a current license with the state as required by state law</li> <li>6. The building shall have an appearance which is non-intrusive and consistent in color, materials, roofline, and architecture with the one-family or multiple-family residential district in which it is located, as determined by the Planning Commission.</li> <li>7. Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the State, shall be provided.</li> <li>8. There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.</li> <li>9. There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.</li> <li>10. The lot shall be at least one thousand, five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.</li> <li>11. May only be allowed in the R-1, R-2, and R-3 districts as a use accessory to an otherwise allowed use such as a church or school</li> </ol>
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.	1.0 space per 200 sq. ft. of gross floor area (when such use comprises less than 50% of the building or site) 1.0 space per 150 sq. ft. of gross floor area (when such use comprises more than 50% of the building or site)	
Commercial kennels	Any building or land used for the sale, boarding, treatment, or breeding of dogs, cats, or other household pets as a business.	5.0 spaces plus employee parking	
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.	1.0 space per 80 sq. ft. of gross floor area, plus 1.0 space per employee, plus 5.0 spaces between the pick-up window and order station, plus 10.0 stacking spaces	
Dry cleaning establishments	A retail establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry including operation of laundry or dry-cleaning equipment or machinery on the premises.	1 space per 300 sq. ft. of floor area	Verify strategies for addressing potential ground water contamination

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements			
USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Financial institutions	An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies.  Examples include banks, savings and loans, and credit unions.	1 space per 300 sq. ft. of floor area	
Furniture, appliance, carpet, and flooring stores	Retail establishments that sell goods for furnishing homes	1.0 space per 500 sq. ft. of gross floor area	
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.	Standing space per pump 1 per employee plus 1 per 200 sq. ft. of retail space	
Golf driving ranges	An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting,	1.0 space per tee	
Golf courses	A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards.	6.0 spaces per each course hole, plus 1.0 space per employee, plus required spaces for restaurants, banquet rooms, pro shop, offices, and other uses	<ol style="list-style-type: none"> <li>1. The site shall be so planned as to provide all access directly onto or from a major road.</li> <li>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.</li> <li>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</li> <li>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.</li> </ol>
Greenhouses	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. The definition of nursery does not include space used for the sale of fruits or vegetables	1 space per 200 square feet of retail area plus 1 space per 500 sq. ft. of greenhouse sales area plus 1 space per 5000 sq. ft. of outdoor sales area	
Health care service facilities	An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices or facilities for emergency care only.		
Home improvement stores/building supply stores/lumber yards	A retail facility selling lumber and other large building materials.	1.0 space per 400 sq. ft. of gross floor area	
Hospice	A home-like facility for the care of the terminally ill, with acute care facility capabilities.	1.0 space per resident room plus 1.0 space per employee	

**City of Au Gres Zoning Ordinance**

**City of Au Gres- Table of Use Requirements**

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Hotels and motels	<p>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.</p> <p>a. Maid service                      b. Furnishing of linen                      c. Telephone, secretarial or desk service                      d. Bellboy service</p> <p>A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.</p>	<p>1.0 space per guest room plus 1.0 space per employee, plus 75% of required spaces for restaurants, conference rooms, banquet halls and other uses</p>	<p>Parking is provided on the premises or within two blocks thereof for eight (8) cars for each ten (10) bedrooms</p>
Indoor recreation	<p>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, archery / pistol range or coin operated amusement center.</p>	<p>Bowling alleys – 5 spaces per lane</p> <p>Other uses – 1 space for each three persons allowed by respective codes.</p>	
Laundromat	<p>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.</p>	<p>1.0 space per each two washing machines, plus 2.0 spaces for employees</p>	
Marinas subject to the following conditions	<p>A facility for the secure mooring of boats, including facilities for storage and repair of boats and sale of boating supplies and fuel.</p>		<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>Cooking on wooden decks, docks, or similar structures shall be prohibited.</li> <li>No deck, dock, or similar structure shall be less than three feet (3) wide, nor exceed a length of one hundred feet (100).</li> </ol>
Mini storage/self-storage facilities – No Outdoor Storage	<p>A structure or series of structures containing separate storage of varying sizes leased or rented on an individual basis.</p>	<p>Two (2) spaces for the resident manager, one (1) additional space for each additional employee and two (2) additional spaces for customers</p>	<ol style="list-style-type: none"> <li>Building separation between self-storage buildings on the same site shall be a minimum of 24 ft. or equal to the building height, whichever is greater.</li> <li>Internal driveway aisles shall be a minimum of 24 ft. in width.</li> <li>All ingress and egress from this site shall be onto a state highway or major street.</li> <li>The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas and streets.</li> </ol>

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements			
USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Mini storage/self-storage facilities – With Outdoor Storage	A structure or series of structures containing separate storage of varying sizes leased or rented on an individual basis and or open area for the storage of vehicles and equipment	Two (2) spaces for the resident manager, one (1) additional space for each additional employee and two (2) additional spaces for customers	<ol style="list-style-type: none"> <li>1. Building separation between self-storage buildings on the same site shall be a minimum of 24 ft. or equal to the building height, whichever is greater.</li> <li>2. Internal driveway aisles shall be a minimum of 24 ft. in width.</li> <li>3. All ingress and egress from this site shall be onto a state highway or major street.</li> <li>4. The outdoor storage of boats, recreational vehicles, motorized homes, and travel trailers are permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas</li> </ol>
Mixed residential office commercial uses	Development of a building or site with a mixture of residential and commercial uses.	Per the separate commercial and residential use requirements	<ol style="list-style-type: none"> <li>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.</li> <li>2. Side and rear yards may not be used for storage.</li> <li>3. 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.</li> <li>4. 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:               <ol style="list-style-type: none"> <li>(a) The entrance to the residence shall be separate from the entrance to the commercial or office use.</li> <li>(b) The minimum floor area requirements for apartment units within the R-3 Multiple City of Au Gres Zoning Ordinance shall apply</li> <li>(c) No more than one family may occupy the residence.</li> <li>(d) Separate off-street parking for the residence shall be provided for at least two vehicles.</li> </ol> </li> </ol>
Mortuaries/funeral homes	A building used for the preparation of the deceased for burial and display, and for ceremonies connected there with before burial or cremation.	1.0 space per 50 sq. ft. of gross floor area of service parlors, chapels, and reception area, plus 1.0 space per each funeral vehicle stored on the premises	
Hotels, motor courts	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.	1.0 space per guest room plus 1.0 space per employee, plus 75% of required spaces for restaurants, conference rooms, banquet halls and other uses	
Movie theaters	Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.	1 space per 4 seats	



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City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Nurseries for plants and flowers	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.	1.0 space per 500 sq. ft. of gross floor area of outdoor display, sales, and storage area, plus 1.0 space per 200 sq. ft. of gross floor area of indoor space, plus 1.0 space per employee	
Office	An establishment for the operation of a professional or service business such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent.	1 space per 200 square feet	
Open air businesses	Open Air Business: Includes any use operated for profit, substantially in the open air, other than those separately addressed in this table, including:  Display and sale of garages, sheds, motor homes, mobile home, snowmobiles, swimming pools and similar activities.	1.0 space per 500 sq. ft. of gross floor area of outdoor display, sales, and storage area, plus 1.0 space per 200 sq. ft. of gross floor area of indoor space, plus 1.0 space per employee	
Outdoor recreation	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.	1.0 space per 200 sq. ft. of gross floor area	
Outdoor commercial water parks.	Facility providing water based recreational activities including water slides, swimming pools, and other similar outdoor recreation and amusement activities	As determined by the Planning Commission	
Parks recreational facilities	A noncommercial, not-for profit facility designed to serve the recreation needs of the residents of the community.	As determined by the Planning Commission	
Personal service establishment such as barber and beauty shops, shoe repair shops	Establishments primarily engaged in providing services involving the care of a person or his or her apparel, excluding tattoos and piercings.	1.0 space per 175 sq. ft. of gross floor area or 2.5 spaces per each barber or beautician's chair/station, whichever is greater	
Plumbing and heating equipment including wood burning stoves	A commercial establishment providing retail sales and service of plumbing and heating equipment	1.0 space per two hundred (200) square feet of useable floor area	
Private clubs	Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes	1.0 space per 120 sq. ft. of gross floor area	
Private trade or technical schools or colleges	A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills.	As determined by the Planning Commission	
Professional services	Services offered to the general public by the traditional professions, such as law, medicine, engineering & accounting, and architecture.	1.0 space per 300 sq. ft. of gross floor area	

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City of Au Gres- Table of Use Requirements			
USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Racetracks (including midget auto karts, horse, and snowmobile)	A measured course where animals or machines are entered in competition against one another or against time or for recreation, including tracks used only in the training of animals.	As determined by the Planning Commission	
Recreational uses - accessory.	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	N/A	The accessory recreational uses shall not exceed twenty percent (20%) of the gross floor area
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.	1 for each employee and 1 for each 60 square feet of usable floor area with a minimum of 4 spaces	
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.	1.0 space per drive-in station, plus 1.0 space per employee	
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.	One space per 80 sq. ft. of gross floor area, plus 1.0 space per employee See stacking requirements in section 1203.b	
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 in a motor vehicle at the site.	1.0 space per 80 sq. ft. of gross floor area, plus 1.0 space per employee See stacking requirements in section 1203.b	
Restaurant, open front window	A business establishment so developed that service to the patron is primarily extended beyond the walls of the structure, not requiring the patron to enter the structure.	6.0 spaces plus 1.0 space per employee	
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.	1.0 space per 70 sq. ft. of gross floor area or 0.5 spaces per seat, whichever is greater, plus spaces required for any banquet or meeting rooms	
Retail sales,	An establishment which supplies commodities on the premises  Examples include groceries, drugs, liquor, clothing, dry goods, notions, curios, pet, jewelry, sporting goods, or hardware stores, bakeries, florists and music shops.	1 space per 200 square feet.	Within a completely enclosed building. Outdoor display only as permitted under the provisions of this ordinance
Self-service car wash	A facility using coin operated devices on a self-service basis for the washing of automobiles	2 spaces minimum plus one space for queuing of vehicles per washing bay	

## City of Au Gres Zoning Ordinance

**City of Au Gres- Table of Use Requirements**

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Service garage	Business involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.	2 spaces per stall + 1 per 200 sq. ft. of sales area	
Studio	Workspace for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft including painting, music, film, sculpture, etc.	1 parking space shall be provided for each 300 square feet of gross floor area	
Theaters, public assembly halls, concert halls,	Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge	1 space per 4 seats	
Truck stops.	A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.	As determined by Planning Commission based on mix of uses	
Veterinary offices	Facility for the treatment of animals including retail sales of pet supplies and minor surgery / sterilization of small animals	3.0 spaces per exam room	
<b>Industrial Uses</b>			
Any uses when the manufacturing, compounding, or processing of products	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.	5.0 spaces, plus 1.0 space per 500 sq. ft. of gross floor area, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area	The operation shall be conducted wholly within a completely enclosed building
Facilities for the production, packaging, assembly, or treatment of finished or semi-finished products from prefabricated parts or previously prepared materials	Facilities for the production, packaging, assembly, or treatment of finished or semi-finished products from prefabricated parts or previously prepared materials	5.0 spaces, plus 1.0 space per 500 sq. ft. of gross floor area, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area	The operation shall be conducted wholly within a completely enclosed building
Junk yards	An open area where waste, used or secondhand 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.	2 spaces per employee on the largest shift	<ol style="list-style-type: none"> <li>1. The use must be entirely enclosed within a building, or within an eight (8) foot obscuring wall</li> <li>2. One (1) property line abuts a major road.</li> <li>3. 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.</li> <li>4. A minimum lot size often (10) acres shall be provided.</li> </ol>

**City of Au Gres Zoning Ordinance**

<b>City of Au Gres- Table of Use Requirements</b>			
<b>USE</b>	<b>DEFINITION</b>	<b>PARKING<sup>2</sup></b>	<b>DESIGN STANDARD</b>
Lumber, building material storage yards, and planing mills	A facility for the storage and processing of wood and other construction material for use	2 spaces per employee on the largest shift	<ol style="list-style-type: none"> <li>1. The use shall be completely enclosed</li> <li>2. The site shall be located in the interior of the district so that no property line shall form the exterior boundary of the I District.</li> <li>3. The open storage of material shall be set back at least one hundred (100) feet from any public road right-of-way.</li> </ol>
Metal plating, buffing, and polishing	A facility for the finishing of metal products	2 spaces per employee on the largest shift	Subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances
Production of instruments and medical equipment	Processing and/or assembly of engineering, medical, laboratory, scientific, and research instruments and associated equipment	5.0 spaces, plus 1.0 space per 500 sq. ft. of gross floor area, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area	
Production of prototypes	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.	5.0 spaces, plus 1.0 space per 500 sq. ft. of gross floor area, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area	
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.	5.0 spaces, plus 1.0 space per 500 sq. ft. of gross floor area, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area	
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.	5.0 spaces, plus 1.0 space per 500 sq. ft. of gross floor area, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle, plus spaces required for any office or sales area	
Storage facilities for contractors operation	The storage of building materials, sand, gravel, stone, lumber. storage of contractor's equipment and supplies	As determined by the Planning Commission	

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Warehouse storage and transfer, and freight terminals.	A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive	As determined by the Planning Commission	
Other Uses			
Accessory buildings	An "accessory building" is a building that houses an accessory use. Examples of accessory uses and buildings include domestic or agricultural storage in a barn, shed, tool room, or similar accessory building, off-street parking and loading / unloading spaces,		<p>Accessory buildings, except as otherwise permitted in this Ordinance shall be subject to the following regulations:</p> <ol style="list-style-type: none"> <li>1. Where the accessory building is structurally attached to a principal building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building.</li> <li>2. Detached accessory buildings shall not be erected in any required side yard, or in actual front yard, but may be built in required rear yards provided it meet the setbacks established below.</li> <li>3. Detached accessory buildings on lots fronting on lakes or rivers may not be located in the actual rear yard but may be located in the front yard, provided it is not in the required front yard.</li> <li>4. An accessory building shall not occupy more than twenty-five (25) percent of a required rear yard, plus forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the principal building.</li> <li>5. No detached accessory building shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any side or rear lot line.</li> <li>6. No detached accessory building in R-1 through R-5, TC, C, and CR Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in the PT and I districts may be constructed to equal the permitted maximum height of structures in those districts.</li> <li>7. The height of a detached building may be increased by an additional one (1) foot for every one (1) foot of setback above the minimum required to any side or rear lot line, up to a maximum height of 20 feet. However, the maximum height of any accessory building on a waterfront lot shall be fourteen (14) feet.</li> <li>8. When an accessory building in any Residential District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Planning Commission.</li> </ol>

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements			
USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Accessory uses	<p>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.</p> <p>Examples of accessory uses include:</p> <ol style="list-style-type: none"> <li>1. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.</li> <li>2. Buildings or structures necessary for provision of essential services.</li> <li>3. Gardens, garden ornaments and usual landscape features within required yard space.</li> <li>4. Retaining walls.</li> <li>5. Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one (1) ton rated capacity.</li> <li>6. Radio or TV antennas.</li> <li>7. Swimming Pools, in accordance with these standards</li> </ol>		<ol style="list-style-type: none"> <li>1. Swimming pools, spas or hot tubs shall conform to the setback requirements for accessory building pursuant to this Article and shall not be closer than five (5) feet to any building or structure.</li> </ol>
Boat docks and wells	<p>Boat docks are personal use boating structures built over or floating on the water of a lake river or stream, which serves the property owner for mooring boats and are characterized by being open on three sides of the boat.</p> <p>Boat wells are personal use boating structures built over or dredged into the side of a lake, river, or stream, which serves the property owner for mooring boats and are characterized by being enclosed on three sides of the boat, often with an overhead cover and / or a boat hoist.</p>		<ol style="list-style-type: none"> <li>1. Boat wells and docks shall be allowed as accessory uses in the R-1, R-2 and CR districts.</li> <li>2. No boat well, dock or similar structure shall by reason of its size, location, or construction, endanger life and limb, impair water traffic flow, obstruct vision upon the water.</li> <li>3. Construction of all docks and similar structures shall have a minimum ten (10) foot side yard setback.</li> <li>4. Boat wells shall be included in the maximum percent of lot area covered by all buildings as defined in the Section 309 Table of Dimensional Requirements of this Ordinance. For purposes of the Article, boat wells shall be considered buildings.</li> <li>5. The use of any boat well or dock shall comply with the zoning regulations in effect for the district in which the boat well, dock or similar structure is erected. In addition, no docking facility or boat well shall be allowed until the owner has obtained all necessary permits from the State of Michigan, Department of Natural Resources.</li> <li>6. All boat wells shall have rectangular dimensions of at least ten (10) feet by sixteen (16) feet with a maximum of thirty (30) feet by thirty (30) feet.</li> </ol>

City of Au Gres Zoning Ordinance

**City of Au Gres- Table of Use Requirements**

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Dish type satellite signal receiving antennas	A signal receiving device the purpose of which is to receive radio, communications, television, data transmission or other signals from a satellite or satellites in earth orbit.	N/A	<ol style="list-style-type: none"> <li>1. In residential districts a satellite dish antenna greater than 24 inches in diameter shall be permitted only in a rear yard or mounted or attached to a building.</li> <li>2. In all districts, a satellite dish antenna greater than 24 inches in diameter shall comply with the side and rear yard setback requirements applicable to main buildings in the district in which it is located.</li> <li>3. In nonresidential districts a satellite dish antenna greater than 24 inches in diameter shall be located only in the side or rear yard or mounted on top of a building. No more than two satellite dish antennas shall be located on the same lot as a main building. Satellite dish antennas are permitted only in connection with, incidental to and on the same lot as a principal use or main building.</li> <li>4. Satellite dishes less than 24 inches in diameter are exempt from the preceding regulations.</li> </ol>
Essential services buildings and uses	Buildings associated with public utilities or municipal departments of underground or overhead utilities, including storage yards	As determined as part of site plan review	Essential service buildings and uses shall be allowed by Special Use Permit in all districts, including storage yards where determined appropriate, provided that such uses shall be compatible in appearance and design with the development of the area and with the zoning classification in which they are located.
Essential services (basic)	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.	N/A	No zoning permit is required for basic essential services
Keeping of pets	An animal that is tame or domesticated and not normally found in the wild state. Customary household pets include such animals as dogs, cats, rabbits, birds, and similar animals; but do not include pigeons, chickens, ducks, geese, goats, sheep, pigs, and other farm livestock	N/A	<ol style="list-style-type: none"> <li>1. The keeping, housing, raising, use or care of customary household pets is permitted, subject to Arenac County animal control regulations and furthermore:</li> <li>2. Customary household pets may be kept on a noncommercial basis provided that the number of adult animals does not exceed six. Customary household pets include such animals as dogs, cats, rabbits, birds, and similar animals; but do not include pigeons, chickens, ducks, geese, goats, sheep, pigs, and other farm livestock.</li> </ol>
Off-street parking and loading facilities	Lots or structures used for the establishment of parking lots or parking garages that are not accessory to another principal use on the parcel	N/A	In compliance with the requirements of Article 14
Other similar uses	A land use which is not cited by name in a zoning district may be permitted upon determination by the Planning Commission that the use is clearly similar in nature and compatible with the principal uses permitted, special land use, or as a permitted accessory use listed in that district.	N/A	See Section 503

**City of Au Gres Zoning Ordinance**

**City of Au Gres- Table of Use Requirements**

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Ponds	Any inland body of water that in its natural state has a surface area of 1,000 square feet or more, and any body of water artificially formed or increased that has a surface area of 1,000 square feet or more.	N/A	<ol style="list-style-type: none"> <li>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 one hundred (100) feet of any adjoining property line.</li> <li>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</li> <li>3. The City Planning Commission may require erection of a fence and gates suitable to afford adequate protection to persons and property</li> </ol>
Swimming pools, spas or hot tubs	Accessory use to residential and commercial facilities	N/A	<ol style="list-style-type: none"> <li>1. Swimming pools, spas or hot tubs shall conform to the setback requirements for accessory uses pursuant to this article, and shall not be closer than five (5) feet to any building or structure.</li> <li>2. All electrical installations or wiring for all swimming pools, spas or hot tubs shall conform to the State Building Code.</li> <li>3. All in-ground swimming pools shall be enclosed by a fence. Such fence or enclosure. Including the gates, shall not be less than four (4) feet in height or greater than six (6) feet in height. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children. The composition of the fence shall meet the barrier requirements contained in the State Building Code.</li> <li>4. All above-ground or on-ground swimming pools with side walls at least four (4) feet in height and with the means of access being a ladder or steps shall have a ladder or steps capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a fence constructed per this section.</li> <li>5. All above-ground or on-ground swimming pools without side walls at least four (4) feet in height must be fenced per the fencing requirements contained in section this section or can be secured by mounting a fence or other barrier on top of the pool structure so that the pool is enclosed by a barrier at least four (4) feet in height. If the means of access to the pool is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access.</li> <li>6. Spas or hot tubs with a safety cover which complies with ASTM F1346 (2003 Michigan Residential Building Code) and swimming pools with a water depth of 24" or less shall be exempt from subsections c. and d. of this section.</li> </ol>
Temporary buildings	Structures used in association with on-site construction	N/A	Mobile offices, tool sheds, and storage trailers shall be permitted during the time of actual construction provided they are located pursuant to the regulations of this ordinance and are in compliance with the Health Department Sanitary Code. These structures shall be removed within twelve (12) working days after the completion or abandonment of construction work on the property.



City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements

USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Temporary uses	The use of a non-residential structure or parcel for a period that has an identified ending date. Examples include special events such as a carnival or circus, activities related to development of a site including the storage of construction material and use of a temporary office, temporary outdoor sales	As determined by the zoning administrator based on the requirements for similar uses in this ordinance	<ol style="list-style-type: none"> <li>1. Proposed temporary event or use shall be located on a lot with a permitted principle building or on a vacant lot when the minimum required setbacks for the district are met.</li> <li>2. When temporary event is located on a parcel with an existing building, it shall be a maximum ten (10) feet from the building.</li> <li>3. The temporary event shall not eliminate or negatively impact required parking for the building or underlying use. Additional parking may be required upon a finding that the proposed temporary use increases the need for parking.</li> <li>4. All equipment, materials, goods, poles, wires, and other items associated with the seasonal event shall be removed from the premises within five (5) days of the event.</li> <li>5. The applicant shall demonstrate that reasonable liability insurance is carried.</li> <li>6. A performance guarantee or escrow in the amount of \$250 for sites one acre or less in size and \$500 for sites over one (1) acre shall be paid to the City. If it is determined that based on the nature of the temporary use the standard bond amount will be insufficient to cover site restoration costs, the amount of the bond shall be determined by the City. The performance guarantee shall be deposited prior to the issuance of a permit and used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this or any other applicable ordinances.</li> <li>7. Outside agency permits and approvals, if necessary.</li> <li>8. The permit shall cover the period necessary for the operation of the temporary use but in no case shall it exceed twelve months.</li> </ol>
Temporary uses - dwellings	The use of mobile home or recreational vehicle as a dwelling during the construction or reconstruction of a dwelling	2.0 per dwelling	<p>In addition to the requirements for all temporary uses, temporary dwellings shall comply with the following:</p> <ol style="list-style-type: none"> <li>1. The temporary dwelling shall be connected to approved water and sewer services</li> <li>2. The temporary dwelling shall meet the setback requirements for the principal dwelling.</li> </ol>
Temporary uses – outdoor cafes and eating areas	The use of a public or private sidewalk, of non-required parking spaces or other open spaces for seating for eating and drinking establishments.	1.0 space per 60 sq. ft. of seating area	<p>In addition to the requirements for all temporary uses, temporary outdoor cafes and eating areas shall comply with the following:</p> <ol style="list-style-type: none"> <li>1. Permits shall be granted for May through October.</li> <li>2. No lighting or music is permitted. Unless otherwise allowed by Planning Commission.</li> <li>3. Proposed area must meet Michigan barrier-free requirements.</li> <li>4. Permits shall be reviewed annually by the Planning Commission</li> </ol>
Temporary uses – seasonal sales	The use of a non-residential structure or parcel for the display and sale of material related to seasonal activities including Christmas trees, pumpkins, and gardening supplies.		See Section 505
Temporary uses – trash and storage facilities	The use of dumpsters, shipping containers, and storage pods to temporarily store trash or personal items	N/A	Temporary containers may be stored in a driveway for up to 14 days while transferring material to or from a building or during a construction project. Dumpsters intended to be used for longer term construction projects must be located in the rear of the property and must be removed within 7 days of completion of the project.

City of Au Gres Zoning Ordinance

City of Au Gres- Table of Use Requirements			
USE	DEFINITION	PARKING <sup>1</sup>	DESIGN STANDARD
Wireless telecommunication antennae	Means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding telecommunication towers	N/A	See Section 507 for requirements regarding collocation
Wireless telecommunication 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. It also includes any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a transmission tower or antenna support structure. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this Ordinance. Definition of elements of wireless communication facilities are included in the design standards	N/A	See Section 507

1. See SECTION 1401.d.

**SECTION 309. TABLE OF DIMENSIONAL REQUIREMENTS**

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 309 Footnotes.

Zoning District	Minimum Zoning Lot Size per Unit		Maximum Height of Structures in Feet (k)	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit Square Feet	Maximum % of Lot Area Covered by All Buildings and Impervious Surfaces
	Area in Square Feet	Width in Feet		Front	Each Side	Rear		
R-1	12,000	80	25	30 (a)	10 (a,b)	35 (a)	1,420 (d)	25
R-2	6,000 (e)	60	25	25 (a)	10 (a,b,c)	30 (a)	900 (d)	30
R-3	6,000 (e)	100	30	50 (a)	35 (a,b,h)	35 (a,f)	600 (d)	30
R-4	(g)	330 (h)	25 (h)	50 (a,h)	35 (a,b,h)	35 (a,h)	600	30

City of Au Gres Zoning Ordinance

Zoning District	Minimum Zoning Lot Size per Unit		Maximum Height of Structures in Feet (k)	Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit Square Feet	Maximum % of Lot Area Covered by All Buildings and Impervious Surfaces
	Area in Square Feet	Width in Feet		Front	Each Side	Rear		
R-5	6,000 (e)	100	30	50 (a)	35 (a,b,h)	35 (a,f)	600 (d)	30
TC	5,000	50	30	none	(i)	30	none	80
C	7,500	60	30	55	20 (b)	30	none	35
PT	12,000	100	30	55	20 (b)	35 (j,k)	none	35
I	none	none	35	55	20 (b,j)	35 (j,k)	none	35
CR	10,000	80	25	55	20 (b)	30	none	25
PUD	The dimensional requirements for projects in approved PUD zoned areas will be outlined in the concept plan approved as part of the PUD rezoning.							

- a. For all uses permitted other than single-family residential, the setback shall equal the height of the principal 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.

Dwelling Unit Size	Land Area in Square Feet per Dwelling Unit		
	Apartment Dwellings	Townhouse Dwellings	Duplex Dwellings
Efficiency or one-bedroom unit	3,600	4,200	4,200
Two-bedroom unit	4,200	5,400	4,200
Three-bedroom unit	5,400	6,300	4,200
Four- or more bedroom unit	7,200	7,200	4,200

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.

$$35+ (2(L-40))/10 = Y$$

L= Total length of building

Y=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.

$$20+ (2(LA-LB))/10 = D$$

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 1011 Height Limit.

**SECTION 310. TABLE OF DISTRICT REQUIREMENTS**

Zoning District	District Requirements
R-1	None
R-2	None
R-3	None

City of Au Gres Zoning Ordinance

Zoning District	District Requirements
R-4	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. 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 shall be complied with.
R-5	None
TC	<p>The following conditions are required in the Town Center District.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>e. Development shall meet the appearance requirements in Section 506</li> </ol>
C	None
PT	Development shall meet the appearance requirements in Section 506 and the design requirements of Section 504.
I	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 1016 Performance Standards
CR	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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 12 SITE PLAN REVIEW.</li> </ol>

ARTICLE 4

**PLANNED UNIT DEVELOPMENT (PUD)**

**SECTION 401. PURPOSE**

The Planned Unit Development zoning district is designed to provide a framework within which a developer, upon his/her/its initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other land uses in a manner consistent with the preservation of property values and environmentally sensitive areas within the city. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of uses and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which shows difficulty or costly development problems or sites that contain natural features such as wetlands or woodlots that are important for the City to retain in order to protect its character. The following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

**SECTION 402. ELIGIBILITY REQUIREMENTS**

In order to be eligible for consideration of rezoning to PUD, a parcel must comply with the following:

- a. The parcel must be at least 1 acre in area.
- b. The parcel must have access to an arterial street.
- c. The parcel must have access to municipal water and sewer.

**SECTION 403. USES PERMITTED**

All permitted principal uses by right or by special land use in any of the zoning districts in this ordinance may be permitted in the PUD district based on the standards outlined in Section 404 below, subject to the discretion of the City Council. Uses permitted by special land use in another zoning district may be authorized as a use by right by the City Council in granting PUD approval.

**SECTION 404. STANDARDS FOR APPROVAL**

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Council may deny, approve, or approve with conditions the proposed planned unit development.

- a. The proposed mix of uses and density of residential uses shall be found to be consistent with the City Master Plan.
- b. Off-street parking shall be sufficient to meet the minimum required by the ordinances of the City. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning

CCommission may relax parking requirements during site plan review.

- c. All streets within the planned unit development shall meet the minimum requirements of the City's Land Division Ordinance and Construction Specifications, unless modified by the Planning Commission.
- d. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- e. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
- f. Storm water shall not flow off the site at a rate greater than the rate of flow prior to development and storm water shall not be directly discharged into a lake, river or stream.
- g. The setbacks, building height, open space, maximum density and other dimensional requirements for a proposed use in the concept plan shall be based on the dimensional requirements for that use listed in the applicable zoning district in this ordinance. Where a proposed use or range of uses is permitted in more than one zoning district, the PUD concept plan as approved will identify which zoning district dimensional requirements will apply. However, if it is deemed necessary in order to achieve the purposes of this section, the City Council may modify the dimensional requirements for a given use or range of uses. Non-contiguous property may be used in calculating open space and the open space may be located on non-contiguous property.
- h. The following standards concerning traffic and accessory conditions shall be met:
  - 1. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the zoning district shall be provided.
  - 2. Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
  - 3. No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

#### **SECTION 405. APPROVAL PROCEDURE**

- a. The PUD zoning approval shall follow procedural requirements of Article 19 of this ordinance for amending the zoning ordinance. An applicant for PUD zoning approval shall submit a rezoning application, a proposed concept plan as outlined in Section 406 below, and any proposed language for the PUD zoning district. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan based on the standards described in Section 404 to determine its suitability.
- b. The Planning Commission shall then submit the proposed amendatory ordinance to the City Council together with its recommendation and a summary of comments received at the public hearing.
- c. The City Council, prior to the first reading of the amendatory ordinance, shall hold a public hearing meeting the notice requirements in Section 2014. Following that public hearing, it may amend or place additional conditions on the zoning ordinance amendment. The City Council may, at its discretion,

send a revised PUD back to the Planning Commission for their recommendation regarding the changes.

- d. PUD site plan approval procedure may commence only after the acceptance by the City Council of the conceptual PUD development plan and the rezoning of the property as required.
- e. PUD site plan approval process shall follow the procedures for site plan approval outlined in Article 12.

#### **SECTION 406. CONCEPTUAL PUD PLAN REQUIREMENTS**

The conceptual PUD development plan that is required to be reviewed and approved as part of the PUD rezoning process outlined above shall comply with the following requirements

- a. The applicant for approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
- b. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual characteristics of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required to determine compliance with approval of the conceptual plan.
- c. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
  - 1. Define the location of the areas to be devoted to particular uses.
  - 2. State the acreage to be devoted to the particular uses.
  - 3. Set forth the proposed density of the dwelling units by use type and of the entire project.
  - 4. Show the location of parks, open recreation areas, other open space and all public and community uses.
  - 5. The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City; market needs; impact on public schools, utilities, and circulation facilities; impact on natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.
  - 6. Any additional graphics or written materials reasonably requested by Planning Commission or City Council to assist the City in visualizing and understanding the proposal shall be submitted.
  - 7. Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment.
  - 8. Approval of the conceptual PUD plan shall confer upon the owner the right to proceed through the subsequent site plan approval phase for a period not to exceed three (3) years from date of approval. If so requested by the petitioner, an extension of a two (2) year period may be granted by the Planning Commission.



**SECTION 407. SITE PLAN APPROVAL**

Following approval of the conceptual plan by the City Council, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform to the approved conceptual plan. The site plans shall be reviewed by the Planning Commission following the procedures outlined in Article 12. After its review, Planning Commission shall make a recommendation to City Council for its approval, denial or approval with conditions.

**SECTION 408. DEVIATIONS FOR APPROVED PUD SITE PLAN**

Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Council action if the Zoning Administrator certifies in writing to the Planning Commission and City Council that the proposed revision does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission and the City Council. If either the Planning Commission or City Commission disagrees with the determination of the Zoning Administrator, the change will require approval following the procedures outlined above for the original approval. Any other change will require approval following the procedures outlined above for the original approval.

**SECTION 409. DESIGN STANDARDS**

Design of the proposed improvements within a PUD shall comply with the design requirements established by the City under this ordinance as well as those established under the City Land Division Ordinance (if applicable) and other ordinances or guidelines adopted by the City.

## ARTICLE 5

### DESIGN STANDARDS

#### SECTION 500. PURPOSE

The purpose of this article is to identify the design standards for uses listed in the Table of Use Requirements that were too large to fit in the table

#### SECTION 501. HOME OCCUPATION

- a. **Intent.** It is the intent of this Section to allow for and regulate the establishment of home occupations that are compatible with the neighborhood in which they are located, and which will preserve the peace, quiet, and domestic tranquility within all residential districts in the City.
- b. **Conditions.** Home occupations may be permitted subject to the following conditions:
  1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty percent (20%) of the habitable floor area of the dwelling unit may be used for the purposes of the home occupation. Further, the use shall not exceed 400 square feet and at least 850 square feet of the dwelling unit must remain in residential use.
  2. A home occupation, including storage of materials and goods, shall be entirely conducted within the confines of the dwelling unit.
  3. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of the home occupation, and there shall be no external or internal alterations that are not customary in residential areas.
  4. Unless specifically otherwise provided herein, no article shall be sold or offered for sale on the premises except as prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein. A retail showroom, sales area, outlet, or similar facility is prohibited.
  5. Traffic generated by such operation shall not be greater than that for normal residential purposes.
  6. No equipment or process shall be used in the home occupation that creates noise, vibration, glare, fumes, odor, or electrical interference that are nuisances to persons off the lot. Any electrical equipment or process which creates visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
  7. Any necessary parking spaces for vehicles generated by the conduct of the home occupation shall be provided off the road. Parking shall not be permitted in the front yard
  8. A permit and fee are required once every two (2) years.
  9. No employees other than occupants of the premises shall be engaged in such occupation. The operator of a home occupation shall reside within the same dwelling unit in which the activity is conducted.
- c. **Procedure.** A person may request a home occupation permit by filing a zoning permit application. In addition to the informational requirements for a zoning permit, the applicant shall provide the Zoning

Administrator with any information needed to verify compliance with the requirements of subsection b. above. The zoning permit for a Home Occupation Permit shall be reviewed by the Zoning Administrator every two years to verify compliance with the permit requirements. Noncompliance with the requirements of approval relating to the permit shall constitute grounds for the Zoning Administrator to terminate said permit

d. **Prohibited Home Occupations.** The following uses are not permitted as home occupations:

1. Stables or kennels.
2. Automobile body repair, machine shop, or any similar business.
3. Animal hospitals.
4. Welding service.
5. Funeral parlors or undertaking establishments.
6. Antique shops.
7. Rooming houses and tourist homes.
8. Dancing schools.
9. Contractors, such as building construction, electrical, plumbing landscaping, lawn mowing, masonry, snow plowing, excavating, and similar businesses.
10. Trailer rental.
11. Private clubs.
12. Restaurants and tea rooms.
13. Repair shops of any kind that may create nuisance factors.
14. Repair, maintenance, painting service, and storage of automobiles, machinery, tools, trucks, boats, recreational vehicles, and similar items.
15. Utility and public service buildings

**Voiding of Permit.** Home occupations may be monitored and reviewed to ensure that they are operated in compliance with the requirements herein or any conditions stipulated in their approval. Noncompliance with the requirements herein and/or the conditions of approval relating to the permit for a home occupation shall constitute grounds for the Zoning Administrator to terminate said permit.

## **SECTION 502. ONE FAMILY HOME STANDARDS**

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

- a. If the dwelling unit is a manufactured home, it must either be:
  1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.
  2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Official/Zoning Administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.

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- b. If the dwelling unit is a manufactured home, the manufactured home shall be installed on a foundation with the wheels and tongue removed.
- c. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturers setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Home Commission, or any similar or successor agency having regulatory City of Au Gres Zoning Ordinance responsibility for manufactured home parks or manufactured housing communities.
- d. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the City, provided, that where a dwelling unit is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulations for construction are stricter than those imposed by City codes, then and such Federal or State standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Official/Zoning Administrator.
- e. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, yard requirements, and maximum building height requirements of the zoning district in which it is located.
- f. The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty (20) feet.
- g. The main roof of the dwelling unit shall have a minimum pitch of four (4) feet of rise for each twelve (12) feet of horizontal run.
- h. The dwelling unit shall be placed on the lot so that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
- i. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the State Building Code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism.
- j. A storage area within a building not less than one hundred twenty (120) square feet in an area shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions of this Ordinance pertaining to accessory buildings.
- k. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first-floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the State Building Code.
- l. The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- m. The dwelling unit shall not contain any additions of rooms or other areas which are not City of Au Gres

Zoning Ordinance constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

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

### **SECTION 503. OTHER SIMILAR USES**

This Ordinance acknowledges that all potential uses of land cannot be specifically identified in the zoning districts. A land use which is not cited by name in a zoning district may be permitted upon determination by the Planning Commission that the use is clearly similar in nature and compatible with the principal uses permitted, or as a permitted accessory use listed in that district. This determination shall be made at a public hearing, with required notice given. The applicant shall be required to submit pertinent information on the physical and operational characteristics of the proposed use and any additional information that may be requested by the Planning Commission. In making a determination of similarity and compatibility with the listed uses in that district, the Planning Commission shall consider the following:

- a. **Determination of Compatibility.** In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted by right in various district. Such characteristics shall include, but are not limited to, traffic generation, generation of nuisances, parking, types of service offered, types of goods produced, methods of operation, and building characteristics.
- b. **Classification of Use.** If the Planning Commission determines that the proposed use is compatible with permitted uses in one or more districts, the Planning Commission shall decide whether the proposed use is most similar to those permitted by right, as a special land use, or as a permitted accessory use. If it is determined to be most similar to those permitted by right, or as a permitted accessory use it may approve a classification of such use. If it is determined to be most like a use by special land use, it shall refer it determination to the City Council, who may authorize the initiation of a text amendment to add the use to the appropriate districts in the Table of Uses. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.
- c. **Use Provided for in Other District.** No use shall be classified under this process if that use is specifically listed as a use permitted by right or as a special land use in any other district.
- d. **Prohibited Uses.** Certain uses may not be appropriate within the City given the existing development pattern, environmental conditions, and overall character in the community and some uses may be listed as "prohibited" in the Table of Uses to clearly document the City Council's determination that the use is not appropriate. In finding that there is no appropriate location for the use within the City, the Planning Commission shall consider the following:
  - 1. The land area required by the proposed use.
  - 2. Existing environmental conditions and potential environmental hazards.

3. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation, and views.
4. Demand and capacity of utilities and municipal services to support the proposed use.
- e. Report to the City Council. In the event that the Planning Commission determines that the use is only similar to uses permitted as special land uses in the ordinance, or they believe the use may be inappropriate for the city, it shall submit a report to the City Council outlining its determination. The Council may then initiate an amendment to the zoning ordinance to classify the use as permitted by special land use in one or more districts, or to classify a use as "prohibited."
- f. The determination by the Planning Commission on a classification initiated by the resident or property owner, by the zoning administrator or the Planning Commission may be appealed to the Zoning Board of Appeals.

**SECTION 504. PROFESSIONAL TECHNICAL DISTRICT DESIGN STANDARDS**

- a. 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.
- b. Storm Water Retention. Storm water retention facilities shall meet the following requirements:
  1. All storm water retention facilities shall be designed 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.
- c. Wetlands. Wetlands, as defined and 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.
- d. 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.
- e. 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.
- f. **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.
- g. **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.

#### **SECTION 505. TEMPORARY USES - SEASONAL SALES**

- a. Temporary businesses in which a permanent or non-mobile structure is used shall be allowed only in the TC, C, PT, and I business districts.
- b. Temporary businesses, aside from nonmotorized portable carts ("push carts"), that sell items out of motorized vehicles (van trucks, pickups, etc.) or two trailers shall be restricted to allocated spaces, i.e. trucks, selling meat, etc., within the City's Farmers Market. A zoning permit shall be required from the City to use the space and facilities provided at the Farmers Market.
- c. All signs, unless permanently affixed to a free-standing structure or building, shall be removed during the period in which the seasonal business is not in use.

- d. No sign shall exceed sixteen (16) square feet in face area.
- e. In the case of permanent buildings in which a temporary use is located, all off-street parking shall adhere to the requirements of the district in which the building is located.
- f. Temporary uses associated with public and nonprofit activities, such as school outdoor concession stands, shall be exempt from the provisions of this Section. Temporary on-site business sales, outside the normal location and scope of that business, such as sidewalk sales, shall be exempt from the provisions of this Section.
- g. Vendors using a portable structure, such as a cart or other similar device, that can be moved to various locations within the City, shall adhere to the following:
  - 1. A zoning permit shall be required from the City for the period during which the portable vendor intends to operate.
  - 2. The cart or other similar device shall be allowed only on public rights-of-way or on private property after receiving permission from the property owner; if the property owner is an absentee owner, written permission shall be required from the owner or his/her agent.
  - 3. The cart or similar device shall be located in such a way as not to block the normal flow or vision of pedestrian/vehicular traffic.
  - 4. The hours of operation for the vendor shall be limited to the hours specified in the operating permit.
  - 5. Flashing or pulsating lights shall not be allowed on the portable structure or other fixtures associated with the vending business.
  - 6. Other requirements and restrictions contained in the provisions of the operating permit issued by the City.

**SECTION 506. TOWN CENTER AND PT DISTRICT 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.
  - 6. Material selection.
  - 7. Harmony and compatibility.



8. Circulation - vehicular and pedestrian.
9. Maintenance aspects.

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

- (a) 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.
- (b) Attractive landscape design transition to adjoining properties shall be provided.
- (c) 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.

e. 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 507. WIRELESS TELECOMMUNICATION FACILITIES**

- a. Purpose. The general purpose of this Article is to regulate the placement, construction and modification of transmission towers and telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the

development of the competitive wireless telecommunications marketplace in Au Gres, Michigan. Specifically, the purposes of this Article are:

1. To regulate the location of transmission towers and telecommunications facilities in the City.
2. To protect residential areas and land uses from potential adverse impact of transmission towers and telecommunications facilities.
3. To minimize adverse visual impact of transmission towers and telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques.
4. To promote and require, where feasible, shared use/collocation of transmission towers and antenna support structures as the primary option rather than construction of additional single-use transmission towers.
5. To avoid potential damage to property caused by transmission towers and telecommunications facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or determined to be structurally unsound.
6. To ensure that transmission towers and telecommunications facilities are compatible with surrounding land uses.
7. Nothing in this Section shall apply to amateur radio antennas, or facilities, used exclusively for the transmission of television or radio signals.

b. Definitions

1. **Ancillary Facilities.** The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing and ventilation, and other mechanical equipment.
2. **Antennas.** An electrical conductor or group of electrical conductors that transmit or receive radio waves, excluding amateur radio antennas.
3. **Antenna Support Structure.** Any building or other structure other than a transmission tower which can be used for location of telecommunications facilities.
4. **Collocation.** Placement of an antenna on an existing transmission tower, building, light or utility pole or water tower where the antenna and all supports are located on the existing structure.
5. **Provider.** A person in the business of designing and using telecommunication facilities including cellular radio, telephones, personal communications services, enhanced / specialized mobile radios, and commercial paging services.
6. **Stealth.** Any transmission tower or telecommunications facility which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and transmission towers designed to look other than like a transmission tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed, or monopole transmission tower designs.
7. **Transmission Tower.** The monopole or lattice framework designed to support transmitting and receiving antennas. For the purposes of this section, amateur radio transmission facilities and facilities used exclusively for the transmission of television and radio signals are not "transmission towers." Transmission towers include:
  - (a) **Guyed Tower.** A tower which is supported by the use of cables (guy wires) which are permanently anchored.
  - (b) **Lattice Tower.** A tower characterized by an open framework of lateral cross members which stabilized the tower; and

- (c) **Monopole.** A single upright pole, engineered to be self-supporting and does not requiring lateral cross supports or guys.

**c. Application Information.**

- 1. **Collocation.** In addition to the information required for a site plan, the following additional information is required where applicable

- (a) Documentation from an engineer demonstrating compliance with the standards in subsection d below.
- (b) A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed transmission tower, antennas, and ancillary facilities from at least four (4) points within a three (3) mile radius. Such points shall be chosen by the applicant with review and approval by the City Zoning Administrator to ensure that various potential views are represented.
- (c) A statement providing the reasons for the location, design, and height of the proposed antennas.

- 2. **New or modified tower**

- (a) All of the applicable information required for a collocation request.
- (b) The capacity of the transmission tower in terms of the number and type of antennas it is designed to accommodate.
- (c) A signed agreement stating that the applicant will allow collocation with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the transmission tower.
- (d) The names, addresses, and telephone numbers of all owners of other transmission towers or usable antenna support structures within a one-half (1/2) mile radius of the proposed new transmission tower site, including City-owned property.
- (e) An affidavit attesting to the fact that the applicant made diligent, but unsuccessful efforts for permission to install or collocate the applicant's telecommunications facilities on City-owned facilities or usable antenna support structures or transmission towers owned by other persons located within a one-half (1/2) mile radius of the proposed transmission tower site.
- (f) Written, technical evidence from an engineer(s) that the proposed transmission tower or telecommunications facilities cannot be installed or collocated on another person's transmission tower or usable antenna support structure located within a one-half (1/2) mile radius of the proposed transmission tower site because of the coverage requirements of the applicant's communications system.
- (g) A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed transmission tower, antennas, and ancillary facilities from at least four (4) points within a three (3) mile radius. Such points shall be chosen by the applicant with review and approval by the City Planner to ensure that various potential views are represented.

**d. Standards for Transmission Towers and Antennas**

- 1. **Limitations on Towers in TC, C, and PT districts.** In the TC, C, and PT zoning districts, new towers may only be permitted in the following locations:

- (a) Religious institutions, but only when designed as a steeple, bell tower, or similar accessory structure compatible with the primary use on the property.
  - (b) Parks.
  - (c) Government, public utility, or public-school sites.
2. Separation. No transmission tower may be constructed within one-half (1/2) mile of any existing transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed transmission tower which is closest to the base of any pre-existing transmission tower. For purposes of this paragraph, an existing tower shall include any transmission tower for which the City has issued a building permit, or for which an application has been filed and not denied. Transmission towers constructed or approved prior to the adoption of this Ordinance may be modified to accommodate additional providers consistent with provisions for collocation in this section.
3. Height. The maximum height of transmission towers shall be set as outline below unless a waiver is granted as provided for elsewhere in this section.
- (a) If located within the I District, the maximum height of a transmission tower, including antennas, is one hundred fifty (150) feet.
  - (b) If located within the C or PT districts, the maximum height of a transmission tower, including antennas, is one hundred (100) feet.
  - (c) If located within the TC District, the maximum height of a transmission tower, including antennas, is seventy-five (75) feet.
4. Collocation. It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the city and to encourage the use of existing structures for attached wireless communication facilities
- (a) Collocation shall be required unless an applicant demonstrates that collocation is not feasible. Collocation shall be deemed feasible for the purpose of this article where all of the following are met:
    - (1) The wireless communication provider or property owner where collocation is proposed will accept market rent or other market compensation for collocation and the wireless communication provider seeking the facility will pay such rates.
    - (2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
    - (3) The collocation being considered is technically reasonable, e.g. the collocation will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.
  - (b) New transmission towers shall be designed to accommodate collocation of additional providers.
    - (1) New transmission towers of a height of one hundred (100) feet or more shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification to the transmission tower.
    - (2) New transmission towers of a height of at least sixty (60) feet and no more than one

hundred (100) feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification to the transmission tower.

- (c) Penalties for not permitting collocation. If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible collocation such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded, or extended in any respect. In addition, if a party refuses to allow collocation in accordance with the intent of the Article and, this action results in construction of a new tower, the City may refuse to approve a new wireless communication support structure from the party for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five-year prohibition would unreasonable discriminate amount providers of functionally equivalent wireless communication services or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
5. **Setback.** The transmission tower shall be set back from adjacent property lines and rights-of-way a minimum number of feet that is equal to the height of the transmission tower unless a waiver is granted as provided for elsewhere in this section
  6. **Buffering.** In all zoning districts in which telecommunication towers are allowed by special permit, existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the outer boundary of the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six (6) feet placed densely so as to form a screen. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained. Landscaping shall be installed on the outside of any fencing.
  7. **Noise Reduction.** In the TC, C, PT, and I districts, when the adjacent property is zoned residentially or occupied by a dwelling, medical facility, school, library, or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45 decibels. In all other locations, noise shall be regulated by application of ordinances.
  8. **Lighting.** Transmission towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA). In cases where there are residential uses located within a distance which is three hundred percent (300%) of the height of the transmission tower from the transmission tower, and when required by federal law, dual mode lighting shall be requested from the FAA.
  9. **Color.** The transmission tower and attached antennas shall be unpainted galvanized steel or painted neutral colors or such shades as are appropriate and compatible with the surrounding environment, as approved by the City.
  10. **Display.** No signs, striping, graphics, or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three (3) square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two (2).
  11. The facility shall comply with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC).
  12. The proposed tower shall be certified as capable of supporting the estimated wight of the

proposed antennas including potential collocation.

e. Waiver

1. Any waiver to the requirements of this Section shall be granted only pursuant to the following provisions.
2. The City Planning Commission may grant a waiver from the provisions of subsection d Standards for Transmission Towers and Antennas providing the applicant demonstrates that
  - (a) It is technologically impossible to locate the proposed transmission tower on available sites more than one-half (1/2) mile from a pre-existing transmission tower and still provide the approximate coverage the transmission tower is intended to provide.
  - (b) The pre-existing transmission tower that is within one-half (1/2) miles of the proposed transmission tower cannot be modified to accommodate another provider; and
  - (c) There are no available buildings, light or utility poles, or water towers on which antennas may be located and still provide the approximate coverage the transmission tower is intended to provide.
3. The City Planning Commission may grant a waiver to the setback requirements of subsection d Standards for Transmission Towers and Antennas upon finding that stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance.
4. The City Planning Commission may grant a waiver to the height limitations listed in subsection d Standards for Transmission Towers and Antennas if the applicant shows, through written documentation provided by an engineer, that the proposed height is the minimum height needed to meet service needs and to accommodate future collocations per this Section.

## ARTICLE 6

### LANDSCAPE STANDARDS

#### SECTION 600. 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 601. DEFINITIONS

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

- a. **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.
- b. **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.



- c. **Drip line.** An imaginary vertical line extending from the outermost branches of a tree to the ground.
- d. **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.
- e. **Grass.** Any of a family of plants with narrow leaves normally grown as permanent lawns.
- f. **Ground Cover.** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- g. **Shrub.** A self-supporting, deciduous or evergreen woody plant normally branched near the base, bushy, and less than fifteen (15) feet in height.
- h. **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.
- i. **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 602. LANDSCAPE PLAN SPECIFICATIONS**

- a. The requirements set forth in this Article shall apply to all projects requiring site plan review.
- 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 603. DESIGN STANDARDS**

a. **Greenbelts.** A greenbelt shall be planted or preserved along public rights-of-way 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 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 Table 6-1. 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 preferred while walls and berms are authorized when necessary.
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 Au Gres Zoning Ordinance

Table 6-1

Zoning or Proposed Use of Subject Site*	Zoning or Use of Adjacent Site*										
	Single Family	Multiple Family	Manufactured Housing	Office	Medical or Municipal Use	TC	Commercial	Industrial	Outdoor Storage Areas in any District	Public Utility Buildings & Structures in any District	Parking Lots
Single Family	none	Type B	Type A	Type B	Type A	Type A	Type A	Type A	Type A	Type A	Type A
Multiple Family	Type B	none	Type A	Type B	Type A	Type A	Type A	Type A	Type A	Type A	Type A
Manufactured Housing	Type A	Type A	none	Type A	Type A	Type A	Type A	Type A	Type A	Type A	Type A
Office	Type B	Type B	Type A	none	Type B	Type B	Type B	Type B	Type B	Type A	Type B
Medical, Municipal, or Institutional Use	Type A	Type A	Type A	Type B	none	Type B	Type B	Type B	Type B	Type A	Type B
TC	Type A	Type A	Type A	Type B	Type B	none	Type B	Type A	Type A	Type A	Type B
Commercial	Type A	Type A	Type A	Type B	Type B	Type B	none	Type A	Type A	Type A	Type B
Industrial	Type A	Type A	Type A	Type B	Type A	Type A	Type A	none	Type B	Type B	Type B
Outdoor Storage Areas in Any District	Type A	Type A	Type A	Type B	Type B	Type A	Type A	Type B	none	Type B	Type B
Public Utility Buildings & Structures in Any District	Type A	Type A	Type A	Type A	Type A	Type A	Type A	Type B	Type B	none	Type B
Parking Lots	Type A	Type A	Type A	Type B	Type B	Type B	Type B	Type B	Type B	Type B	none

\*When the proposed use or use on adjacent site corresponds with one listed here (Single Family, Multiple Family, Manufactured Housing, Office, Medical, Municipal, or Institutional Use, then the applicable row or column is used. When it does not correspond with any of these, then the applicable zoning district is used.

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 lot 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. **Greenbelt Standards for Residential Development with Interior Roads.** 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.

PLANT MATERIAL	MINIMUM PLANT SIZES	SPACING REQUIREMENTS
Deciduous canopy trees	2 1/2" caliper	25' on-center
Ornamental trees	2" caliper 6' height (clump form)	15' on-center
Evergreen trees	6' height	15' on-center
Narrow evergreen trees	4' height	12' on-center
Deciduous shrubs	2' height	4'-6' on-center
Upright evergreen shrubs	2' height	3'-4' on-center
Spreading evergreen shrubs	18"-24" spread	6' on-center

- 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 to be used to comply with the requirements of this ordinance 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:
  - 1. Box Elder
  - 2. Elms
  - 3. Tree of Heaven
  - 4. Willows

5. Soft Maples (silver)
  6. Poplars
  7. Horse Chestnut (nut bearing)
  8. Ginkgo (female)
  9. Cottonwood
  10. Mulberry
  11. Black Locust
  12. 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 604. REQUIRED WALL OR FENCE STANDARDS**

- 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).

City of Au Gres Zoning Ordinance

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

- 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 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 605. ALL WALLS AND FENCES**

Any fence or wall, whether required or not are subject to the following:

- a. Fences or walls 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 or walls on lots of record shall not contain barbed wire, electric current or charge of electricity.
- c. Fences or walls 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 or walls 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 or walls 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 I 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 7**

**RESERVED**

## ARTICLE 8

### PLANNED UNIT DEVELOPMENT (PUD)

#### SECTION 800. INTENT

The intent of this Article is to provide an optional method for residential land development, which allows for flexibility in the application of the requirements governing the type of residential structures permitted and their placement on the property. PUD's permit the coordinated development on larger sites in order to protect significant natural features present which the property owner and City wish to preserve, provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units to preserve common open space.

A PUD will provide for the development of land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, drives, parking areas, utilities, landscaping, and any other improvements or changes within the site. Deviation from the specific site development requirements of this Ordinance may be allowed, so long as the general purposes for the requirements are achieved and the general provision of the Zoning Ordinance observed.

These PUD regulations shall not be used for circumventing the more specific requirements in this Ordinance, or the planning upon which the requirements are based. Rather, these provisions are intended to result in a development which is substantially consistent with the zoning requirements as generally applied to the proposed uses, but with specific modifications to the general requirements that, in the judgment of the City, assure a superior quality of development. If this improved quality is not clearly apparent upon City review, a site shall not qualify for the modifications allowable under this development option.

#### SECTION 801. ELIGIBILITY REQUIREMENTS

The following conditions shall apply to all PUD's:

- a. **Demonstrated Benefit.** The PUD shall provide one (1) or more of the following benefits not possible under the requirements of another zoning district, as determined by the Planning Commission:
  1. The site has significant natural or historic features which will be preserved through development under the PUD standards, as determined by the Planning Commission.
  2. A complementary mixture of uses or a variety of housing types.
  3. The PUD will create a more desirable environment than would be possible through the application of strict zoning requirements applied in other sections of this Ordinance.
  4. Common open space for passive or active recreational use or a design which preserves common open space, not possible under the standards of another zoning district.
  5. Mitigation to offset community impacts.
  6. Redevelopment of a nonconforming site where creative design can address unique site constraints.
- b. **Availability and Capacity of Public Services.** The site shall be served by a sanitary sewer system and

the municipal water system. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.

- c. **Compatibility with the Master Plan.** The proposed development shall not have an adverse impact on future development as proposed in the Au Gres Master Plan.
- d. **Compatibility with the Planned Unit Development Intent.** The proposed development shall be consistent with the intent and spirit of this Ordinance.
- e. **Development Impact.** The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in this Ordinance.

## SECTION 802. PERMITTED USES

A PUD shall be permitted in all Zoning Districts. Residential types permitted in the underlying zoning district shall be permitted with additional uses as provided for herein. The PUD rezoning shall be concurrent with the approval of a PUD Preliminary Plan. The PUD designation shall be noted in the application; and on the Official Zoning Map upon approval.

- a. **Residential Density.** The density of dwelling units within the approved PUD shall not generally exceed the density allowed for the underlying Residential District for which the zoning change is requested. The number of dwelling units allowed within a PUD shall be determined in the following manner:
  - 1. The applicant shall prepare, and present to the Planning Commission for review, a parallel design plan showing the number of lots that could be developed on the site under the underlying zoning district.
  - 2. The parallel design plan shall be submitted with the preliminary plan of the PUD.
  - 3. The layout of the parallel plan shall comply with State and City requirements and design criteria for a tentative preliminary subdivision plat, fully consistent with Public Act 288 of 1967 (Land Division Act), as amended and the City subdivision control regulations. This design shall include all information that would be required for a tentative preliminary plat, including areas appropriately sized for storm water detention. Such areas cannot be counted towards the permitted density.
  - 4. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed following the parallel design. This number, as determined by the Planning Commission review, shall become the maximum number of dwelling units allowable within the PUD site.
- b. **Attached Dwelling Units.** Where the underlying zoning is R-1, multiple family dwelling units shall be permitted meeting the density and design requirements of this Ordinance.
- c. **Lot Dimensions.** Once the density has been established, the allowable number of dwelling units may be clustered with lot areas and widths reduced below the minimum requirement of the underlying zoning district, provided that the open space within the development equals or exceeds the total area of lot area reduction.
- d. **Regulatory Flexibility.** The setback and density requirements of the underlying zoning district shall be used as guidelines for the residential open space PUD. To encourage flexibility and creativity consistent with the intent of the PUD regulations, the City may permit specific departures from the

requirements of the Zoning Ordinance. A table shall be provided on the site plan that lists all deviations and regulatory modifications. Deviations shall only be approved through a finding by the City that the deviation will result in a higher quality of development than would be possible using conventional zoning requirements. Only those deviations consistent with the intent of this Article shall be considered. In no case shall a density bonus exceed an additional ten percent (10%) of the permitted number of dwelling units.

- e. **Open Space.** All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation, or agriculture. A minimum of fifty percent (50%) percent of the gross area of the site shall be dedicated open space held in common ownership. Open space shall be provided along the exterior public roads with a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition.

### SECTION 803. PUD DESIGN REQUIREMENTS

All PUD's shall meet the following requirements:

#### a. Open Space Requirements

1. **Open Space.** All land within a development that is not devoted to a residential unit or road right-of-way shall be set aside as common land for neighborhood use, recreation, conservation or agriculture.
2. **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of meeting minimum open space requirements:
  - (a) Area proposed as single family residential or site condominium lots.
  - (b) Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
  - (c) Any area proposed for a commercial land use.
  - (d) The area of any road right-of-way or private road easement.
  - (e) Any parking and loading areas.
  - (f) Any submerged land area of a pond, lake or stream, provided protected wetlands and storm water ponds designed to appear, and function similar to a natural wetland may be counted for up to fifty percent (50%) of the minimum required open space.
  - (g) Golf courses.
3. **Open Space Location.** Open space shall be planned in locations visible and accessible to all in the development. The open space may either be centrally located, along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland or located to connect open spaces throughout the development, provided the following shall be included within the open space area:
  - (a) Open space shall be situated to maximize the preservation of any existing site, woodlands or other significant natural areas.
  - (b) A minimum one hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the City may permit trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback.

(c) Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between neighborhoods.

4. **Open Space Protection.** The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement that is found acceptable to the City. The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan and shall never be changed to another use. The conservation easement shall provide the following:

(a) Allowable use(s) of the dedicated open space shall be indicated. The City may require the inclusion of open space restrictions that prohibit the following:

- (1) Dumping or storing of any material or refuse.
- (2) Activity that may cause risk of soil erosion or threaten any living plant material.
- (3) Cutting or removal of live plant material except for removal of dying or diseased vegetation.
- (4) Use of motorized off road vehicles.
- (5) Cutting, filling or removal of vegetation from wetland areas.
- (6) Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.

(b) Requirements that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Requirements for scheduled maintenance of the open space shall be provided. The conservation easement shall provide for maintenance to be undertaken by the City in the event that the open space is not adequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon the owners of the open space.

(c) A provision that the dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require City Board approval, based upon a recommendation by the Planning Commission, and shall not diminish compliance with the requirements of this Article.

(d) Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.

**b. Natural Features**

1. **Limits of Tree Clearing.** The development shall be designed so as to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat.
2. **Animal or Plant Habitats.** If animal or plant habitats that are characteristic of pre-settlement habitat exist on the site, the City, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

**c. Landscaping.** The following landscaping requirements shall be met in addition to other landscaping

requirements in this Ordinance:

1. **Street Trees.** Both sides of all internal roads shall be landscaped with street trees. One (1) deciduous canopy tree shall be provided on each side of the road for every forty (40) feet of road frontage. Existing trees preserved within ten (10) feet of the road right-of-way or easement may be credited towards meeting this requirement.
2. **Stormwater Detention Ponds.** All ponds and stormwater management facilities shall be designed to fit into the natural landscape and provide a natural appearance. Landscaping shall be provided around the perimeter of the pond to create the appearance of a natural pond or wetland. Landscaping shall include a combination of deciduous canopy trees, shrubs, and grasses that are adapted to saturated soil conditions. Canopy trees may be dispersed around the perimeter, but should provide greater clusters in locations that will provide shade and minimize the heating effect of the sun on the stormwater detention pond. Storm water detention ponds shall be designed with shallow side slopes that do not require security fencing. For ponds not dedicated to the County Drain Commission, the development agreement shall provide for long term maintenance of the stormwater detention pond by the homeowners association.

**d. Design Requirements**

1. **PUD Design Requirements.** Signs, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
2. **Parking Lots.** Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets.

**SECTION 804. APPLICATION PROCEDURES**

- a. **Applicant.** An application for approval of a PUD shall be submitted by or on behalf of an applicant who has a demonstrable legal interest in all of the lands within the proposed development.
- b. **Pre-Application Conference.** An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of a PUD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring a workshop shall request placement on the Planning Commission agenda.
- c. **Preliminary Plan**
  1. Before submitting a final plan, an applicant shall submit a preliminary plan of the PUD, in accordance with requirements set forth in this Section. This plan shall show the name, location and main design elements so as to enable the Planning Commission to make a determination as to whether the Preliminary PUD is in keeping with the intent of the PUD Ordinance.
  2. The Planning Commission shall conduct a public hearing on the proposed PUD preliminary plan and rezoning. Notice of said public hearing shall be published in the local newspaper not less than fifteen (15) days prior to the date of the public hearing and in accordance with the requirements of the Michigan Zoning Enabling Act (Public Act 110 of 2006). All property owners of lands within thirteen hundred and twenty (1,320) feet of the property in question shall be notified by first class mail or personal delivery to each dwelling unit or other occupied structure.

3. The Planning Commission approval of a preliminary plan shall confer on the applicant the conditional right that the general terms and conditions under which the preliminary plan approval was granted will not be changed. After Planning Commission approval, the PUD rezoning shall be submitted to the Monroe County Planning Department for review and comment. At the same time the PUD rezoning and preliminary plan shall be submitted to the City Council for its approval or disapproval.
- d. **Preliminary Plan Application Submission Requirements.** Fifteen (15) copies of each of the following items are required to be submitted as part of the preliminary plan application in addition to an application fee as established by the City Council:
1. Applicants name, address, phone number, proof of property interest, and the name, address, and phone number of the architect, engineer, or designer preparing the application.
  2. A written legal description of the total site area proposed for development.
  3. A site plan and supporting maps and drawing containing the following information at a scale of not more than 1" = 100' and sufficiently dimensioned so as to identify the size and location of the various elements of the plan:
    - (a) Location map.
    - (b) Site topography, existing and proposed at spot intervals (interval no greater than two (2) feet).
    - (c) The general location of all existing and proposed buildings and structures.
    - (d) Public and private roadways within and adjacent to the site.
    - (e) Walkways within and adjacent to the site.
    - (f) Park areas, driveways, and loading and service areas.
    - (g) Open areas, and a description as to use.
    - (h) A written tabulation of statistical data concerning the site, including the number of dwelling units by type, the area of all parcels created, the area of all common open space, and the number of parking spaces provided.
    - (i) A parallel plan showing the number of lots that could be developed on the site under the pre-PUD zoning district.
    - (j) A general landscape plan of landscaping within the site.
    - (k) The location and screening of any outside trash containers.
    - (l) The location and size of all known utilities and drainage facilities.
    - (m) The general location of all proposed utilities and drainage facilities.
    - (n) The dimensions of all parcels to be created as a part of the development.
    - (o) General building elevation drawings showing the architectural style to be used in the development.
- e. **Final Plan**
1. Upon approval of a preliminary plan application, a developer shall prepare and submit a final plan application in accordance with the requirements set forth in this Section. A final plan submitted in accord with an approved preliminary plan shall warrant approval by the Planning Commission and the City Council.
  2. After a study of the proposed final plan for a PUD or part thereof, the Planning Commission shall, within thirty (30) days of the receipt of said plan, recommend to the City Council approval, approval with modification, or disapproval of the project. The Planning Commission shall prepare a report explaining its action. The Planning Commission shall recommend approval of a final plan

unless it is determined that said final plan is not in accordance with the approved preliminary plan.

3. Prior to final plan approval by the City Council the developer shall have executed, and submitted in duplicate to the City, an agreement with the City setting forth:
  - (a) The specific location and use of all common lands and common facilities within the development.
  - (b) The organizational structure of homeowners association and the provisions for implementation of transfer of control to said association from the developer.
  - (c) The methods for levying assessments on the common lands and facilities, both with respect to taxes and operation and maintenance fee.
  - (d) Provisions enabling the City to enter in and maintain such common lands and facilities, both with respect to taxes and operation and maintenance fee.
  - (e) Provisions whereby the Zoning Ordinance Enforcement Officer shall not issue a certificate of occupancy until all the required improvements as set forth in the site plan have been completed, or a financial guarantee sufficient to cover the cost of any improvements not completed, has been provided to the City as prescribed by the City Council.
  - (f) Provisions to allow the City to enter and complete such improvements if the developer has failed to do so within the stated period of time.
4. Upon approval of a final plan application by the City Council, the developer may obtain necessary building permits for the construction of the PUD.

f. **Final Plan Application Submission Requirements.** Fifteen (15) copies of the following items are required to be submitted as part of the final plan application in addition to the submittal requirements described in ARTICLE 12 Site Plan Review:

1. A written legal description of the total site area proposed for development. (2 copies)
2. A letter of transmittal setting forth the proposed development schedule, including the sequence of any phases of development. (2 copies)
3. The organizational structure of the homeowner's association to be formed for the financing, operation and maintenance of all common open space and common property and facilities within the development. (2 copies)
4. A copy of all covenants pertaining to the development. (2 copies)

#### **SECTION 805. PUD REZONING**

The application for PUD rezoning is reviewed and approved in accordance with ARTICLE 19. The preliminary PUD plan is to be considered concurrently with the application for rezoning.

#### **SECTION 806. APPROVAL PERIOD**

- a. **Preliminary Plan.** The length of time during which the approval of the preliminary plan for a PUD remains valid shall be eighteen (18) months from the date of City Council approval. An extension may be applied for in writing by the applicant prior to the expiration date, and extensions may be granted by the City Council twice, each for a period of one (1) year.
- b. **Final Plan.** The length of time during which approval of a final plan for a PUD remains valid shall be



two years from the date of City Council approval. An extension may be applied for in Writing by the applicant prior to the expiration date, and extensions may be granted by the City Council twice, each for a period of one (1) year. Where a PUD is being developed in phases, the initiation of each new development phase shall automatically extend the approval for two (2) years from the date of issuance of a land use permit.

#### **SECTION 807. PERFORMANCE GUARANTEE**

- a. **Condition for Issuance of Temporary Certificate of Occupancy.** If, when a certificate of occupancy is requested, all required site improvements have not been completed, the Zoning Ordinance Enforcement Officer may issue a temporary certificate of occupancy upon receipt from the developer by the City Clerk of a financial guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount sufficient to cover the cost of outstanding improvements.
- b. **Covered Improvements.** The amount of the performance guarantee shall be limited to cover the estimated cost of improvements necessary to comply with provisions of the Zoning Ordinance and any conditions attached to the PUD approval, and said improvements shall include, but not be limited to, roadways, lighting, utilities, sidewalks, screening and drainage.
- c. **Exemptions.** This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act. No. 288 of the Public Acts of 1967, as amended, being Sections 560.101 to 560.293 of M.C.L.
- d. **Completion Time.** All required improvements covered by the performance guarantee shall be completed within two hundred forty (240) days of the issuance of the temporary certificate of occupancy. In the event all required improvements are not completed within the time period provided, the City, by resolution of the City Council, may proceed to have such work completed and reimburse itself for the cost thereof from the security furnished by the applicant proprietor.
- e. **Release of Performance Guarantee.** The City Clerk may authorize the release of such financial security upon completion of the outstanding improvements. Any written request from the developer seeking a release of a portion of the financial security shall be accompanied by the written certification from the developer's engineer or architect certifying what part of the improvements have, in fact, been completed.

#### **SECTION 808. AMENDMENTS TO PLANS**

Minor changes in the location, siting, or character of buildings and structures may be authorized by the Zoning Ordinance Enforcement Officer, if required by engineering or other circumstances not foreseen at the time the final development program was approved. No change authorized under this Section may increase by more than ten (10) percent, or decrease by more than twenty percent (20%), the size of any building or structure, or change the location of any building or structure by more than ten (10) feet in any direction; provided, notwithstanding, anything in the foregoing, the Zoning Ordinance Enforcement Officer may not permit changes beyond the minimum requirements set forth in this Ordinance.

All other changes in the planned unit, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of the PUD.

**SECTION 809. SUBDIVISION REQUIREMENTS**

Any PUD which will result in the creation of parcels of land under separate ownership, as defined in Act 288 of 1967, the Land Division Act, of Act 59 of 1978, the Condominium Act, shall comply with the provisions of those Acts.

## ARTICLE 9

### SITE CONDOMINIUMS

#### SECTION 900. INTENT

The intent of this Article is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership. This Article is not intended to prohibit or treat a proposed or existing condominium project different than a project or development under another form of ownership.

#### SECTION 901. DEFINITIONS

The terms used in this section related to condominium developments are as defined in the Condominium Act, PA 59 of 1978.

#### SECTION 902. CONDOMINIUM SUBDIVISION APPROVAL

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Planning Commission. All condominium plans must be approved by the Planning Commission following the same process identified in ARTICLE 12 Site Plan Review. In making its determination, the Planning Commission shall consult with the Building Official and Zoning Administrator, City attorney, and the City engineer regarding the adequacy of the master deed, deed restrictions, utility systems, streets, project design and layout and compliance with the Condominium Act.

#### SECTION 903. CONDOMINIUM PROJECTS

The following regulations shall apply to all condominium projects within the City of Au Gres. Concurrently with notice required to be given the City of Au Gres pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

- a. The name, address and telephone number of:
  1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
  2. All engineers, attorneys, architects or registered land surveyors associated with the project.
  3. The developer or proprietor of the condominium project.
- b. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- c. The acreage content of the land on which the condominium project will be developed.
- d. The purpose of the project (for example, residential, commercial, industrial, etc.).

- e. Approximate number of condominium units to be developed on the subject parcel.

**SECTION 904. SETBACKS AND BOUNDARIES**

The following regulations in this Article shall apply to all condominium developments within the City of Au Gres. In applying the ordinance requirements to conventional condominiums versus site condominiums, the following rules pertain

a. Lot Size

In conventional condominium development, the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which the parcel is located.

b. Setbacks

In conventional condominium development, the buildings must be setback from the site's boundaries as required in the zoning district the parcel is located in. For site condominium developments, the setbacks shall be from the outer edge of the "lot" consisting of condominium units and their associated limited common area and shall be consistent with the setbacks for principal structures in the zoning district in which they are located. (See Figure 9-1 and Figure 9-2)

Figure 9-1

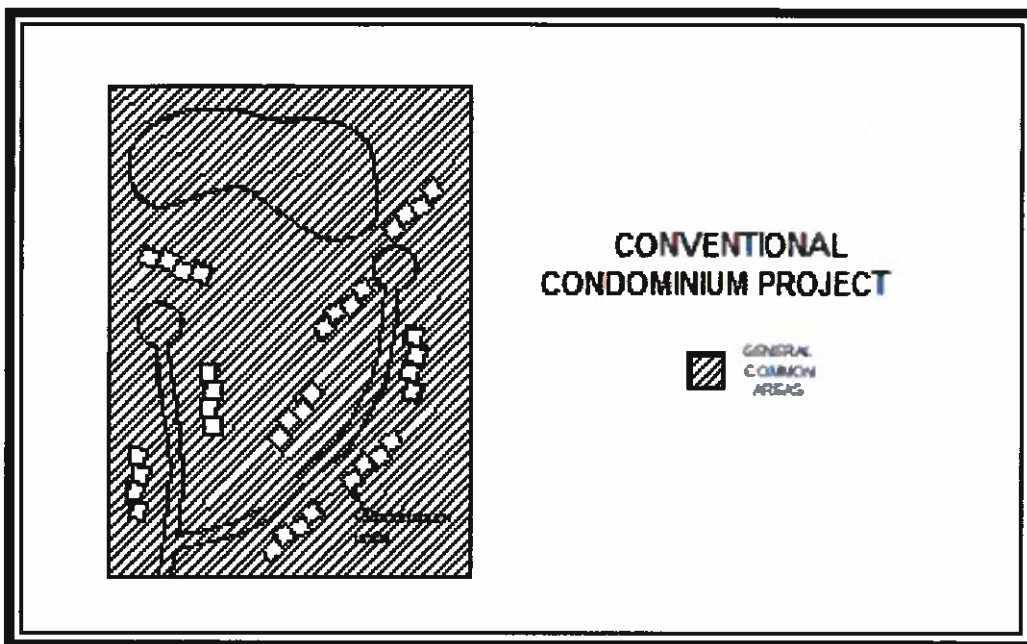
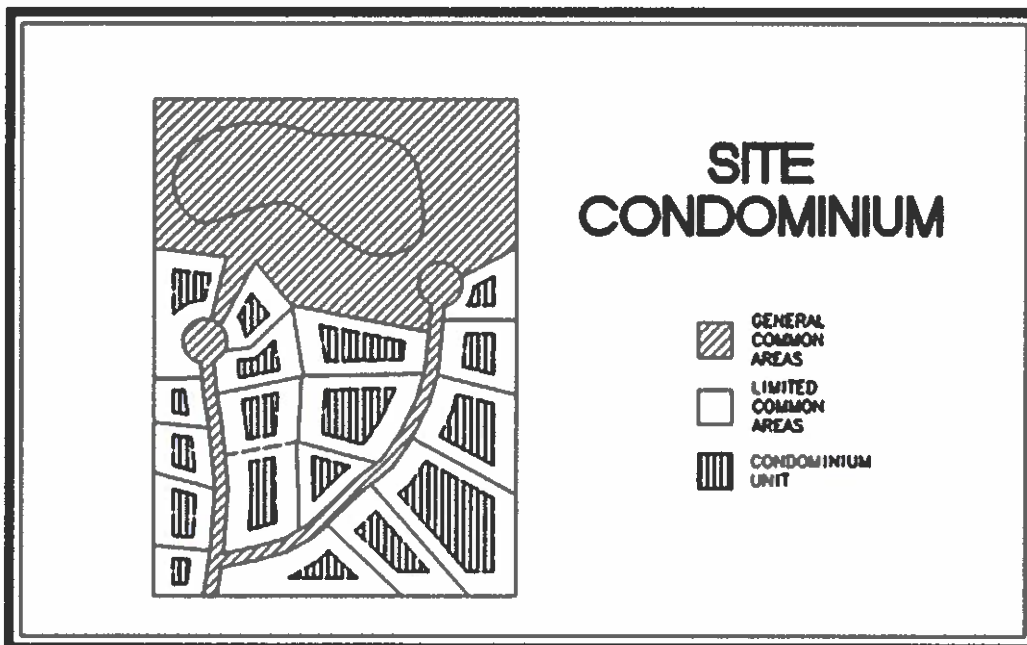


Figure 9-2



**SECTION 905. INFORMATION TO BE KEPT CURRENT**

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued.

**SECTION 906. SITE PLANS - NEW PROJECTS MASTER DEED, AND ENGINEERING AND INSPECTIONS**

- a. Prior to recording to the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo application and review procedures pursuant to ARTICLE 8 Planned Unit Development (PUD) of this Ordinance, if submitted as a Planned Unit Development, or otherwise under ARTICLE 12 Site Plan Review.
- b. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, City Attorney and City Engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design. and compliance with all requirement of the Condominium Act.

**SECTION 907. CONDOMINIUM SUBDIVISION PLAN - REQUIRED CONTENT**

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

- a. A survey plan of the condominium subdivision.
- b. A floodplain plan, when appropriate.
- c. A site plan showing the location, size shape, area and width of all condominium units.
- d. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the City for installation, repair and maintenance of all utilities.
- e. A street construction, paving and maintenance plan for all private streets within the proposed condominium subdivision.
- f. A storm drainage and stormwater management plan, including all lines, swales, drains, basins and other facilities.
- g. Location and placement of street and/or pedestrian scale lighting.
- h. Sidewalk information in compliance with the City Sidewalk Ordinance.
- i. Pedestrian Ways, if included in the Plan.
- j. All other information required for site plans in ARTICLE 12.

**SECTION 908. EXPANDABLE OR CONVERTIBLE PROJECTS**

Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to ARTICLE 12 Site Plan Review of this Ordinance.

**SECTION 909. MASTER DEED, RESTRICTIVE COVENANTS AND AS BUILT SURVEY TO BE FURNISHED**

Prior to their recording, the condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the draft Master Deed, one (1) copy of all draft restrictive covenants and two (2) copies of an as built survey. The as built survey shall be reviewed by the City Engineer for compliance with City ordinances and the Master Deed and restrictive covenants shall be reviewed for by the Zoning Administrator and City Attorney for compliance with the Planning Commission approval and city ordinances. Fees for this review shall be established by resolution of the City Council.

**SECTION 910. MONUMENTS REQUIRED**

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

- a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- b. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- c. Monuments shall be located in the ground at all angles in the boundaries of the condominium.
- d. Project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- e. If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- f. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- g. All required monuments shall be placed flush with the ground where practicable.
- h. All unit comers shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- i. The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City of Au Gres whichever the proprietor selects, in an amount not less than twenty-five dollars (\$25.00) per monument and not less than one hundred dollars (\$100.00) in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a

surveyor that the monuments and markers have been placed as required within the time specified.

**SECTION 911. ASSESSMENT OF UTILITIES**

The condominium subdivision plan shall include all necessary easements granted to the City of Au Gres for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipe lines, main, conduits and other installations of a similar character (hereinafter collectively called public structure) for the purpose of providing public utilities, if the City assumes ownership and operation of such utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to such casement, and excavating and refilling ditches and trenches necessary for the location of such public structures.

**SECTION 912. PRIVATE STREETS**

If a condominium subdivision is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of SECTION 1026 Private Roads. In addition, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete.

**SECTION 913. ENCROACHMENT PROHIBITED**

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

**SECTION 914. RELOCATION OF BOUNDARIES**

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

**SECTION 915. SUBDIVISION OF CONDOMINIUM UNITS**

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

**SECTION 916. COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAW**

All condominium projects shall comply with Federal and State Statutes and local ordinances. The developer or proprietor of the condominium project shall establish that appropriate state, county and City of Au Gres approvals have been received with regard to the fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

**SECTION 917. TEMPORARY OCCUPANCY**

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type



to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the City.

**SECTION 918. CONDOMINIUM SUBDIVISION LAYOUT, DESIGN AND APPROVAL**

All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of ARTICLE 12. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under the Subdivision Control Act.

**ARTICLE 10**

**GENERAL PROVISIONS**

**SECTION 1000. CONFLICTING REGULATIONS**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of another law or ordinance imposes more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

**SECTION 1001. SCOPE**

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

**SECTION 1002. BUILDING AND ZONING PERMITS**

- a. **Prior Building and Zoning Permits.** Any building or zoning permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.

**SECTION 1003. ACCESS**

To be eligible for a building permit a lot shall have access to public street or highway or to a private street meeting public standards

**SECTION 1004. UNLAWFUL BUILDING**

In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of his Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land. A building or structure which was deemed unlawful prior to the adoption of this Ordinance shall not be made legal solely by the adoption of this Ordinance.

**SECTION 1005. BUILDINGS TO BE MOVED**

Any building or structure which has been wholly or partially erected on any premises located within or outside the City shall not be moved and/or be placed upon any premises in the City unless there is full compliance with City ordinances. Any such building or structure shall fully conform to all provisions of this ordinance and applicable housing codes, and be compatible with the general character and design of

surrounding properties. Such compatibility shall first be determined by the Zoning Administrator after reviewing the structure and site. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within two thousand (2,000) feet, in the same zoning district. The application for a permit to move a building shall require a fee, which shall be determined by the City Council.

#### **SECTION 1006. RESTORING UNSAFE BUILDINGS**

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator. Any such strengthening or restoring shall be in accordance with the State Building Code.

#### **SECTION 1007. EXCAVATION OF HOLES**

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for constructing, remodeling, or expanding structures, or for industrial operations, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Arenac County, the City of Au Gres, or other units of government.

#### **SECTION 1008. MIXED OCCUPANCY**

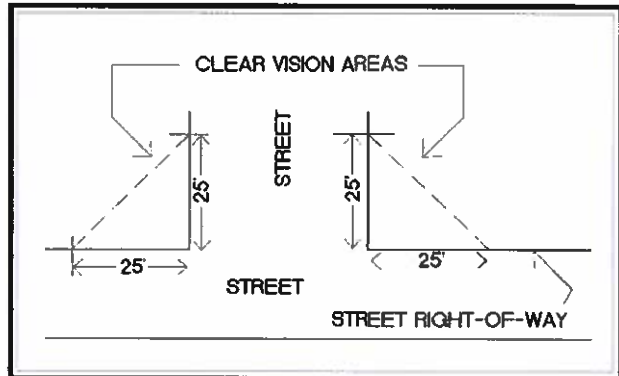
- a. The Zoning Administrator shall refer any plans to the Fire Chief and Health Department for their review of any existing or anticipated fire or health hazards before issuing a zoning permit for any construction for any premises that meet any of the following conditions:
  1. Are intended for a combination of dwelling and commercial or dwelling and industrial occupancy.
  2. That would result in an increased number of dwelling units within a building partly occupied by business or industrial use.
  3. That would result in an increased area devoted to business or industrial use, within a building partly occupied as a dwelling.
- b. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

#### **SECTION 1009. CONNECTIONS TO DRAINAGE SYSTEM**

Surface drains, ground water drains, and foundation or footing drains shall be connected whenever possible to an enclosed storm sewer, but they shall not discharge to a sanitary sewer or private waste water treatment plant.

**SECTION 1010. CLEAR VISION AREA**

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines with other street right-of-way lines or access drives by a straight line drawn, to form a Clear Vision Area, between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. No access drive shall be permitted within the Clear Vision Area.



**SECTION 1011. HEIGHT LIMIT**

The height limitations of this Ordinance shall not apply to parapets, cornices, cooling towers, elevator bulkheads, fire towers, cupolas, penthouses, ornamental towers, farm buildings, chimneys, church spires, flag poles or public monuments.

**SECTION 1012. PORCHES AND DECKS**

A porch, including an open, unenclosed, and uncovered porch, patio or paved terrace, may project into a front yard for a distance not exceeding ten (10) feet, but this shall not be interpreted to include or permit fixed canopies or covered porches.

All decks and similar structures shall be allowed as accessory uses only and not as principal permitted uses in any district. Decks, uncovered, whether attached or unattached to a principal structure, shall be subject to the following:

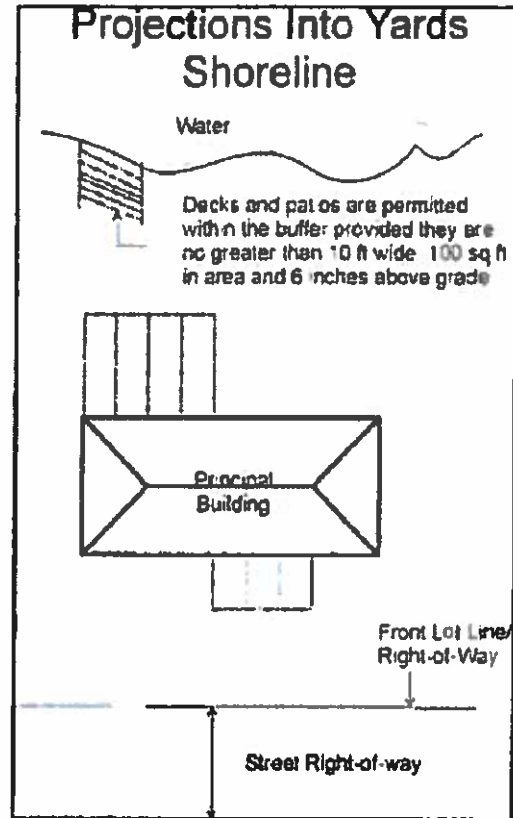
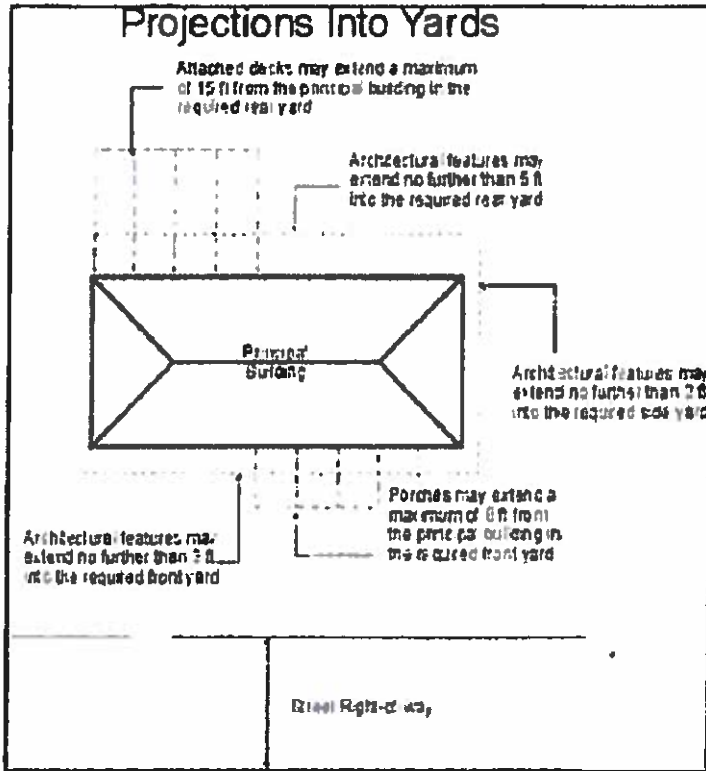
- a. Decks may not extend further than 16 feet into the required rear yard setback. Stairs may extend beyond the end of the deck for the minimum distance necessary to meet the established grade in the rear yard.
- b. Decks shall not extend into the required side yard, except an uncovered, elevated walkway made of deck materials may be permitted as a means of accessing the deck. The width of the walkway shall not exceed three (3) feet, six (6) inches and may wrap around a bay window or other similar projection for the minimum distance necessary.
- c. Then adjacent to a shoreline of any lake, pond, treatment basins, watercourse or wetland regulated by the Michigan Department of Natural Resources or United States Environmental Protection Agency, a minimum 15 foot wide buffer shall be provided between the deck and the nearest edge of the shoreline.
  - 1. A walkway, maximum ten (10) feet wide is permitted within the 15 foot buffer.

**SECTION 1013. PROJECTIONS INTO YARDS**

- a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar

features may project no farther than:

1. Three (3) feet into a required front yard.
2. Five (5) feet into a required rear yard.
3. Two (2) feet into a required side yard.



b. Building appurtenances such as balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, shall not project into a required side yard. A stoop, balcony, or window awning may project no farther than:

1. Ten (10) feet into a required front yard.
2. Sixteen (16) feet into a required rear yard

**SECTION 1014. ACCESS THROUGH YARDS**

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

**SECTION 1015. WASTE RECEPTACLES**

All garbage and rubbish must be stored in closed containers within approved waste receptacles or within a building until the time of collection. No garbage or rubbish may be stored so as to cause hardship, health hazard, or an annoyance to adjoining properties. The following standards apply to waste receptacles for uses other than single family and duplex residences:

- a. Waste receptacles may be located in a required rear or side yard, provided it is not located in front of the front building line.
- b. Waste receptacles must be conveniently accessible to servicing vehicles.
- c. The concrete base shall extend six (6) feet beyond the front edge of the receptacle pad or gate, to support the front axle load of a refuse vehicle. The base shall be constructed with six (6) inches of reinforced concrete and designed to prevent any liquid or other matter from draining into adjacent areas.
- d. An enclosure, meeting the standards below, is required:
  - 1. The enclosure shall be provided on three (3) sides with a gate on the fourth side if visible to a residential unit or area visible to the public.
  - 2. The enclosure shall be constructed of brick or decorative concrete material, which matches or complements the primary building material. Wood may be approved provided the lumber at least five (5) inches wide with a thickness not more than two (2) inches greater than the width. All lumber products to be approved by the Chief Building Official.
  - 3. The height shall be at least six (6) feet or one (1) foot above the height of the enclosed waste receptacle, whichever is greater. The enclosure shall provide a three (3) foot clear area between the waste receptacle and any screen wall. A change to a larger or taller waste receptacle may require modifications to the screening to retain compliance with these standards.
- e. The waste receptacle must have an enclosing lid or cover.
- f. The enclosure shall be located as far as practical, but not less than 20 feet, from a residential property line or district.

**SECTION 1016. PERFORMANCE STANDARDS**

- a. **Scope.** After the effective date of this Ordinance, any use established or changed to (and any buildings, structure, or tract of land developed, constructed or used for) any permitted principal or accessory use in all Commercial and Industrial Districts shall comply with all of the performance standards herein set forth for the district. If any existing use or building or other structure is extended, enlarged, or moved, the performance standards for the district involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.
- b. **Procedure for Determination of Compliance.** The purpose of these procedures is to insure that an objective, unbiased determination is made in those cases where there may be substantial doubt as to whether an individual use or group of uses complies with the Performance Standards of this Ordinance, and to formulate practical ways for the alleviation of such noncompliance.

1. Subsequent to a preliminary study of the performance characteristics of an (existing or proposed use, the Zoning Administrator shall make a determination as to whether there exist reasonable grounds to believe that the use in question may violate the performance standards set forth in this Section and may initiate an official investigation. Following the initiation of an official investigation, the Building Official is hereby empowered to require the owner or operator of the use in question to submit such data and evidence as he or she may deem essential to permit an objective determination. Failure to submit data required by the Zoning Administrator shall constitute grounds for denying a permit for that use of land.
2. Where determinations can reasonably be made by the Zoning Administrator using equipment and personnel normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued. Where determination of a violation is made, the Zoning Administrator shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this Ordinance.
  - (a) **Notice.** The Zoning Administrator shall give written notice, by certified mail (return receipt requested or other means insuring a signed receipt for such notice) to those owners or operators of subject use deemed responsible for the alleged violations. Such notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact and shall require an answer or a correction of the alleged violation to the City's satisfaction within a reasonable time limit set by the City. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the City within the time limit set constitutes admission of violation. The notice shall further state that upon request of those to whom it is directed, technical determinations as described in the appropriate portions of this Ordinance will be made. The notice shall also state that if the violation as alleged is found to exist in fact, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists, then the costs of this determination will be paid by the City
  - (b) **Reply Requesting Extension of Time.** If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the City, but that more time is required than was granted by the original notice the Zoning Administrator may grant an extension of time, if he or she deems such extension is warranted in the circumstances in the case, and if such extension will not, in the Zoning Administrator's opinion, cause imminent peril of life, health. Or property.
  - (c) **Reply Requesting Technical Determination.** If a reply is received within the time limit set requesting technical determinations as described in the appropriate provisions of this Ordinance and if the alleged violations continue, the Zoning Administrator may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards to exist in fact, the costs of the determinations shall be paid by the person(s) responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this Ordinance. If no substantive violation is found, costs of the determination shall be paid by the City.
3. If, after the conclusion of the time granted for compliance with the performance standards, the Zoning Administrator finds the violation is still in existence, any permits previously issued shall be void and the operator shall be required to cease operation until the violation is remedied.

City of Au Gres Zoning Ordinance

- c. **Appeals.** The Zoning Administrator’s action with respect to the performance standards procedure may be appealed to the Zoning Board of Appeals within thirty (30) days following said action. In the absence of such appeal. The Zoning Administrator’s determination shall be final.
- d. **Performance Standards.** Any use established in a Commercial or Industrial District shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare.
  - 1. **Noise.** No operation or activity shall be carried out in a Commercial or Industrial District which causes or creates measurable noise levels exceeding the maximum sound pressure levels prescribed below, as measured on or beyond the property line of the operation or activity. A sound level meter and an octave band analyzer shall be used to measure the level and frequency of the sound or noise during the day and/or the night. The measuring equipment and measurement procedures shall conform to the latest ANSI specifications on acoustics. The sound level meter and octave band analyzer shall be calibrated before and after the measurements. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in Table 10-1 by no more than five (5) decibels. For purposes of this Ordinance, impact noises shall be considered to be those noises whose peak values are more than seven (7) decibels higher than the values indicated on the sound level meter.

Table 10-1: MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS (Post-1960 Preferred Frequencies)

Center Frequency (Cycles Per Second)*	Commercial and Industrial Districts	
	Day**	Night**
31	77db	72db
63	73	68
125	67	62
250	62	57
500	55	50
1,000	51	46
2,000	44	39
4,000	37	32
8,000	33	28
* Sound level meter set on the "C" or "at" scale, slow response. ** Day: 7:00A.M. to 8:00P.M. Night: Between 8:00P.M. and 7:00A.M.		

(a) Where street traffic noises directly adjacent to the boundary line exceed these maximum



permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noises. For those areas in which the existing background noise levels exceed the maximum permitted levels, the noise levels at the boundary line may not exceed the background noise levels. In such cases, a study shall be made to determine the character of the background noise to include sources, levels and duration.

- (b) Sounds of an intermittent nature or characterized by pure tones may be a source of complaints even if the measured level does not exceed that specified. In such cases, the complaints shall be investigated to determine the nature of and justification for the complaint and possible corrective action. If the complaints are not resolved within sixty (60) days, the Zoning Administrator may then proceed to take steps to enforce the terms of the Zoning Ordinance in accordance with the remedies provided herein.
- (c) Application for variance from the sound level provisions may be submitted to the Zoning Board of Appeals. In such cases, the owner or operator of equipment on the property in the specific district shall submit a statement regarding the effects of noise from his equipment on the noise levels in the surrounding area. This statement will include a study of background noise levels, predicted levels at the boundary lines due to equipment operation and justification for the variance; The requests for variance will be reviewed by the Zoning Board of Appeals and granted where unnecessary hardship would otherwise be imposed upon the applicant and where no basic injury to the surrounding area will result. The Zoning Board of Appeals may impose conditions of operation in granting a variance.

- 2. **Dust, Soot, Dirt, Fly Ash and Products of Wind Erosion.** The regulation of smoke, dust, soot, dirt, fly ash and products of wind erosion shall be subject in all respects to the State of Michigan Air Pollution Control Act. Act 348 of the Public Acts of 1965, as amended.
- 3. **Vibration.** Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in Table 10-2 and /or Table 10-3 as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations. Between the hours of 8:00 p.m. and 7:00a.m. all of the following maximum vibration levels, as measured on or beyond the boundary line of residentially used areas adjacent to a Commercial or Industrial District, shall be reduced to one-half (1/2) the indicated permissible values.

Table 10-2: MAXIMUM PERMITTED STEADY STATE VIBRATION IN INCHES

Frequency (Cycles Per Second)	Vibration (inches)
below 10	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

Table 10-3: MAXIMUM PERMITTED IMPACT VIBRATION IN INCHES

Frequency (Cycles Per Second)	Vibration (inches)
below 10	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

4. **Odor.** The Emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.
5. **Glare and Heat.** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.
6. **Fire and Safety Hazards.** The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the City and with all State rules and regulations, and regulations as established by the Fire Prevention Act 1 Act 207, Public Acts of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other types of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greater depth to the bottom of the buried tank.
7. **Light.** Exterior lighting shall be so installed that the source of light shall not be visible from the nearest residential district boundary and it shall be so arranged to reflect light away from any residential use. In no case shall more than one (1) foot-candle power of light cross a lot line five (5) feet above the ground into a Residential District. Illumination levels shall be measured with a footcandle meter or sensitive photometer and expressed in foot-candles. All outdoor lighting shall also conform to the following standards:
  - (a) All outdoor lighting used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights from all adjacent residential districts or adjacent residences.
  - (b) All outdoor lighting shall be directed toward and confined to the ground areas of lawns or parking lots.
  - (c) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
  - (d) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

- (e) All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
- 8. **Gases.** The escape of or emission of any gas which is injurious or destruction or explosion shall be unlawful and may be summarily caused to be abated. SO<sub>2</sub> gas as measured at the property line at ground elevation shall not exceed an average of 0.3 ppm. H<sub>2</sub>S likewise shall not exceed 1 ppm. Fluorine shall not exceed 0.1 ppm. Nitrous fumes shall not exceed 5 ppm and Carbon Monoxide shall not exceed 15 ppm. All emissions shall be measured as the average intensity during any 2-hour sampling period.
- 9. **Electromagnetic Radiation.** Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.
- 10. **Drifted and Air-Borne Matter, General.** The drifting or air-borne transmission beyond the lot line of dust, particles or debris shall be unlawful and shall be summarily caused to be abated.

#### **SECTION 1017. DEVELOPMENT IN FLOODPLAINS**

Any buildings considered for construction in a floodplain or floodway as defined by the FEMA shall be in conformance with the State of Michigan's Building Code.

#### **SECTION 1018. DUMPING OF SOIL, SAND, CLAY MATERIALS**

The extensive dumping of soil, sand, clay or similar materials shall not be allowed on any lot or parcel without approval of the Planning Commission and subject to the requirements set forth by the Planning Commission designed to protect the environmental quality of the site and surrounding property, protect any floodplain and prevent adverse drainage impacts on adjacent properties.

#### **SECTION 1019. SIDEWALKS**

In all zoning districts the following sidewalk standard shall be complied with whenever a new or used building addition to an existing use or building or the erection of an accessory building occurs on a site.

- a. A public sidewalk shall be provided along-all public street rights-of-way.
- b. An interior Jot sidewalk pattern for special uses in all districts except for the CR District shall be provided linking the parking area to the principal use.

#### **SECTION 1020. RECREATION VEHICLES**

Parking of recreation vehicles is permitted in the City of Au Gres only if the unit, while parked, is:

- a. Not used for dwelling purposes, except a recreation vehicle may be used for dwelling purposes for a maximum of fourteen (14) days in any calendar year on any given lot provided that a permit is obtained from the City and a fee is paid as established by City Council for the purpose of assuring public health and safety. Recreation vehicles cannot be located on a vacant lot except for once a year not exceeding fourteen (14) days.
- b. Not permanently connected to sewer line, water lines, or electricity.

- c. Not used for storage of goods, materials, or equipment other than those items considered to be a part of the unit or essential for its immediate use.
- d. Notwithstanding the provisions of a. and b. above, during active loading or unloading, the use of electricity or propane fuel is permitted when necessary to prepare a recreation vehicle for use.
- e. A recreation vehicle not owned by the property owner or tenant cannot be stored outdoors for more than fourteen (14) days in any calendar year.
- f. **Location Standards**
  - 1. **Generally.** Recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this Section.
  - 2. **Setbacks.** Recreational vehicles or equipment shall be placed or parked on a hard surface not closer than ten (10) feet from any structure and set back a minimum of three (3) feet from any lot line, except as provided in paragraphs 3. Through 9. Below.
  - 3. **Placement on Lot.** Recreational vehicles and equipment are permitted to be parked or stored only on a lot with a principal building, structure, or use unless it is adjacent lot which is under the same ownership.
  - 4. **Time Limits.** Recreational vehicles or recreational equipment may be stored, parked, or placed within any front yard or within a public right-of-way where on-site parking is permitted for a period not exceeding seventy-two (72) hours for loading and unloading or for normal maintenance and cleaning.
  - 5. **Corner Lots.** In the case of corner lots, as defined in this Ordinance, the regulations of this Section shall apply to both the front yard and the exterior side yard.
  - 6. **Through Lots.** In the case of through lots, as defined in this Ordinance, parking and storage shall be permitted in the rear yard. As determined by Building Official/Zoning Administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.
  - 7. **Through Corner Lots.** In the case of through lots on a corner (i.e. lots with frontage along three (3) streets), parking shall be allowed only in the side yard. The Building Official/Zoning Administrator may permit parking in the rear yard, as noted in paragraph 5. Above, upon determination that such parking is allowed on the adjacent lot.
  - 8. **Waterfront Lots.** Recreational vehicles and/or recreational equipment on waterfront lots shall be placed or parked on the street side of the property.
  - 9. **Shoreline Setbacks.** Recreational vehicles or structures on waterfront lots shall be stored so they comply with the same required minimum setbacks that apply to the principal building. This requirement does not apply when the vehicle or structure is in use. For example, storage in the required setback is permitted for a boat during summer months and for an ice fishing shanty or snowmobile during winter months.
- g. **Owner or Legal Tenant.** The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.
- h. **Condition and Licensing Requirements.** All recreational vehicles and/or recreational equipment stored or parked in any Residential District shall be in an operable condition, as determined by the Building Official/Zoning Administrator.

- i. **Detachable Camper Tops.** Detachable camper tops shall not be stored in any Residential District except in accordance with above guidelines. Further, camper tops that are not "1 installed on a licensed and operable vehicle must be placed on the ground and stabilized.

#### **SECTION 1021. PARKING OF HEAVY TRUCKS**

Overnight parking of commercial vehicles in excess of one (1) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any Residential Zoning District. Furthermore, all commercial trucks on non-residential property must be parking in the rear yard. This regulation does not apply to emergency vehicles or equipment.

#### **SECTION 1022. PARKING OR STORAGE OF JUNK VEHICLES**

Any motor vehicle trailer or semi-trailer which is inoperable and which, by virtue of its condition, cannot reasonably be restored to operable condition shall be considered a junk vehicle. A vehicle shall be considered inoperable if one of the following is evident for more than thirty (30) days: unable to start without assistance; one or more flat tires; on blocks or stands; not in safely driveable condition; or other condition making the vehicle inoperable. No junk vehicle shall:

- a. Be parked or stored on residentially zoned property except when parked or stored in a completely enclosed garage or building.
- b. Be considered a legal accessory use in any nonresidential district if stored or parked outside the confines of a building.
- c. Be stored outside a building unless located as part of an automobile repair station or junk yard.

#### **SECTION 1023. AUTOMOBILE SALES**

The commercial sale or trade of automobiles or other vehicles shall only be permitted on property which is zoned for such use. No vehicle(s) for sale or trade are to be parked or displayed on any property which has not been zoned and approved for such use. However, this restriction does not apply to the sale or trade of a personal vehicle which is registered to the owner or resident of the property upon which the vehicle is displayed.

#### **SECTION 1024. VOTING PLACE**

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

#### **SECTION 1025. STREETS**

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

**SECTION 1026. PRIVATE ROADS**

Private Roads shall be allowed only in site condominium or condominium developments in the City of Au Gres. Such roads must be constructed according to the City's engineering and design standards for streets and be maintained by the developer or designated condominium association.

## ARTICLE 11

### NON-CONFORMITIES

#### SECTION 1100. INTENT

- a. Non-conformities are considered to be incompatible with the current or intended use of land, buildings or structures in the district in which they are located. This Article is intended to meet the objectives stated below by establishing regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of non-conformities, and specify the circumstances and conditions under which non-conformities shall be permitted to continue.
- b. The intent of this Article is to eliminate, or bring into compliance, lots, buildings, structures and uses which legally existed at the date of adoption of this Ordinance, but do not meet the current standards of this Ordinance. This Ordinance also has special provisions to permit certain non-conforming situations considered to be less harmful to continue under certain conditions, but to discourage their expansion, enlargement, or extension. The requirement and standards of this Article are intended to accomplish the following:
  1. Terminate and remove any use, building, accessory structure or any combination thereof that was established after the effective date of this Ordinance and in violation of this Ordinance. Such uses, buildings, or accessory structures are classified as violations of this Ordinance and shall not receive any of the rights, privileges or protection conferred by this Article for non-conforming situations.
  2. Discourage the continuation of non-conforming uses that are more intense than the uses permitted within the zoning district and are considered to be incompatible with permitted uses, or encourage their redevelopment into a more conforming use.
  3. Permit legal non-conforming uses to remain until they are removed or abandoned, and permit non-conforming buildings or structures to remain and be appropriately modified until they are removed.
  4. Encourage a gradual upgrading to a more conforming status of site landscaping, parking, paving, signs, or other features of a site required by the Zoning Ordinance developed in compliance with the requirements at the time of their construction, but which do not meet the site requirements of this Ordinance.
  5. Encourage the combination of contiguous non-conforming lots of record to create lots which conform or more closely conform to current requirements, for better compatibility with other lots in the zoning districts in which they are located, to promote the public health, safety and welfare and to eliminate problems associated with the overcrowding of land.

#### SECTION 1101. APPLICABILITY

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, upon which actual building construction has been diligently continued and there is a valid building permit. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory

to rebuilding such work shall be deemed to be actual construction, provided that such work shall be diligently continued until completion of the building involved.

## SECTION 1102. NON-CONFORMING USES

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use on open land, a lot(s), building(s) or accessory structure(s) exists that is made non-conforming by this Ordinance or its amendments, such use may be continued, as it remains otherwise lawful, subject to the following provisions:

- a. **Expansions.** Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the effective date of this Ordinance. Except for one-family dwellings as permitted below, a non-conforming use shall not be enlarged, expanded or extended to occupy a greater area of land, constructed, reconstructed or structurally altered except by issuance of a waiver by the Zoning Board of Appeals (ZBA) based on the standards below:
  1. The enlargement, expansion or extension of the use will permit a reduction in off-site impacts of the use, such as moving the use to an area less visible to neighboring property.
  2. The enlargement, expansion or extension will decrease the uses nonconformity.
  3. The enlargement, expansion or extension is necessary to protect the public health safety or welfare or comply with a requirement by a government agency.
- b. **Accessory Uses and Structures.** No new accessory use, building or structure shall be established.
- c. **Relocation.** The non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Ordinance.
- d. **Change in Use.** If no structural alterations are made, any non-conforming use of a building, or building and land in combination, may be changed to another non-conforming use if the ZBA finds the proposed use is more appropriate to the district than the existing non-conforming use. In permitting the change, the ZBA may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use. In determining if a proposed use is less non-conforming, the ZBA shall consider:
  1. The similarity of zoning districts each use is permitted in and whether they are permitted by right or by special land use (SLU).
  2. The anticipated off-site impact of each use due to traffic, hours of operation, and generation of noise, dust or odors or general intensity of the proposed use.
- e. **Removal.** Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure for any reason shall eliminate the non-conforming status of the land. For the purpose of this provision, a structure is considered "destroyed" if the cost to repair it to its former condition is 65% of the pre-catastrophe market value (as described in Section 1103.f below).
- f. **Abandonment.** If the non-conforming use of land ceases for any reason for a period exceeding one (1) year and the Zoning Administrator determines that the owner has established intent to abandon the non-conforming use, any subsequent use of such land shall conform to the requirements specified



by this Ordinance for the zoning district in which it is located. The Zoning Administrator shall notify the property owner and occupant of the property of their determination and of their right to appeal the determination to the ZBA within the time frame established by the ZBA per Section 1804. A non-conforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:

1. Utilities, such as water, gas and electric to the property, have been disconnected.
2. The property, buildings, and grounds, have fallen into disrepair.
3. Signs or other indications of the existence of the non-conforming use have been removed.
4. Removal of equipment or fixtures which are necessary for the operation of the Non-conforming use.
5. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the non-conforming use.

**g. Special Standards for One-Family Dwellings in a Non-Residential District**

1. A one-family residential dwelling in a zoning district which does not permit that use may be expanded to occupy the floor area necessary for living purposes.
2. A one-family dwelling and its accessory structures, in a zoning district which does not permit that use may be continued, replaced, repaired or remodeled if damaged by flood, fire, or vandalism, if approved by the Zoning Administrator. Such approval requires a finding that the resulting building footprint and floor area will be the same size or smaller than that of the building before such change. Replacement of such non-conforming one-family building may commence once a valid building permit is issued and no later than six (6) months of the date of damage. Work shall be diligently pursued toward completion. Failure to complete replacement within six (6) months shall constitute abandonment and result in the loss of its non-conforming status unless an extension is granted by the ZBA following demonstration that the work is being diligently pursued.

**SECTION 1103. NON-CONFORMING BUILDINGS OR STRUCTURES**

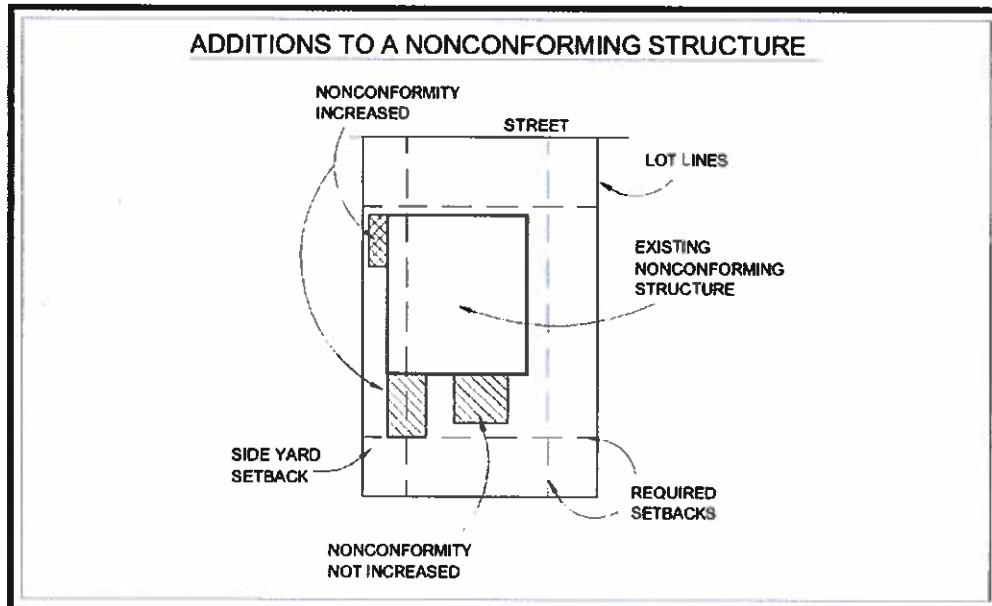
Where a lawful building or structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance, that building or structure may be continued provided it remains otherwise lawful, subject to the following provisions. Except as noted below, no building or structure may be enlarged unless a variance is granted by the ZBA.

- a. **Damage by Fire or Other Catastrophe.** Any non-conforming structure or building, or any structure or building that contains a non-conforming use that is damaged by fire, flood, or other means to a point where the cost of repairs will be in excess of 51% of the structure and/or building's pre-catastrophe market value (as described in paragraph (I) below) shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance. In the event that the cost of repairing the damage is less than 51% of the structure or building's pre-catastrophe market value (as described in paragraph (I) below), the structure or building may be restored to its pre-catastrophe status. Such restoration shall take place only upon approval of the Zoning Administrator and all construction shall be in full compliance with applicable provisions of this Ordinance and other applicable City Codes. Any request for such rebuilding, repair, or restoration shall be made to the zoning Administrator within one hundred eighty (180) days following the incident. Any such rebuilding, repair, or restoration shall be completed within one (1) year from the date of the

catastrophe.

- b. **Replacement of a Non-Conforming One-Family Dwelling.** A non-conforming building used as a one-family residence, and its accessory structures, may be continued, replaced, repaired or remodeled if damaged by flood, fire, vandalism, accident or other natural disaster regardless of the cost of repairs to the structure and/or building. The resulting building footprint will be the same size or smaller than that of the building before such change or that the building will become more conforming. Replacement, repair or remodeling of such a non-conforming one-family building shall commence within one (1) year of the date of damage and work shall be diligently pursued toward completion. Failure to complete replacement or to diligently work toward completion shall result in the loss of legal non-conforming status unless an extension is granted by the ZBA following demonstration that the work is being diligently pursued.
- c. **Relocation of a Non-Conforming Building or Structure.** Should any non-conforming building or structure be relocated or moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is relocated or moved.
- d. **Alterations That Do Not Increase Non-Conformity.** Any non-conforming structure, may be altered if such alteration does not increase the non-conformity of the structure or building. Increasing a non-conformity includes increasing the mass of a structure already violating dimensional requirements such as setbacks, as shown in Figure 11-1.

Figure 11-1



- e. **Elimination of Non-Conformity.** In the event a non-conforming situation is removed, the corresponding section of the building or structure shall thereafter conform.
- f. **Market Value.** For the purpose of this Article, market value shall be determined by an acceptable independent appraisal provided by the applicant. The City Assessor and Zoning Administrator shall

review the appraisal. The value of the repairs or improvements shall be based on a written estimate from a licensed contractor provided by the applicant. This estimate shall be reviewed by the Zoning Administrator.

#### **SECTION 1104. NON-CONFORMING LOTS**

The following regulations shall apply to any non-conforming lot of record or non-conforming lot described in a deed or land contract executed and delivered prior to the effective date of the Zoning Ordinance or amendment thereto:

- a. **Variance from Area and Bulk Requirements.** In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory building(s) may be erected on a lot that does not meet the requirements for lot width, lot area, or both without obtaining a variance from the ZBA provided that all other applicable requirements are met. In all other circumstances, use of a non-conforming lot requires a variance from the lot width and/or lot area requirements as applicable.
- b. **Non-Conforming Contiguous Lots under the Same Ownership.** To develop a non-conforming lot(s) under the provisions of paragraphs a. and b. of this Section, the applicant is required to submit evidence that ownership of the lot is not under contiguous single ownership with other lots that could be combined into a conforming or more conforming lot. The following regulations shall apply to non-conforming contiguous lots under the same ownership.
  1. If two (2) or more lots or combination of lots with contiguous frontage are or have been under single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands shall be considered as a singular, individual parcel for the purposes of this Ordinance. Any altering of lot lines or combination of lots shall result in lots that more closely conform to the requirements of this Ordinance.
  2. No portion of the non-conforming parcel shall be used, occupied, or sold in a manner that diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made that creates a new lot having a width or area less than the requirements stated in this Ordinance.
  3. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing dwelling unit.
- c. **Combination of Non-Conforming Lots.** The following regulations shall apply to the combination of non-conforming lots.
  1. Any combination, in whole or in part, of non-conforming lots of record shall result in lots that more closely conform to the requirements of this Ordinance to the maximum extent feasible.
  2. Once any combination that creates a conforming lot occurs, the resulting lot shall not retain non-conforming lot of record status and will hereafter be required to comply with the lot requirements of this Ordinance.

#### **SECTION 1105. NON-CONFORMING SITES**

The intent of this Section is to permit improvements and minor modifications to an otherwise conforming use and building which does not meet all of the various site improvement related regulations of this

Ordinance. The purpose is to allow gradual compliance with the site related requirements, for the entire site, for sites which predate the various Ordinance standards for landscaping, paving, and other non-safety site related items.

Improvements or expansions may be permitted by the Planning Commission during special land use or site plan review without a complete upgrade of all site elements under the following conditions. The City may require a performance guarantee to ensure that all improvements permitted under this Section will be made in accordance with the approved plan.

- a. The applicant is proposing reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion.
- b. The applicant has addressed safety related site issues on the overall site.
- c. The improvements or minor expansion will not increase noncompliance with site requirements.
- d. Signs must comply with ARTICLE 15 Signs.
- e. A site plan shall be submitted in accordance with ARTICLE 12 Site Plan Review.

#### **SECTION 1106. CHANGE OF TENANCY OR OWNERSHIP, PURCHASE, OR CONDEMNATION**

- a. In the event there is a change in tenancy, ownership, or management, a non-conforming use, structure or building shall be allowed to continue provided there is no change in the nature or character of such non-conformity and the use, structure, or building is otherwise in compliance with this Ordinance.
- b. The City Council may acquire, by purchase, condemnation or otherwise private property or an interest in private property for the removal of non-conforming buildings, structures or uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the City.
- c. The elimination of the non-conforming buildings, structures, or uses is declared to be for a public purpose and for a public use. The City Council may institute and prosecute proceedings for condemnation of non-conforming buildings, structures or uses under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

#### **SECTION 1107. ACQUISITION OF NON-CONFORMING BUILDINGS, STRUCTURES, OR USES**

The Zoning Administrator, from time to time, may recommend to the City Council, the acquisition of private property for the purpose of removal of non-conformities. Where such acquisition is contemplated, the following procedures shall be followed:

- a. **Zoning Administrator Documentation and Recommendation.** Prior to initiating acquisition, the Zoning Administrator shall prepare or cause to have prepared a report for the City Council. The report shall include the following:

1. A list of all requirements of this Ordinance that are not met by the subject property.
2. An estimate of the expense of such acquisition.
3. An estimate of the cost of removing the non-conformities.
4. An estimate of the probable resale price of the property after acquisition and removal of the non-conformities.
5. Recommendations concerning the allocation of costs to be incurred by the City.

**b. City Council Consideration**

1. **Public Hearing.** After receiving and reviewing the report from the Zoning Administrator, the City Council shall determine if acquisition of the non-conforming property should be pursued. If the City Council decides to pursue acquisition, then it shall first set a public hearing. Not less than fifteen (15) calendar days prior to the public hearing, notice of the time, place, and purpose of the public hearing shall be published in the official newspaper of the City, and sent by mail to the owners of property for which acquisition is being considered. The notice shall be sent to the owner's address as stated in the most recent assessment roll.
  2. **Special Assessment.** If any or all of the expense related to acquisition of the subject property is assessed to a special district, then the City Assessor shall be directed to furnish the City Council with a tentative special assessment district and tentative plan of assessment. The names and addresses of the owners of property located in the district (as stated in the latest assessment roll) shall be provided to the City Council. Notice of the time, place, and purpose of the public hearing shall be sent by mail to the owners of property located in the tentative special assessment district.
  3. **City Council Determination.** If, following the public hearing, the City Council finds that elimination of the non-conforming use, structure, or building would be for a legitimate public purpose, then it shall declare by resolution of the City Council that the City shall proceed to acquire the non-conforming use, structure, or building in accordance with the laws of the State of Michigan and applicable City Ordinances. The City Clerk shall send by registered mail a certified copy of the resolution of the City Council to the owners of property to be acquired and to owners of property in any special assessment district, at the addresses stated in the latest assessment roll.
- c. Removal of Non-Conformity.** Upon passing of title of the property so acquired by the City, the City Council shall cause the discontinuance or removal of the non-conforming use, or the removal or demolition or remodeling of the non-conforming building or structure.
- d. Disposition of Property.** The City Council may thereafter elect to retain all or part of the property so acquired for municipal purposes. If acquisition costs and expenses are to be assessed against a special assessment district, the amount to be assessed shall be reduced by the market value of any part of the property retained for municipal use, as determined by the City Assessor. The City Council shall thereafter order the sale of the portion of the property not retained for municipal purposes, but only for use in conformance with this Ordinance. The City Council shall confirm the expenses related to the project and report the assessable cost to the City Assessor, who shall then prepare an assessment roll in the manner provided for law. Such an assessment may, at the discretion of the City Council, be paid in one (1) or more, but not to exceed ten (10) annual installments.

**SECTION 1108. IMPROVEMENTS AND MODERNIZATION**

- a. Safety Related Repairs, Improvements, and Modernization.** Repairs, improvements, or modernization of non-conforming buildings or structures, or building housing non-conforming uses

deemed necessary by the Zoning Administrator to maintain a non-conforming building in a structurally safe and sound condition are permitted provided such repairs or improvements do not exceed the market value (as described in Section 1103.f) of the building or structure during any period of twelve (12) consecutive months. This cost/value calculation shall not include any costs associated with modernization of electrical, plumbing, heating or cooling systems to meet Building Code requirements. Any such repairs, improvements, and modernization shall not result in an enlargement of the non-conforming structure. However, if a non-conforming building or a structure containing a non-conforming use becomes physically unsafe, dangerous, and/or unlawful due to lack of maintenance and repairs and is formally declared as such by the Zoning Administrator, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

- b. **Non-Safety Improvements and Modernization.** Repairs, improvements, or modernization of non-conforming buildings or structures or buildings housing non-conforming uses which are not deemed necessary by the Building Department to keep a non-conforming building structurally safe and sound shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the market value of the structure (as described in Section 1103.f) during any period of twelve (12) consecutive months. Any such repairs, improvements or modernization shall not result in an enlargement of the non-conforming structure or building.

ARTICLE 12

**SITE PLAN REVIEW**

**SECTION 1200. INTENT AND PURPOSE**

It is the purpose of this Article to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, environmental quality, traffic patterns and the character of future development in the vicinity and to ensure compliance with the requirements of this zoning ordinance.

**SECTION 1201. USES SUBJECT TO SITE PLAN REVIEW**

A building permit shall not be issued until a full site plan or sketch plan has been reviewed and approved in accordance with the procedures and standards set forth herein and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into four (4) types in Table 12-1.

- a. **Site Plan Review.** The most involved process for larger and more intense projects, including most new developments and major expansions. The Planning Commission has the ability to waive informational requirements for site plans when that information is not necessary to determine compliance with the ordinance.
- b. **Administrative Review.** Select smaller scale projects and expansions or changes in use to existing sites, which are required to provide a sketch plan, do not require review by the Planning Commission; but instead shall undergo a formal review for approval by the Zoning Administrator.
- c. **Exempt.** Select projects, such as single family homes in an individual lot, are exempt from site plan review given their relatively low level of impact on adjacent land uses, and given that compliance with applicable zoning regulations can be addressed during the building permit review process.

Table 12-1: Table of Eligible Uses and Required Review Process

Situation/Use	Required Review			
	Full Site Plan	Sketch Plan	Admin. Review	Exempt
<b>New Development</b>				
Construction of Single & Two Family Dwelling in Residential Zoning District unless submitted as a Site Condominium			X	
Construction of more than One Principal building or Use on a Single Lot or Parcel, submitted as a Site Condominium	X			
Construction of any Multiple Family Dwelling	X			
Construction of any Nonresidential Use or Building	X			

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Situation/Use	Required Review			
	Full Site Plan	Sketch Plan	Admin. Review	Exempt
Establishment of Special Land Uses in all Zoning Districts	X			
Minor Changes During Construction such as Changes in Landscape Species to Similar Variety, Realignment of a Driveway or Road Due to an Unanticipated & Documented Constraint During Construction, or to Improve Safety or Protect Natural Features			X	
Minor Changes During Construction Required by Outside Agencies			X	
<b>Expansions</b>				
Expansion of 1 Single Family Dwelling Unit on 1 Lot in a Residential Zoning District			X	
An Increase in the Floor Area up to 25% of the Existing Floor Area for a Use Requiring Site Plan Approval			X	
An Increase in the Floor Area Greater than that Specified Above	X			
An Increase in Parking or Loading Area of up to 25% or 6,000 sq. ft. of Pavement Area without any building Changes			X	
An Increase in Parking or Loading Area over 25% or 6,000 sq. ft. of Pavement Area without any Building Changes			X	
Changes to Building Height that do not Add Additional Floor Area			X	
<b>Changes in Use</b>				
Any Change in the Use of Land or a Building to More Intensive Use, in Terms of Parking Needs, Noise, Traffic Volumes, & Similar Impacts	X			
A Change in Use to a Similar or Less Intense Use Provided the Site shall Not Require any Significant Changes in the Existing Site Facilities such as Parking, Landscaping, Lighting, or Signs			X	
A Change from a Nonconforming Use, Building or Site, to a More Conforming Situation	X			
<b>Other Types of Projects</b>				
Accessory Buildings & Structures in any Zoning District			X	
Home Occupations			X	
Internal Construction or Change in the Floor Plan that Does not Increase Gross Floor Area, Increase the Intensity of Use or Affect Parking Requirement on a Site which Meets all Site Design Standards of this Ordinance				X



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Situation/Use	Required Review			
	Full Site Plan	Sketch Plan	Admin. Review	Exempt
State Licensed Residential Family Care Facilities & Family Day Care Homes			X	
Temporary Uses			X	
Terraces, Patios, Porches, & Decks (Covered or Uncovered)			X	
Any Use Which, in the Opinion of the Zoning Administrator, should be Reviewed by the Planning Commission for site Plan Approval because of the Intensity of Development Proposed & Potential Effects on Properties in the General Vicinity	X			
Other projects not specifically listed in this Table			X	

**SECTION 1202. PROCEDURE FOR SITE AND SKETCH PLAN REVIEW**

Site plans and sketch plans must be submitted in accordance with the following procedures and requirements:

**a. Application**

**1. Complete Application.**

- (a) An application for site plan review deemed to be complete, according to the requirements of subsection a.2. below, shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of this section are met, then transmit it to the Planning Commission.
- (b) An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

**2. Site Plan Submittal.** The applicant shall submit twenty (20) copies of the following to the city.

- (a) A completed application form, as provided by the city.
- (b) Written description of the proposed project or use.
- (c) A complete site plan or sketch plan that includes the information required in SECTION 1204 Submittal Requirements.
- (d) Payment of a fee, in accordance with a fee schedule, as determined by City Council resolution.
- (e) A legal description, including the permanent parcel number, of the subject property.
- (f) Any additional information the Planning Commission or Zoning Administrator finds necessary to make the determinations required herein.

**3. Applicant Attendance.** The application shall be submitted by the owner of an interest in the land

for which site plan approval is sought, or the designated agent of the owner. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled without consideration of the site plan due to lack of representation. The representative must be the property owner or someone designated in writing by the property owner as the authorized representative.

**b. Preliminary and Final Site Plan Review**

**1. Preliminary Review**

(a) If desired by the applicant, a preliminary site plan may be submitted to the Planning Commission for review prior to final site plan review. The purpose of the preliminary site plan review is to allow discussion between the applicant and the commission to inform the applicant of the general acceptability of the proposed plans prior to incurring extensive engineering and other costs which may be necessary for the review of the final site plan. The applicant shall determine the level of detail it wishes to provide in the preliminary site plan, with the understanding that the less information provided, the greater the potential that issues related to compliance with zoning ordinance requirements might be missed in the preliminary review.

(b) The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this chapter.

2. **Final Review.** A final site plan, shall be reviewed by the Planning Commission.

3. **Additional Information.** The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

c. **Agency Review.** Upon receipt of a completed application for final site plan review, the city clerk shall transmit one (1) copy of the site plan to the Planning Commission and each of the following officials or agencies for their comments:

1. City fire chief.
2. City police chief.
3. Arenac County Drain Commissioner.
4. Superintendent of Au Gres Pub1ic Schools.
5. City engineer.
6. District Health Department.

d. **Planning Commission Consideration.** Following staff review and comment, and compliance with administrative procedures, the site plan shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application for site plan review, together with the reports and recommendations from its planning consultant, engineering consultant, fire chief, police chief and other reviewing agencies, as appropriate. The Planning Commission shall then make a determination based on the requirements and standards of this Ordinance. The Planning Commission is authorized to table, grant approval, grant approval subject to conditions, or denial as follows:

1. **Table.** The application may be tabled if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, a variance is needed from the Zoning Board of Appeals (ZBA), or revisions are necessary to bring the site plan into compliance with applicable standards and requirements. The Planning Commission shall direct the applicant to prepare additional information, revise the site plan, or direct the city staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, signed by the applicant's design professional.
2. **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable Ordinances and laws, approval shall be granted subject to the applicant providing copies of all required outside agency approvals.
3. **Approval Subject to Revisions.** Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall correct the site plan prior to applying for a building permit. The applicant shall resubmit the site plan, accompanied by a complete list of all changes, signed by the applicant's design professional, to the city for final approval after the revisions have been completed. The city shall review and approve the resubmitted plan if all required revisions have been addressed and copies of any permits required by outside agencies have been provided.
4. **Denial.** Upon determination that a site plan does not comply with standards and requirements set forth in this Ordinance site plan approval shall be denied. Any resubmittal shall be considered a new site plan and be required to reinitiate the full site plan review process.
5. **Appeal.** Any person aggrieved by the decision of the Planning Commission or City Council with respect to an action regarding the final site plan may have that decision reviewed by the ZBA; provided the petition for appeal is filed with the city clerk within fifteen (15) days of the Planning Commission or City Council decision.

**e. Completion of Site Design**

1. Following final approval of the site plan and final approval of the engineering plans by the city's engineering consultant, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable city, county, or state permits prior to issuance of a building permit.
2. If construction has not commenced within one (1) year of site plan approval, approval becomes null and void and a new application for site plan review shall be required. The applicant may request a one (1) year extension by the Planning Commission, provided a written request is received before the expiration date and the site plan complies with current requirements (i.e. any amendments to the zoning ordinance since the site plan was approved).

**SECTION 1203. PROCEDURE FOR ADMINISTRATIVE PLAN REVIEW**

For uses and projects eligible for administrative review, the following procedures and requirements shall apply:

- a. **Submittal Requirements.** Five (5) copies of the sketch plan that contains the information listed in Table 12-2 shall be submitted to the city. The city may waive some of the submittal requirements if the information is not relevant or required based on the proposed project.
- b. **Review by City.** The city shall confine its review to the proposed alterations only, rather than review of the entire building or layout. The city shall either approve the sketch plan, approve the sketch plan

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with a condition that certain revisions be made, or deny the sketch plan.

- c. **Planning Commission Review.** Both the city planning consultant and the applicant shall have the option to request sketch plan review by the Planning Commission.
- d. **Issuance of Building Permit.** A building permit shall be issued following review and approval of any construction plans by the city engineering consultant, as appropriate.

**SECTION 1204. SUBMITTAL REQUIREMENTS**

The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review.

Table 12-2: Site Plan and Sketch Plan Submittal Requirements

Plan Data	Required for:	
	Site Plan	Plot Plan
<b>Application Form</b>		
Name & Address of the Applicant & Property Owner	X	X
Address & Common Description of Property & Complete Legal Description	X	X
Dimensions of Land & Total Acreage	X	X
Zoning on the Site & All Adjacent Properties	X	X
Description of Proposed Project or Use, Type of Building or Structures, & Name of Proposed Development, if Applicable	X	X
Name & Address of Firm or Individual Who Prepared Site Plan	X	X
Proof of Property Ownership	X	X
<b>Site Plan Descriptive &amp; Identification Data</b>		
Site Plans Shall Consist of an Overall Plan for the Entire Development, Drawn to an Engineer's Scale of not Less than 1 in. = 50 ft. for Property Less than 3 Acres, or 1 in.=100 ft. for Property 3 Acres or More in Size. Sheet Size shall be at Least 24 x 36 in. If a Large Development is Shown in Sections on Multiple Sheets, then One Overall Composite Sheet shall be Included	X	
Plot Plan		X
Title Block With Sheet Number/Title; Name, Address & Telephone Number of the Applicant & Firm or Individual Who Prepared the Plans; & Date(s) of Submission & any Revision (Month, Day, Year)	X	
Scale & North-Point	X	X
Location Map Drawn to a Separate Scale with North-Point, Showing Surrounding Land, Water Features, Zoning & Road within 1/2 Mile	X	
Legal & Common Description of Property	X	
Zoning Classification of Petitioner's Parcel & all Abutting Parcels	X	
Proximity to Major Thoroughfares	X	
Net Acreage (Minus Right-of-Ways & Submerged Land) & Total Acreage	X	X
<b>Site Data</b>		
Existing Lot Lines, Building Lines, Structures, Parking Areas & Other Improvements on the Site & within 100 ft. of the Site	X	

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Plan Data	Required for:	
	Site Plan	Plot Plan
Existing Lot Lines, Building Lines, Structures, Parking Areas & Other Improvements on the Site		
Topography on the Site & within 100 ft. of the Site at Two-Foot Contour Intervals, Referenced to a U.S.G.S. Benchmark	X	
Locations of Existing Drainage Courses, Floodplains, Lakes & Streams, & Wetlands with Elevations	X	X
Locations of Existing Drainage Courses, Floodplains, Lakes & Streams, & Wetlands with Floodplain Elevations		
All Existing & Proposed Easements Including Type	X	X
Location of Exterior Lighting (Site & Building Lighting)	X	
Location of Trash Receptacle(s) & Transformer Pad(s) & Method of Screening	X	
<b>Access &amp; Circulation</b>		
Driveways & Intersections within 250 ft. of Site	X	
Dimensions of Acceleration, Deceleration, & Passing Lanes	X	
Dimensions of Parking Spaces, Islands, Circulation Aisles & Loading Zones	X	X
Calculations for Required Number of Parking & Loading Spaces	X	X
Designation of Fire Lanes	X	
Location of Existing & Proposed Sidewalks/Pathways within the Site or Right-of-Way	X	X
Location, Height, & Outside Dimensions of all Outdoor Display and Storage Areas & Facilities	X	X
Traffic Impact Study may be Required at the Planning Commission's Request when the Use Generates Traffic that Exceeds Trip Generation Rates Recognized by the Institute of Traffic Engineers (ITE)	X	
<b>Landscape Plans</b>		
Location, Sizes, & Types of Existing Trees 6 in. or Greater in Diameter, Measured at 3.5 ft. off the Ground, Evergreen Trees 10 ft. or Taller & the General Location of all other Existing Plant Materials, with an Identification of Materials to be Removed & Materials to be Preserved	X	
The Location of Existing & Proposed Lawns & Landscaped Areas	X	
Landscape Plan, Including Locations & Type of all Proposed Shrubs, Trees, & other Live Plant Material	X	
Planting List for Proposed Landscape Materials with Caliper Size or Height of Material, Method of Installation, Botanical & Common Names, & Quantity	X	
<b>Building &amp; Structure Details</b>		
Location, Height, & Outside Dimensions of all Proposed Buildings or Structures	X	X
Building Floor Plans & Total Floor Area	X	
Details on Accessory Structures	X	
Size, Height & Method of Shielding for all Site & Building Lighting	X	
Location, Size, Height, & Lighting of all Proposed Signs	X	X
Building Façade Elevations for all Sides, Drawn at an Appropriate Scale	X	
Description of Exterior Building Materials & Colors (Samples may be Required)	X	
<b>Information Concerning Utilities, Drainage &amp; Related Issues</b>		
Location of Sanitary Sewers & Septic Systems, Existing & Proposed	X	

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Plan Data	Required for:	
	Site Plan	Plot Plan
Location & Size of Existing & Proposed Water Mains, Well Sites, Water Service, Storm Sewers, & Fire Hydrants	X	
Stormwater Drainage & Retention/Detention Calculations	X	
Indication of Site Grading, Drainage Patterns & other Stormwater Management Measures	X	
Stormwater Retention & Detention Ponds	X	
Location & Size of Underground Storm Sewers & Drains	X	
Location of Above & Below Ground Gas, Electric & Telephone Lines, Existing & Proposed	X	
Location of Transformers & Utility Boxes	X	
Assessment of Potential Impacts from the Use, Processing, or Movement of Hazardous Materials or Chemicals, if Applicable	X	
<b>Additional Information Required for Multiple Family Residential Development</b>		
The Number & Location of Each Type of Residential Unit (One Bedroom Units, Two Bedroom Unites, etc.)	X	
Density Calculations by Type of Residential Unit (Dwelling Units Per Acre)	X	
Garage &/or Carport Locations & Details	X	
Mailbox Clusters	X	
Locations, Dimensions, Floor Plans & Elevations of Common Building(s) (e.g. Recreation, Laundry, etc.), if Applicable	X	
Swimming Pool Fencing Detail, including Height & Type of Fence, if Applicable	X	
Location & Size of Recreation & Open Space Areas	X	
Indication of Type of Recreation Facilities Proposed for Recreation Area	X	

**SECTION 1205. STANDARDS FOR SITE PLAN APPROVAL**

- a. The Planning Commission in making its determination shall review the final site plan and find the following compliance with the following prior to approval:
  1. The requirements of this chapter and other applicable city ordinances.
  2. Any applicable comments received from circulated agencies.
  3. Other applicable state and federal statutes and standards.
  
- b. Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this section as outlined below:
  1. **Adequacy of Information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).
  2. **Site Design Characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter. The site shall be designed to conform to all provisions of this Article.
  3. **Preservation of Natural Areas.** Removal or alteration of significant natural features shall be

restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this chapter. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

4. **Emergency Vehicle Access.** All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access by some practicable means to all sites.
5. **Vehicular and Pedestrian Circulation Layout.** Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations, within the site and at ingress/egress points. Every structure or dwelling unit shall have access to a private street, public street, walkway, or other areas dedicated to common use. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the city.
6. **Stormwater Drainage.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the city, or county storm drainage system. Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.
7. **General Purpose Floor Drains.** General purpose floor drains shall only be allowed if they are approved by the city's department of public services for a connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a state groundwater discharge permit.
8. **Hazardous Materials.** State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without permits and approvals. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substances.

#### **SECTION 1206. APPROVED PLANS AND AMENDMENTS**

- a. Upon approval of the final site plan, the Planning Commission chair, or the chair's designee, shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the city's files; one (1) copy of the final site plan shall be forwarded to the building official for issuance of a building permit; and one (1) copy shall be returned to the applicant.
- b. Each development shall be under construction within one (1) year after the date of approval of the final site plan, except as noted in this section.
  1. An applicant may request from the Planning Commission one (1) twelve (12) month extension of the final site plan approval. Any request for extension must be applied for in writing prior to the date of the expiration of the final site plan. Such request may only be granted provided that:
    - (a) The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant; and

- (b) The site plan requirements and standards, including those of this chapter and the comprehensive development plan, that are reasonably related to the development have not changed.
- 2. Should neither of the provisions of 1. above of this section be fulfilled, or a twelve (12) month extension has expired without construction having been started and proceeding meaningfully, the final site plan approval shall be null and void.
- c. **Amendments.** Amendments to an approved final site plan may occur only under the following circumstances:
  - 1. The holder of a valid final site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
  - 2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. The Zoning Administrator shall consider the following to be a minor change:
    - (a) Reduction of the size of any building and/or sign
    - (b) An increase in the floor area up to 25% of the existing floor area for an approved building.
    - (c) Movement of buildings and/or signs by no more than ten (10) feet provided that such movement does not cause a violation of this chapter.
    - (d) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
    - (e) Changes in floor plans which do not alter the character of the use or increase the amount of required parking .
    - (f) Changes in building materials to a comparable or higher quality.
    - (g) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design or an increase in parking or loading area over 25% or 6,000 sq. ft. of pavement area.
    - (h) Changes required or requested by the city for safety reasons or by outside agencies such as the county, state, or federal departments.
  - 3. Should the Zoning Administrator determine that the requested modification to the approved final site plan is not minor, a new site plan shall be submitted and reviewed as required by this Article.

#### **SECTION 1207. CONDITIONS**

In approving a site plan the Planning Commission may impose conditions, including requiring performance guarantees as outlined in Sections 2016 of this ordinance.

#### **SECTION 1208. RECORD OF SITE PLAN APPROVAL**

- a. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to this activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Planning Commission or an amendment is authorized under the provisions of SECTION 1206.



**SECTION 1209. REVOCATION OF SITE PLAN APPROVAL**

Approval of a site plan may be revoked by the Planning Commission for failure to comply with the conditions imposed in the approval of the site plan, or failure to comply with the general or specific standards for approval in effect at the time the site plan was approved. If the Planning Commission determines that an approved site plan is in violation under this section, it shall give the applicant an opportunity to correct the violation. Prior to revocation of the site plan the Planning Commission shall hold a public hearing, providing notice as required by Section 2014 of this ordinance. The decision of the Planning Commission shall have the same rights of appeal as the original site plan approval.

## ARTICLE 13

### SPECIAL LAND USES

#### SECTION 1300. INTENT

Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses in a particular zoning district which are permitted by right. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district. These are intended to ensure that individual sites are reviewed to ensure that the scope and design of the proposed project will be consistent with the surrounding area and the district it is located in.

#### SECTION 1301. SPECIAL LAND USE APPLICATION PROCEDURE

An application for a special land use shall be submitted in accordance with the following procedures, standards and requirements. A site plan must be submitted with the application for special land use. Approval of the proposed land use is required prior to the site plan approval by the Planning Commission.

- a. **Applicant Eligibility.** An application shall be submitted by the owner of an interest in land for which approval is sought, or by an agent designated by the owner. The applicant or agent shall be present at all scheduled review meetings or consideration of the proposal may be tabled by the reviewing body.
- b. **Required Information.** An application for a special land use permit shall include all of the following document and information:
  1. **Application Form.** A special land use application form supplied by the City which has been completed in full by the applicant.
  2. **Site Plan.** A full site plan in accordance with ARTICLE 12.
  3. A statement with regard to compliance with the standards for approval in *Section 1205*.
- c. **Planning Commission Consideration.** After all required information has been received and review fees paid, the application shall be processed in accordance with the following procedures:
  1. **Acceptance for Processing.** The application shall be placed on the agenda of a scheduled Planning Commission meeting and a public hearing scheduled that ensures adequate time to provide the required notice.
  2. **Distribution to Local, County and State Agencies.** The Zoning Administrator shall distribute the application and site plan to appropriate local, county and state agencies.
  3. **Public Hearing.** Notice of the public hearing shall be published and circulated in accordance with the requirements in Section 2014 of this ordinance.
  4. **Planning Commission Review.** Following the public hearing, the special land use proposal and plan shall be reviewed by the Planning Commission, based upon the standards and requirements of this Article.
  5. **Plan Revision.** If the Planning Commission determines that revisions are necessary to bring the proposed special land use application into compliance with applicable standards and regulations,

the applicant shall submit a revised application and site plan. A second hearing is not required on a revised application that addresses concerns raised through the review process unless the Planning Commission determines that it is necessary. Following submission of revised application materials, the proposal shall be placed on the agenda of a scheduled meeting of the Planning Commission for review and possible action.

- d. **Planning Commission Determination.** The Planning Commission shall review the application, together with the public hearing input, and reports from the City Engineer, Fire Official, and other reviewing agencies. The Planning Commission shall then make a determination on the application, based on the requirements and standards of this Article. The Planning Commission may approve, approve with conditions, or deny a request as follows:
  1. **Approval.** Upon determination by the Planning Commission that the application for a special land use is in compliance with the standards and requirements of this Article and other applicable laws, approval shall be granted.
  2. **Approval with Conditions.** With an approval of a special land use proposal, the Planning Commission may impose reasonable conditions. Such conditions shall be consistent with the criteria in Section 2015 of this ordinance. A listing of conditions shall be sent to the applicant by registered mail, return receipt requested. The applicant shall submit a revised site plan or other information that demonstrates compliance with the conditions for administrative approval by the City within sixty (60) days of the date of conditional approval and prior to issuance of a building permit or the submission shall be considered null and void. The City Manager may submit the revised site plan to the Planning Commission for comments or approval.
  3. **Denial.** Upon determination that a special land use does not comply with standards and regulations set forth in this Ordinance, or requires excessive revisions in order to comply with the standards and regulations, the Planning Commission shall deny the application. Resubmittal of an application which was denied shall be considered a new application.
- e. **Recording of Planning Commission Action.** Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the grounds for the action taken, and any conditions imposed in conjunction with approval.
- f. **Effect of Approval.** Any special land use approval shall run with the land in perpetuity, unless the use is specifically determined to be temporary in nature or the use is discontinued. The special land use approval shall apply only to the land area contained within the parcel, lot, condominium unit, or other legally defined location for which the special land use approval was granted.
- g. **Building Permits.** Following final approval of the special land use, and site plan, the applicant shall submit engineering plans to the City Engineer. The applicant shall also obtain all other applicable City, County or State permits. The City shall issue a building permit once all required approvals and permits are granted.
- h. **Expiration of an Approved Special Land Use.** If construction has not commenced within twelve (12) months of the date of final approval, the approval becomes null and void and a new application shall be required. Upon written request from the applicant, a twelve (12) month extension may be granted by the Planning Commission if they find that the approved application and site plan continue to represent conditions on and surrounding the site. A written request for an extension of time must be received by the City prior to the special land use expiration date or a new application will be required.

- i. **Revocation of an Approved Special Land Use.** The Planning Commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this Article, other applicable sections of this Ordinance, or conditions of the special land use approval or if the special land use is abandoned as determined by the Planning Commission. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval. The applicant shall be provided an opportunity to present information and to answer questions. The Planning Commission may revoke any previous approval if it finds that a violation exists and has not been remedied prior to the hearing.

## SECTION 1302. STANDARDS FOR APPROVAL

A special land use proposal shall be approved by resolution that the proposed use will comply with all applicable requirements of this Ordinance including site plan review criteria set forth in ARTICLE 12, standards for specific uses listed in the district, and all of the following standards:

- a. **Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated, and maintained to be compatible with existing or planned uses on surrounding land. The design of the site shall minimize the impact of site activity on neighboring properties. In determining whether a special land use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected benefit to the community. The following types of impacts shall be considered:
  - 1. Use activities, processes, materials, equipment, or conditions of operation.
  - 2. Vehicular circulation and parking areas.
  - 3. Outdoor activity, visible storage and work areas and mechanical equipment.
  - 4. Hours of operation.
  - 5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
  - 6. Impacts on adjacent property values.
  - 7. The relative ease by which the impacts above will be mitigated.
- b. **Use of Adjacent Property.** The proposed land use shall not substantially interfere with the use and enjoyment of adjacent property.
- c. **Isolation of Existing Uses.** The location of the proposed land use shall not result in a small residential area being substantially surrounded by nonresidential development. Also, the location of the proposed land use shall not result in a small nonresidential area being substantially surrounded by otherwise incompatible uses.
- d. **Impact on Public Health, Safety, and Welfare.** The proposed land use shall not include any activities, processes, materials, equipment, or conditions of operation that may threaten public health, safety, and welfare. The physical layout of the site shall be designed in a manner that is not detrimental to public health, safety, and welfare. In determining whether this requirement is met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
- e. **Enhancement of Surrounding Environment.** The proposed land use shall complement and enhance the surrounding environment, and shall not unreasonably interfere with nor discourage the appropriate future development and use of adjacent land and buildings nor unreasonably affect their

value. In determining whether this requirement is met, consideration shall be given to:

1. The provision of landscaping and other on-site amenities. Provision of additional landscaping over and above the specific requirements in this Ordinance may be required as a condition of approval of special land use approval.
  2. The bulk, placement, and materials to be used in the construction of proposed structures as they relate to surrounding land uses.
- f. **Compatibility with the Master Plan.** The proposed special land use shall be consistent with and in accordance with the general principles and objectives of the adopted City Master Plan and shall promote the intent and purpose of this Ordinance and the district in which it is located.
- g. **Compliance with Applicable Regulations.** The proposed special land use shall be designed, constructed, operated and maintained to meet all applicable Federal, State, and local Ordinances.
- h. **Public Services.** The proposed special land use shall be located where it can be adequately served by and not exceed the capacity of existing essential public facilities and services, including, but not necessarily limited to utilities, public roads, and public safety services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the permitted use after special approval is available for occupancy.
- i. **Impacts of Traffic.** The location and design of the proposed special land use site shall minimize the negative impact of traffic generated by the proposed use on the road system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, road and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The City may require mitigation to maintain the pre-existing traffic operations. Route and operational restrictions (such as hours, cleaning of dust or debris) may be established for construction traffic to minimize negative impacts. The City may require submittal of a traffic impact study to ensure compliance with this standard. The traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional.
- j. **Impact on the Overall Environment.** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.

### SECTION 1303. SPECIAL LAND USE AMENDMENTS OR EXPANSIONS

- a. **Major Amendments.** Any person or agency shall notify the City of any change in an existing special land use. Any major amendment to an approved special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article. Amendments to the site plan shall bring the site into compliance with all zoning Ordinance requirements determined to be reasonable by the Planning Commission in proportion with the extent of the change at the site and in consideration with the physical constraints of the site. The City shall determine whether the proposed amendment constitutes a minor or major amendment. based on the requirements below:
1. **Increase in Building.** Changes increase the buildings usable floor area by more than twenty-five

- percent (25%) since the originally approved building.
2. **Increase in Parking.** Parking lots are expanded by more than twenty-five percent (25%) since the originally approved lot.
  3. **Existing Special Land Uses.** Any expansion of a special land use that predates the special land use requirements of this Ordinance and has not previously received a special land use permit.
- b. **Minor Amendment.** Minor amendment to an approved special land use does not require submittal of a new application for a special land use.
- c. **Change in Use.** Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article.
- d. **Required Site Plan.** Any changes, whether it is deemed minor and major, shall require submittal of a site plan in accordance with ARTICLE 12.
- e. **Multiple Uses.** For a use or building which involves more than one (1) activity classified as a special land use, a separate special land use permit shall be required for each use requiring special land use review on a lot.

#### **SECTION 1304. PERFORMANCE GUARANTEES**

In approving a special land use the Planning Commission may impose performance guarantees as outlined in Section 2016 of this ordinance.

## ARTICLE 14

### OFF-STREET PARKING AND LOADING REQUIREMENTS

#### SECTION 1400. OFF-STREET PARKING REQUIREMENTS

The purpose of this Article is to ensure sufficient automobile off-street parking space with adequate access to all spaces at the time of erection, enlargement or change in use, of any principal building or structure. Off-street parking and loading areas are to be designed, maintained and operated in a manner that will ensure their efficient use, promote public safety, improve aesthetics and, where appropriate, protect surrounding uses from undesirable impacts. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- a. Off-street parking shall not be permitted within a front yard or a required rear or side yard setback within Residential Districts except for single family and duplex residences unless otherwise provided in this Ordinance.
- b. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
- c. Off-street parking spaces in nonresidential districts shall be permitted within the side yard or rear yard setback, provided that there shall be a minimum setback from the side and rear lot lines of at least ten (10) feet, unless otherwise provided in this Ordinance. Off-street parking shall be permitted within a front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of twenty (20) feet between the nearest point of the off-street parking area and the nearest right-of-way line.
- d. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for Use as parking by the applicant.
- e. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- f. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use. No use may change or expanded in size, number of employees, seating capacity or other characteristic impacting required off-street parking spaces unless the parking is increased as necessary to meet the revised conditions.
- g. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

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- h. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- i. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited in those areas designated as required off-street parking. Non-required spaces may be used for storage or display if approved under the temporary use provisions in of this ordinance.
- j. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- k. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- l. For the purpose of computing the number of parking spaces required, the definition of usable floor area in ARTICLE 2 Definitions shall govern.
- m. Parking spaces-for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance. All parking lots and sidewalks shall be designed in conformance with State Act No. 1 of the Public Acts of 1966, as amended.

TOTAL NUMBER OF SPACES REQUIRED	MINIMUM NUMBER OF ACCESSIBLE SPACES REQUIRED
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	8
301 - 400	12
over 400	12, plus 2 for every 250 or fraction thereof over 400



- n. Parking of recreational vehicles shall comply with the requirements of Section 1020.
- o. Parking during temporary events shall comply with the requirements of Section 308.

**SECTION 1401. MINIMUM REQUIRED OFF-STREET PARKING SPACES**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the parking column in the Table of Use Requirements:

- a. **Uses Not Cited.** For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission.
- b. **Parking Deferment.** A smaller amount of parking may be approved by a finding by the Planning Commission that the required amount of parking is excessive, provided that the area to meet the full parking requirement is retained as open space. The site plan shall note the area where parking is being deferred with a dotted parking lot layout. If within a two (2) year period following issuance of a certificate of occupancy the City determines, based on observed use, that the deferred parking is needed, then the parking shall be constructed by the applicant within six (6) months of being informed in writing by the City. The Planning Commission may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found to be necessary.
- c. **Limits on Excessive Parking.** In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
- d. **Location of Parking.** All off-street parking and loading areas shall be located on the same lot, or other lot in the same district located not more than three hundred (300) linear feet from the building being served. On-street parking may be considered available to meet all or any portion of the needs of a non-residential use in the Town Center District, provided the Planning Commission finds parking spaces are reasonably available at the time of day needed and provided that off-street parking is shown to be not feasible.

**SECTION 1402. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE**

Whenever the off-street parking requirements in SECTION 1401 Minimum Required Off-Street Parking Spaces require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

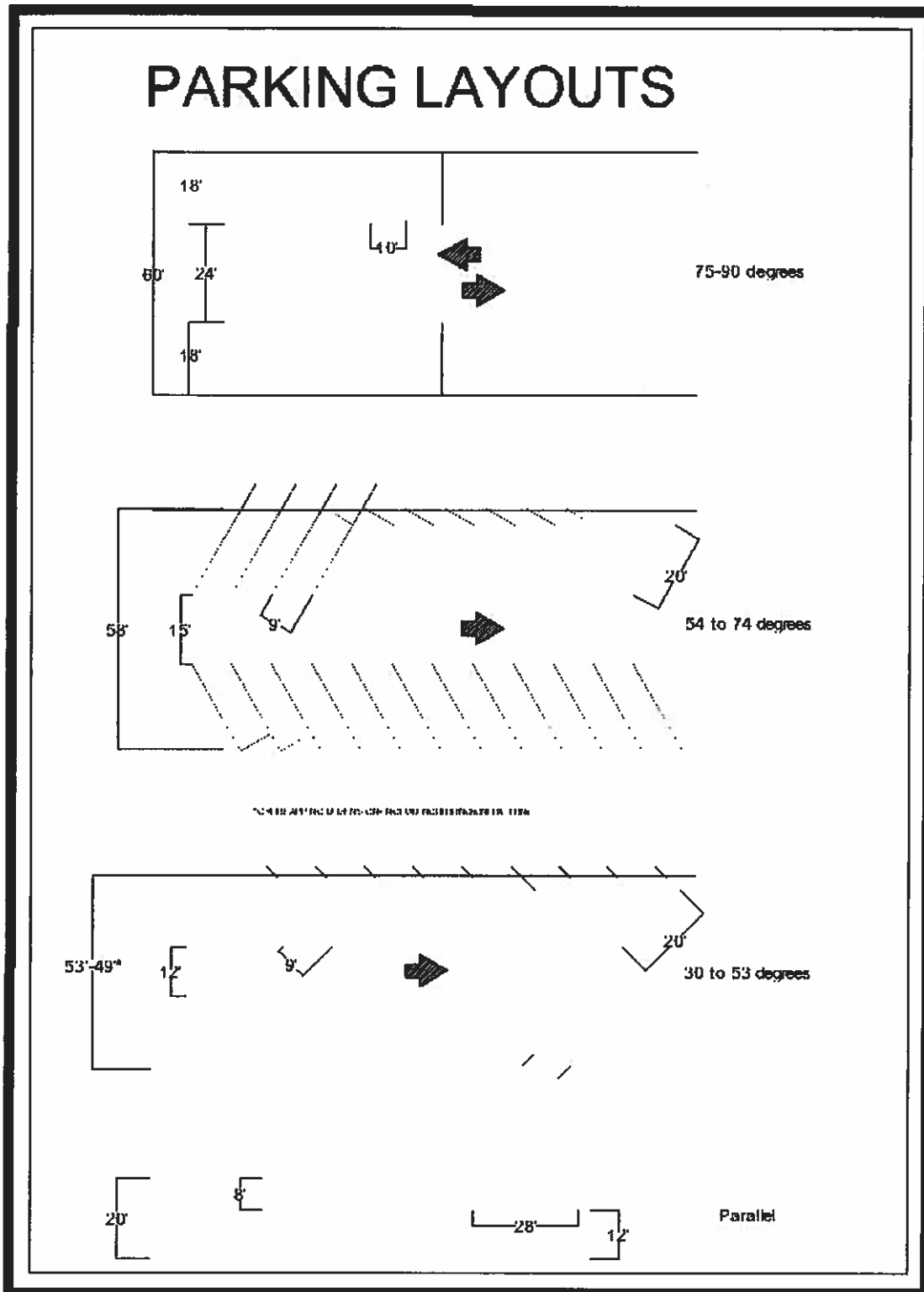
- a. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Official or Planning Commission as required in Table 12-1. Applications for a permit shall be submitted in such form approved by the City Council and shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.

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- b. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Table 14-1

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces plus Maneuvering Lane	Total Width of Two Tiers of Spaces plus Maneuvering Lane
0° (parallel parking)	12ft. (one way)	8ft.	28ft.	20ft.	28ft.
30° to 53°	12ft. (one way)	9ft.	20ft.	32ft.	52 ft.
54° to 74°	15ft (one way)	9ft.	20ft.	36ft. 6 in.	58 ft.
75° to 90°	24ft. (two way)	10ft.	18ft.	40ft.	60ft.



- c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

- d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles consistent with the standards of the Arenac County Road Commission and the Michigan Department of Transportation (MDOT).
- e. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single-family residential use.
- f. The entire parking area in the R-3, R-4, TC, and C Districts and special uses in the R-1 and R-2 Districts, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphalt or concrete surfacing in accordance with specifications approved by the City Engineer. Parking in the PT and I Districts shall have driveway approaches in the public right-of-way paved with asphalt or concrete. Parking in the R-1 and R-2 Districts shall have driveway approaches in the public right-of-way paved with asphalt.
- g. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings. The use of green infrastructure including swales, rain gardens, and permeable pavement is encouraged.
- h. All parking lots in the R-3, R-4, TC, and C Districts and special uses in the R-1 and R-2 Districts shall be illuminated. Photocells or other approved equipment are required on all fixtures. No wiring shall be exposed. Wiring shall be UL listed for wet locations.
  - 1. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the city and prevent "sky glow."
  - 2. Lighting intensities shall average 1 foot candle measured at the surface of the parking area. Service drives shall have a lower intensity averaging 0.5 foot candles measured at the ground surface. At any property line abutting a residential use, the maximum intensity shall be 0.1 foot-candles.
  - 3. The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
  - 4. The maximum height of parking lot light fixtures shall be twenty (20) feet, except that the Planning Commission may permit a maximum height of thirty (30) feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than one hundred fifty (150) feet to a residential district or use.
  - 5. Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
- i. Landscaping shall comply with the requirements of Article 6.
- j. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, parking space striping, lighting fixtures, signage, and related appearances shall be maintained in good condition. All required lawns, landscaping, and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance. Trees and shrubs shall be properly pruned of dead and damaged limbs. Dead and severely damaged trees and shrubs shall be removed and replaced according to the minimum planting standards. All parking areas shall be maintained free of dust, trash, and debris.

Surfacing, curbing, parking space striping, lighting fixtures, signage, and related appearances shall be maintained in good condition. All required lawns, landscaping, and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance. Trees and shrubs shall be properly pruned of dead and damaged limbs. Dead and severely damaged trees and shrubs shall be removed and replaced according to the minimum planting standards.

- k. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, parking space striping, lighting fixtures, signage, and related appearances shall be maintained in good condition. All required lawns, landscaping, and plantings shall be maintained in a healthy, growing condition, neat and orderly in appearance. Trees and shrubs shall be properly pruned of dead and damaged limbs. Dead and severely damaged trees and shrubs shall be removed and replaced according to the minimum planting standards.
- l. If a nonconforming parking lot is being expanded, only new spaces and access aisles are required to comply with requirements current at that time. Existing spaces that do not meet the current dimensional requirements do not need to be restriped to comply with those requirements.

**SECTION 1403. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES**

- a. An off-street waiting space is defined as an area with a minimum width often (10) feet and a minimum length of twenty (20) feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within the TC or C District.
- b. On the same premises with every building structure or part thereof, erected and occupied for the purpose of serving customers in their automobile by means of a service window or similar arrangements where the automobile engine is not turned off, there shall be provided off-street waiting spaces as follows:

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
a. Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
b. Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
c. Car Wash (unattended, coin-operated)	Three (3) vehicles in advance of the washing bay and storage for one and one-half (1/2) vehicles beyond the washing bay as a drying and vacuum area
d. Car Wash (tunnel wash)	Four (4) times the maximum capacity of the auto wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
e. Child Care Centers	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
f. Dry Cleaners	Four (4) vehicles per lane inclusive of the vehicle at the window.
g. Quick Oil Change	Four (4) vehicles per lane inclusive of vehicle being serviced.
h. Pharmacy	Three (3) vehicles per lane inclusive of the vehicle at the window.

City of Au Gres Zoning Ordinance

i. Convenience Market	Three (3) vehicles per lane inclusive of the vehicle at the window.
j. Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and Zoning Administrator.

- c. Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.
- d. Drive-through lanes shall have a minimum centerline radius of twenty-five (25) feet.
- e. Drive-through lanes shall be striped, marked, or otherwise distinctively delineated, and shall require a by-pass lane with minimum width of fourteen (14) feet.
- f. No space shall be located closer than fifty (50) feet to any lot in any Residential District, unless wholly within a completely enclosed building or enclosed on all sides facing Residential Zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6) feet in height, and lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent areas.

**SECTION 1404. OFF-STREET LOADING AND UNLOADING**

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- a. Off-street loading and unloading areas provided pursuant to this Article shall conform to the setbacks provided in SECTION 1400 Off-Street Parking Requirements and SECTION 1402 Off-Street Parking Space Layout, Standards, Construction and Maintenance.
- b. All loading and unloading configurations must be able to accommodate safe and efficient truck and automobile maneuvering.
- c. Spaces shall be located in the rear yard and laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or cement binder so as to provide a permanent, durable and dustless surface. All spaces shall be provided in the following ratio of space to floor area, provided that the Planning Commission may reduce the required number of spaces based on a review of the specific uses needs.

Gross Floor Area (In Square Feet)	Loading and Unloading Space Required
0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space for each 20,000-square feet in excess of 20,001 square feet
100,001 and over	Five (5) spaces

**SECTION 1405. ACCESS MANAGEMENT AND DRIVEWAY STANDARDS**

The purpose of this Section is to provide access standards which will facilitate through traffic operations, ensure public safety along roadways, and protect the public investment in the street system; while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through traffic, as opposed to local streets whose primary function is access to adjacent properties.

a. **Application of Standards.** The standards of this Article shall be applied to the following major traffic routes, as identified in the Au Gres Comprehensive Plan:

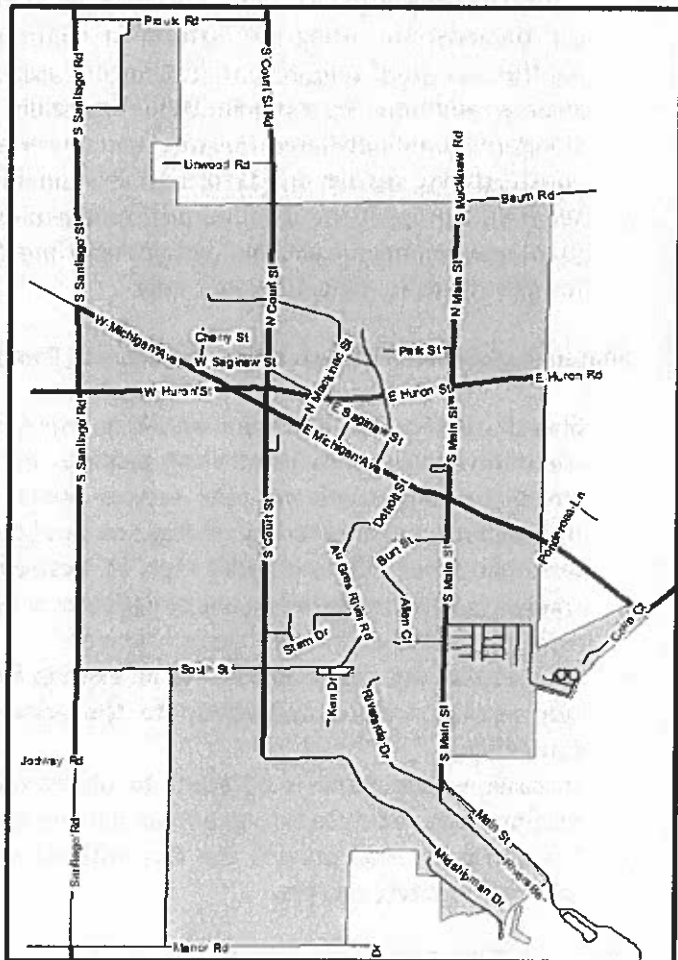
1. U.S. 23
2. Main Street
3. Michigan Avenue
4. Court Street
5. West Street
6. Santiago Street

b. The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Arenac County Road Commission (ACRC) and the Michigan Department of Transportation (MDOT).

c. The standards contained in this Section shall apply to all uses, except permitted single-family and two-family dwelling units.

d. For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all the standards of this Article is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this Article may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:

1. Size of the parcel is insufficient to meet the dimensional standards.
2. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
3. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on the most recent rates developed by the Institute of Transportation Engineers (ITE).
4. There are no other reasonable means of access.



e. Number of Driveways

1. Access to a parcel shall consist of either a single two-way driveway or a pair of one-way driveways wherein one (1) driveway is designed and appropriately signed to accommodate ingress movements and the other egress movements.
2. Where parcel frontage is insufficient to provide a driveway meeting the minimum driveway width and radii, a shared driveway or other means of access may be required.
3. Where parcels of at least two (2) acres in area, have frontage along two (2) streets, access should be provided only along the street with the lower average daily traffic volume, unless the Planning Commission determines this would negatively affect traffic operations or surrounding land uses.
4. Where the property has continuous frontage of over three hundred (300) feet and the applicant can demonstrate, using the Institute of Transportation Engineers manual Trip Generation or another accepted reference, that a second access is warranted, the Planning Commission may allow an additional access point. Where possible, this access should be spaced accordingly to the standards contained herein, located on a side street, shared with an adjacent property, and/or be constructed to restrict one (1) or both left turn movements.
5. Where the property has continuous frontage of over six hundred (600) feet, a maximum of three (3) driveways may be allowed, with at least one (1) such driveway being constructed and signed for right-turns-in, right-turns-out only.

f. Shared Access-Joint Driveways, Frontage Roads, Parking Lot Connections and Rear Service Drives

1. Shared use of access between two (2) or more property owners should be encouraged through use of driveways constructed along property lines, connecting parking lots and construction on-site of frontage roads and rear service drives; particularly within one-quarter mile of major intersections, for sites having frontage on two (2) or more streets, where frontage dimensions are less than three hundred (300) feet, at locations with sight distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed.
2. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the Planning Commission.
3. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection or rear service drive.
4. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.

g. Adequate Sight Distance

1. Requirements for minimum intersection or corner sight distance for driveways shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines defined in Chapter 9 of A Policy on Geometric Design of Highways and Streets. 1994.
2. The Planning Commission may adjust driveway location where there is inadequate sight distance.

h. Driveway Spacing From Intersections

1. Driveway spacing from intersections shall be measured from the centerline of the driveway to



the extended edge of the intersecting street's right-of-way line.

2. In order to preserve intersection operations and safety, the minimum distance between a driveway and an intersecting street right-of-way shall be based on the following:
  - (a) For locations in the vicinity of intersections experiencing congestion (peak hour operations below level of service "C" for one (1) or more movements) and/or a significant number of traffic accidents (five or more annually), the Planning Commission may require that access be constructed along the property line furthest from the intersection. The Planning Commission may require a traffic study of an intersection to verify the level of service if it appears to be experiencing traffic congestion.
  - (b) For locations within two hundred (200) feet of any signalized or four-way stop intersection, driveways shall be spaced a minimum of one hundred fifty (150) feet from the intersection. Where this spacing cannot be provided, driveways designed for "right-turn in, right-turn out only" movements may be allowed, with a minimum spacing of seventy-five (75) feet from the intersecting street right-of-way.
  - (c) For locations riot addressed by paragraph (b) above, not including single-family parcels, driveways shall be spaced one hundred (100) feet from the intersection.

i. Driveway Spacing From Other Driveways

1. Driveway spacing from other driveways shall be measured from the centerline of each driveway at the point where it crosses the street right-of-way line.
2. Minimum driveway spacing from other driveways along the same side of the street shall be determined based on posted speed limits along the parcel for each particular frontage, as follows:

Driveway Spacing From Other Driveways	
Posted Speed (mph)	Minimum Driveway Spacing
25mph	100 feet
30mph	125 feet
35mph	150 feet
40mph	185 feet
45 mph	230 feet
50 mph	275 feet
55 mph	350 feet

3. Driveways shall be directly aligned with those across the street or, where offset, the minimum driveway spacing from driveways across the street shall be a minimum of one hundred fifty (150) feet, as determined by the Planning Commission, excluding when one (1) or both driveways are designed and signed for right-tum-in, right-tum-out only.

j. Driveway Design, Channelized Driveways, Deceleration Lanes and Tapers, Bypass Lanes

1. **Standards.** Driveways shall be designed to the standards of the Arenac County Road Commission, except where stricter standards are included herein or by the *City Driveway Construction Standards*.
2. Driveway Width and Radii

(a) The typical driveway design shall include one (1) ingress and one (1) egress lane, with a

- combined maximum throat width of thirty (30) feet, measured from face to face of curb.
- (b) Wherever the Planning Commission determines that traffic volumes or conditions may cause significant delays for traffic exiting left, two (2) exit lanes may be required.
  - (c) For one-way paired driveway systems, each driveway shall be sixteen (16) feet wide, measured perpendicularly.
  - (d) In areas with pedestrian traffic, the exit and enter lanes may be separated by a median with a maximum width of ten (10) feet.
  - (e) Driveways shall be designed with a twenty-five (25) foot radii; thirty-foot radii where daily semi truck traffic is expected.
3. **Driveway Storage.** Driveway storage shall be determined by the Planning Commission based on traffic volumes and conditions. A minimum of forty (40) feet of driveway storage shall be provided for less intense developments and a minimum of one-hundred and twenty (120) feet of driveway storage shall be required for larger developments. Driveway storage shall be measured from the right-of-way line.

## ARTICLE 15

### SIGNS

#### SECTION 1500. F PURPOSE AND INTENT

This Article is intended to regulate the size, number, location, and manner of display of signs in the City of Au Gres consistent with the following purposes:

- a. To protect and further the health, safety, and welfare of residents, property owners, and visitors.
- b. To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract, or confuse drivers, or are improperly secured or constructed.
- c. To conserve and enhance community character.
- d. To promote uniformity in the size, number, or placement of signs within zoning districts.
- e. To promote the economic viability of commercial areas by minimizing visual clutter and allowing for placement of signs to safely direct motorists to their destination.
- f. To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the communication rights of businesses and other non-business uses.
- g. To recognize that special circumstances or events may create a need for temporary signage for a limited and reasonable period of time.
- h. The purpose of this Article does not include the regulation of the content, or any information included on the sign.

#### SECTION 1501. DEFINITIONS

Definitions for terms used in this article can be found in ARTICLE 2, SECTION 210 of this ordinance.

#### SECTION 1502. GENERAL PROVISIONS

- a. **Substitution Clause.** Signs which contain non-commercial speech are permitted anywhere that advertising or business signs are permitted subject to the same regulations applicable to such signs. The owner of any sign which is otherwise allowed by this Article may substitute non-commercial language in lieu of any other commercial or non-commercial language. This substitution may be made without any additional approval or permitting. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message.
- b. **Building Code.** Signs shall comply with all applicable building and electrical codes and shall supersede these provisions in the case of a conflict.

- c. Clear Vision. All signs shall comply with the clear vision requirements of Section 1010.
- d. Illumination.
  - 1. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it.
  - 2. Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
  - 3. Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
  - 4. Illumination by bare bulbs, neon, luminous tubing or flames is prohibited, except that bare bulbs are permitted on changeable copy signs and theater marques.
- e. No commercial vehicle or trailer which in the opinion of the Zoning Administrator have the intended function of acting as a sign, shall be parked in any area abutting the street.
- f. No signs shall contain any moving or animated parts or have the appearance of having any moving or animated parts.
- g. No wall sign shall extend beyond the edge of the wall to which it is attached, and shall not extend above the roof line of the building.
- h. All signs shall be designed to ensure a dead load and wind pressure in any direction of not less than 30 pounds per square foot of area. All signs shall be securely anchored or otherwise made immobile.
- i. Abandoned signs shall be removed or replaced with a blank face within 90 days after written notification from the city to the sign owner, owner of the property where the sign is located or any other party having control over the sign. In determining sign abandonment, the Zoning Administrator shall consider:
  - 1. Discontinuance of utility service.
  - 2. Removal of building fixtures needed for the use.
  - 3. Property falling into disrepair.
  - 4. Elimination of postal service.
  - 5. Non-payment of property taxes.
- j. A dangerous sign is one that constitutes an immediate hazard to health or safety and shall be deemed a nuisance and may be immediately removed by the City and the cost thereof charged against the owner of the property on which it was installed.
- k. An unsafe sign is a sign that becomes insecure, in danger of falling, or otherwise unsafe but not considered an immediate danger by the Zoning Administrator to the health or safety of the public and shall be removed or repaired as outlined in Section 15.10
- l. Illegally erected signs shall be removed through the enforcement process for zoning violations.

### SECTION 1503. PROHIBITED SIGNS

A sign not expressly permitted by this Article is prohibited. Specifically, the following types of signs are expressly prohibited:

- a. Any sign, including window signs, which have flashing, moving, oscillating, scrolling or blinking lights except as may otherwise be permitted herein.
- b. Roof signs.
- c. Rotating signs.
- d. Searchlights, laser lights, strobe lights, and lights of a similar nature.
- e. A sign using the words "stop," "danger," or other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse a vehicle driver. Although this is a content-based distinction; these signs must be prohibited to prevent public confusion, risks to safety, and traffic collisions.
- f. Snipe Signs. No light pole, utility pole, publicly owned landscaping, fire hydrant, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- g. No commercial vehicle or trailer which in the opinion of the Zoning Administrator have the intended function of acting as a sign, shall be parked in any area abutting the street.
- h. No signs shall contain any moving or animated parts or have the appearance of having any moving or animated parts.
- i. Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
- j. Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle.
- k. Contain or consist of banners, pennants, pinwheels, ribbons, streamers, strings of lights bulbs other than holiday decorations, or similar devices. Upon site plan review, the City Planning Commission may approve specific modifications of this provision.

### SECTION 1504. ZONING PERMIT REQUIRED

- a. A zoning permit shall be required for the erection and construction of all permanent signs except those exempted by Section 1505.
- b. Zoning permits are also required for all temporary signs exceeding 20 square feet unless specifically exempted. Permits for temporary signs shall specifically state a date or a time frame by which the sign must be removed.
- c. A zoning permit is not required for ordinary maintenance of signs such as painting, cleaning, light

replacement, and alteration of the sign message.

- d. An application for a zoning permit for a sign shall be submitted in compliance with the provisions of Section 2003. In addition to the information normally required for a zoning permit, the request shall include:
1. A drawing of the sign showing its size, height, method of lighting if any.
  2. For a proposed wall sign, an elevation drawing of the wall it will be located on, including the wall dimensions
  3. Copies of the any required building or electrical permit applications.

#### **SECTION 1505. SIGNS NOT REQUIRING A ZONING PERMIT**

The following signs do not require a zoning permit but are subject to the requirements of this Article with regards to size, location, maintenance, and other characteristics of the signs

1. Government Signs
2. Window Signs
3. Temporary signs less than 20 square feet in area
4. Signs less than 3 square feet in area
5. On-site directional signs
6. No Hunting Signs.

#### **SECTION 1506. NOT CONSIDERED SIGNS FOR THE PURPOSE OF THIS ORDINANCE**

The following are not considered signs for the purpose of this ordinance:

1. Property addresses with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses and residential address nameplates not more 2 square feet.
2. Barber poles
3. Flags of any nation, state, city, government, government authorized agency, or educational institution.
4. Historic markers not exceeding 12 square feet
5. Any sign which is located completely within an enclosed building, and which is not visible from outside the building.

#### **SECTION 1507. SIGN MEASUREMENT**

- a. The area of a sign is the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed.
- b. Where a sign has two or more faces, the combined area of all faces shall be included in determining the area of the sign, except that where two faces are placed back-to-back and are at no point more than 2 feet from one another, the area of the sign shall be taken as the area of one face. In the case of a sphere, the total area of the sphere is divided by two for the purposes of determining sign area.

- c. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

Figure 15-1

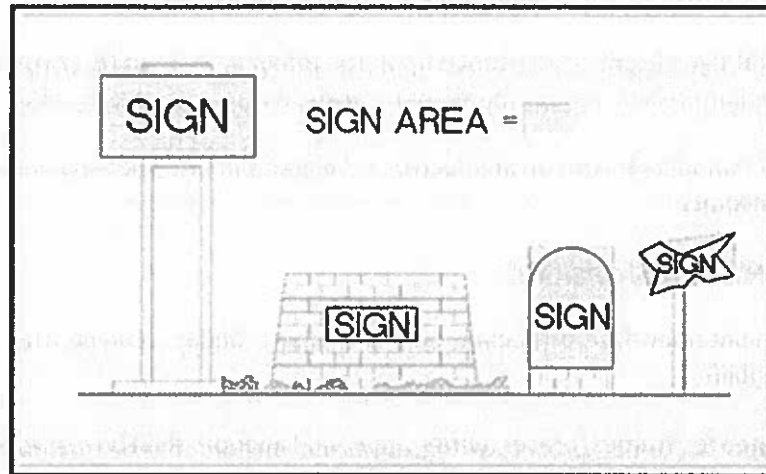
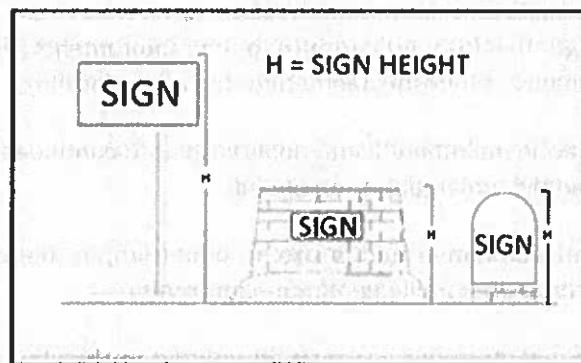


Figure 15-2



#### SECTION 1508. ELECTRONIC / DIGITAL SIGNS

Electronic / digital signs shall comply with the following regulations:

- a. Size. The electronic / digital sign shall not consist of more than 75 percent of the allowable sign area, except signs with a maximum allowable size of 32 square feet or less in area, in which case up to 100 percent of the sign may be electronic / digital sign.
- b. An electronic / digital sign shall not exceed a maximum illumination of 6,600 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk and dawn as measured at the signs face. Prior to issuance of a zoning permit for the sign, the applicant shall provide a certification that the illumination settings for the sign comply with the maximum illumination requirements.
- c. An electronic reader board shall be equipped with a brightness control sensor that allows for the

brightness to be adjusted either manually or automatically.

- d. In order to reduce glare, an electronic / digital sign shall not have a white background.
- e. An electronic / digital sign used as a window sign is permitted, provided it complies with the requirements of electronic reader boards as set forth in this Article.
- f. Electronic / digital signs legally in existence upon the effective date of this Article shall be required to comply with the illumination requirements of this Article insofar as practicable.
- g. The messages and images shown on an electronic / digital sign may not change more frequently than once every 10 seconds.

#### **SECTION 1509. MAINTENANCE OF SIGNS**

- a. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- b. All signs, sign supports, frames, braces, wiring, guys, and anchors shall be maintained in such a manner that they do not create a hazard for pedestrians and vehicles.

#### **SECTION 1510. NON-CONFORMING SIGNS**

- a. Every legal permanent sign that does not conform to the requirements of this Article as of the date of the adoption of this ordinance is here-by deemed to be nonconforming.
- b. Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be altered, expanded, enlarged, or extended.
- c. A non-conforming sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of non-conformity.
- d. A sign accessory to a non-conforming use may be erected in the city in accordance with the sign regulations for the district in which the property is located.
- e. Non-conforming signs shall not:
  - 1. Be replaced or changed to another non-conforming sign.
  - 2. Be repaired if such repair involves any of the following.
    - (a) Necessitates the replacement of both the sign frame and sign panels.
    - (b) Replacement of the signs primary support pole(s) or other support structure.
    - (c) Be enhanced with any new feature including the addition of illumination.
  - 3. Be re-established after damage or destruction, if the replacement cost thereof exceeds 50 percent of the fair market value of the nonconforming sign prior to its damage or destruction. The fair market value shall be as determined by the Zoning Administrator.



**SECTION 1511. REGULATIONS FOR TEMPORARY SIGNS**

- a. A temporary sign may be installed concurrent with a temporary event or occurrence and removed upon the end of the event. Examples of temporary events shall include sale or rental of a property, an election season, construction or renovation of property, or an activity authorized under this ordinance as a temporary use. Temporary signs may not be off-premise signs.
- b. Permits are required for temporary signs that exceed 20 square feet in size. The applicant shall designate on the application form the days on which the sign will be displayed. Display of the sign on any day other than those days designated on the permit shall be a violation of this Section.
- c. A temporary sign permit may be issued as part of and in conjunction with a building permit. The sign permit issuance shall be noted on the building permit.
- d. The size and number of temporary signs allowed shall be as specified within each zoning district provided in Table 15-1 in SECTION 1512.
- e. Signs shall be anchored in a safe and secure manner. The anchoring of signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.
- f. The sign shall be located a minimum of five (5) feet from the edge of any street right-of-way or public or private sidewalk except for sandwich board signs as regulated herein.
- g. A sign shall not be displayed if it is torn, bent, faded, not upright, unreadable, or otherwise unsightly.
- h. Temporary signs held by a person shall not be displayed in the road right of way and shall not hamper the visibility of a driver on or off the site.
- i. Temporary signs shall only be internally illuminated.
- j. An electronic / digital display sign may serve as a temporary sign and shall comply with the requirements of Table 15-1 in SECTION 1512.

**SECTION 1512. SIGN REQUIREMENTS BY ZONING DISTRICT**

*Table 15-1: Sign Requirements by Zoning District (e)*

Type of Sign	R-1, R-2, CR	R-3, R-4, R-5	TC, PT	C, I
Ground Sign	<ul style="list-style-type: none"> <li>• One (1) sign per parcel</li> <li>• Max area 35 sq. ft.</li> <li>• Max height 6'</li> <li>• 15' setback from front and rear lot lines</li> <li>• Signs shall meet side yard setback for principal building</li> <li>• May be illuminated</li> <li>• Not permitted for single family and duplex residential uses</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) sign per parcel</li> <li>• Max area 35 sq. ft.</li> <li>• Max height 6'</li> <li>• 15' setback from front and rear lot lines</li> <li>• Signs shall meet side yard setback for principal building</li> <li>• May be illuminated</li> <li>• Not permitted for single family and duplex residential uses (a)</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) sign per parcel (a)</li> <li>• Max area 24 sq. ft.,</li> <li>• For two (2) or more businesses per parcel add 17.5 sq ft. per business</li> <li>• Max height 12'</li> <li>• 6' setback from front and rear lot lines</li> <li>• Signs shall meet side yard setback for principal building but not less than 100' from a residentially zoned parcel</li> <li>• May be illuminated</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) sign per parcel (a)</li> <li>• Max area 45 sq. ft.,</li> <li>• For two (2) or more businesses per parcel add 17.5 sq ft. per business</li> <li>• Max height 16'</li> <li>• 10' setback from front and rear lot lines</li> <li>• Signs shall meet side yard setback for principal building but not less than 100' from a residentially zoned parcel</li> <li>• May be illuminated</li> </ul>

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Type of Sign	R-1, R-2, CR	R-3, R-4, R-5	TC, PT	C, I
<b>Pole Sign</b>				<ul style="list-style-type: none"> <li>• Pole sign may be substituted for ground sign under same standards except the max height is 20'</li> <li>• Minimum 8' clearance from ground to bottom of sign</li> </ul>
<b>Wall Sign</b>	<ul style="list-style-type: none"> <li>• One (1) sign per street frontage</li> <li>• Max area per sign 35 sq. ft.</li> <li>• May be illuminated</li> <li>• Not permitted for single family and duplex residential uses</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) sign per street frontage</li> <li>• Max area per sign 35 sq. ft.</li> <li>• May be illuminated</li> <li>• Not permitted for single family and duplex residential uses (a)</li> </ul>	<ul style="list-style-type: none"> <li>• No limit on number of signs on walls fronting street</li> <li>• Max area 10% of wall area but in no case more than 50 sq. ft.</li> <li>• May be illuminated</li> </ul>	<ul style="list-style-type: none"> <li>• No limit on number of signs on walls fronting street</li> <li>• Max area 10% of wall area but in no case more than 50 sq. ft.</li> <li>• May be illuminated</li> </ul>
<b>Temporary Signs</b>	<ul style="list-style-type: none"> <li>• No limit on number of signs</li> <li>• Max area of all temp signs 16 sq. ft.</li> <li>• Comply with SECTION 1511</li> </ul>	<ul style="list-style-type: none"> <li>• No limit on # of signs</li> <li>• Max area of all temp signs 16 sq. ft.</li> <li>• Comply with SECTION 1511</li> </ul>	<ul style="list-style-type: none"> <li>• No limit on number of signs</li> <li>• Max area of all temp signs 50 sq. ft. , no single sign greater than 32 sq. ft.</li> <li>• Comply with SECTION 1511</li> </ul>	<ul style="list-style-type: none"> <li>• No limit on number of signs</li> <li>• Max area of all temp signs 50 sq. ft. , no single sign greater than 32 sq. ft.</li> <li>• Comply with SECTION 1511</li> </ul>
<b>Multi-Lot Development Entrance Sign</b>	<ul style="list-style-type: none"> <li>• One (1) sign per entrance</li> <li>• Max area 50 sq. ft. /sign</li> <li>• Max height 6'</li> <li>• 10' setback from ROW lines</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) sign per entrance</li> <li>• Max area 50 sq. ft. / sign</li> <li>• Max height 6'</li> <li>• 10' setback from ROW lines</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) sign per entrance</li> <li>• Max area 35 sq. ft.</li> <li>• Max height 6'</li> <li>• 10' setback from ROW lines</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) sign per entrance</li> <li>• Max area 35 sq. ft.</li> <li>• Max height 6'</li> <li>• 10' setback from ROW lines</li> </ul>
<b>Electronic / Digital Sign</b>	<ul style="list-style-type: none"> <li>• Comply with SECTION 1508</li> <li>• Requires SLU approval.</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with SECTION 1508</li> <li>• Requires SLU approval</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with SECTION 1508</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with SECTION 1508</li> </ul>
<b>Projecting / Awning / Canopy Signs</b>			<ul style="list-style-type: none"> <li>• Counts as max area for wall sign.</li> <li>• Projecting signs may not exceed 10 sq. ft. in area or 3' in width (b)</li> </ul>	<ul style="list-style-type: none"> <li>• Counts as max area for wall sign.</li> <li>• Projecting signs may not exceed 10 sq. ft. in area or 3' in width (c)</li> </ul>
<b>Sandwich Board Signs</b>			<ul style="list-style-type: none"> <li>• One (1) per customer entrance</li> <li>• Max height 60"</li> <li>• Max width 36'</li> <li>• Illumination not permitted (d)</li> </ul>	<ul style="list-style-type: none"> <li>• One (1) per customer entrance</li> <li>• Max height 60"</li> <li>• Max width 36'</li> <li>• Illumination not permitted (d)</li> </ul>
<b>Window Sign</b>			<ul style="list-style-type: none"> <li>• No limit on number of signs</li> <li>• Max area is 25% of window area</li> </ul>	<ul style="list-style-type: none"> <li>• No limit on number of signs</li> <li>• Max area is 25% of window area</li> </ul>

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Type of Sign	R-1, R-2, CR	R-3, R-4, R-5	TC, PT	C, I
Billboards	Not Permitted	Not Permitted	Not Permitted	<ul style="list-style-type: none"> <li>• Permitted in I District</li> <li>• Max 200 sq. ft. per face</li> <li>• Minimum 25' front yard setback</li> <li>• Minimum 20' side yard setback</li> <li>• Max height 20'</li> <li>• Minimum vertical clearance of 10' if within 4' or driveway or parking lot</li> <li>• Requires site plan approval</li> </ul>

Footnotes

- a. For parcels with more than one principal building, a ground sign or wall sign is permitted for each building. Such sign shall not exceed 24 square feet in size and may be illuminated.
- b. Projecting or canopy signs in the TC District shall be set back at least 2 feet from any street curb line, shall not extend more than 6 feet over the public right-of-way, and shall leave a minimum clearance of 8 feet above the ground.
- c. Projecting, awning, or canopy signs, other than those in the TC District, shall have a minimum ground clearance of 10 feet, shall be set back at least 6 feet from any adjacent public right-of-way, nor project over an alley or private access lane. A projecting sign shall not extend for more than 2 feet from the building to which it is attached.
- d. Sandwich Board Signs.
  1. The sign may be placed within the public right-of-way on a public sidewalk but not within any public street vehicle travel lane.
  2. The sign shall be located outside of the business it serves but shall be located no more than 10 feet from the customer entrance to the business, be a minimum of 2 feet from the edge of the curb and be located so that at least a 5-foot-wide unobstructed walkway is maintained.
  3. The sign may be displayed only during operating business hours.
  4. All signs must be constructed of weatherproof, durable material, and kept in good repair.
  5. Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.).
  6. All sandwich board signs must be marked in such a way as to identify the owner of the sign or the party responsible for placement of the sign. Such information must be readily identifiable upon reasonable inspection.
- e. Sign requirements in the PUD zoning district will be based on the standards approved in the PUD concept plan. If the concept plan is silent on signage requirements, then the standards in the zoning district consistent with the applicable use will be used (for example, a multi-family residential use would use the standards for the R-3 zoning district).

**SECTION 1513. VARIANCES**

The Zoning Board of Appeals may hear requests for non-use variances from the sign regulations. In considering granting a variance, the ZBA shall use the following standards, rather than the normal standards for variance approval in Section 1806 of this ordinance. To grant the variance the ZBA must find that the request meets all of the following:

- a. A variance is deemed in the public interest
- b. The variance would not adversely affect properties in the immediate vicinity of the proposed sign
- c. The alleged hardship or practical difficulties supporting the variance request results from conditions that do not generally exist throughout the City, and denial of a variance would preclude all reasonable use of the property
- d. Granting a variance would result in substantial justice being done, considering the public interests protected by the standards of this Article, the individual hardships that would be suffered by denial of the variance and the rights of others throughout the City whose property may be affected by granting the variance; and
- e. The type of sign has been designed to make it compatible with the surrounding area.

ARTICLE 16

**RESERVED**

ARTICLE 17

**RESERVED**



## ARTICLE 18

### ZONING BOARD OF APPEALS (ZBA)

#### SECTION 1800. CREATION AND INTENT

As provided for in the Michigan Zoning Enabling Act (Public Act 110 of 2006) the City of Au Gres Council will serve as the Zoning Board of Appeals (ZBA). If the city chooses to, at a later date, to establish a separate ZBA, it shall amend this article to identify the ZBA membership. Other provisions of this section related to organization, voting, authority, etc. apply to the city council when it is acting as the ZBA. Where the term Zoning Board of Appeals or ZBA is used in this ordinance it shall be understood to mean the city council acting as the ZBA.

#### SECTION 1801. MEMBERSHIP - RESERVED

#### SECTION 1802. ORGANIZATION

- a. **Rules of Procedure.** The City Council shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties while operating as the ZBA. These shall include rules addressing conflict of interest.
- b. **Meetings and Quorum.** Meetings of the City Council serving as the ZBA shall be held at the call of the mayor and at such other times as the ZBA in its Rules of Procedure may specify. A majority of the council members, including the mayor shall constitute a quorum for the conduct of business. All meetings shall be open to the public.
- c. **Oaths and Witnesses.** The mayor shall have the power to subpoena, administer oaths, compel the attendance of witnesses, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.
- d. **Records.** The minutes of all meetings shall contain the grounds for every determination made by the ZBA and the final ruling on each case. The ZBA shall file its minutes in the office of the City Clerk.
- e. **Fees.** The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged for applications to the ZBA.

#### SECTION 1803. JURISDICTION AND RESPONSIBILITIES

The ZBA shall have all jurisdiction and powers granted by the Michigan Zoning Enabling Act (Public Act 110 of 2006), and the following specific jurisdiction and powers:

- a. **Appeals.** To hear and decide appeals from and review any order, requirements, permit, decision or determination made by the Zoning Administrator or any other administrative official or body in enforcing the provisions of this Ordinance. The ZBA may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision or determination as in the ZBA's opinion ought to be made in the premises, and to that end shall have all the powers of the administrative official or body from whom the appeal is taken. The ZBA may not hear appeals of decisions by the Planning

Commission of Special Land Uses (SLU).

- b. **Interpretations.** To hear and decide matters referred to it or upon which it is required to pass under this Ordinance adopted pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006) of the State, or by other Articles of this Ordinance.
- c. **Variances.** Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of a provision of this ordinance, the ZBA may modify that provision while ensuring that the spirit of the ordinance shall be preserved, public safety secured and substantial justice done.
- d. **Other Powers.** The ZBa shall have other such powers as granted under this ordinance.
- e. **Limits of Authority.** The ZBA shall not have the power to alter or change the zoning district classification of any property.

#### SECTION 1804. APPEALS

- a. **Filing an Appeal.** Appeals shall be filed with the Zoning Administrator. The application shall describe the action taken and specify the grounds for the appeal. The Zoning Administrator shall forthwith transmit to the ZBA all the papers constituting the record upon which the action appealed from was taken.
- b. **Appeal Time Limit.** An appeal shall be filed within thirty (30) days of the order, requirements or determination of an administrative official or body.
- c. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed. The only exception is if the Zoning Administrator certifies to the ZBA that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In which case, proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court for the County, on application, on notice to the Zoning Administrator and on due cause shown.
- d. **Criteria.** The ZBA is to review the record and decision of the administrative body or official and determine whether the record supports the conclusion that was reached, in light of the requirements of this ordinance. The ZBA is bound by the same rules, procedures, and standards in this ordinance as the original decision body. The ZBA should uphold the original decision unless the record clearly shows that the original decision body or official was one (1) or more of the following:
  - 1. Arbitrary or capricious.
  - 2. Failed to ensure consistency with ordinance standards.
  - 3. Made an error, such as relying on false or inaccurate information.
  - 4. Constituted an abuse of discretion.
  - 5. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law.

#### SECTION 1805. INTERPRETATION OF ORDINANCE

The Zoning Board of Appeals (ZBA) shall hear and decide upon request to.

- a. **Interpret Provisions.** Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such



request the ZBA shall insure that its interpretation is consistent with the intent and purpose of the Ordinance and the Article in which the language in question is contained and consistent with the rules of interpretation listed in Section 200 of this ordinance.

- b. **Determine Zoning District Boundaries.** Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator. The interpretation shall be consistent with the rules of zoning district boundary interpretation listed in Section 303 of this ordinance.

#### SECTION 1806. VARIANCES

The Zoning Board of Appeals (ZBA) shall prescribe appropriate conditions and safeguards to carry out the requirements of this subsection and shall not grant any variance unless it shall have made a finding of fact based upon the evidence as presented to it in each specific case as specified below.

- a. **Non-Use Variance.** The ZBA may grant a non-use variance only upon a finding that practical difficulties exist. A non-use variance is a variance from any standard or requirement of this ordinance other than a use variance described below, such as, but not limited to, a deviation from lot width, lot size, density, building and sign height, building and sign bulk, building and sign setback, and other standards and requirements. A finding of practical difficulties shall require demonstration by the applicant of all of the following.
  - 1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other "non-use" matters that will unreasonably prevent the owner from using the property for a permitted purpose or will be unnecessarily burdensome. The variance will do substantial justice to the applicant, as well as to other property owners.
  - 2. A lesser variance than that requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.
  - 3. The need for the variance is due to unique circumstances or conditions peculiar to the property and not generally applicable in the area or to other properties in the same zoning district such as exceptional narrowness, shallowness, shape, topography, or area.
  - 4. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessor; this may or may not be considered depending upon whether the practical difficulty would have existed regardless of the action.
  - 5. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristics of the site and surrounding area will be considered.
  - 6. The granting of the variance will not materially impair the intent and purpose of this Ordinance.
- b. **Use Variance.** The ZBA may grant a use variance only upon a finding that an unnecessary hardship exists that prevents use of the property as currently zoned. A use variance is a variance that permits a use that is otherwise not provided for in a zoning district. A finding of an unnecessary hardship shall require demonstration by the applicant of all of the following.
  - 1. The applicant has demonstrated that the site cannot reasonably be used for any of the uses allowed within the current zoning district designation. The ZBA may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding.

2. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. The applicant must prove that there are certain features or conditions of the land that are not generally applicable throughout the zone and that these features make it impossible to earn a reasonable return. In those situations where the difficulty is shared by others, the ZBA may find that relief should be accomplished by an amendment to the zoning ordinance, not a variance.
3. The problem and resulting need for the variance has not been self-created by any action of the applicant or the applicant's immediate predecessor.
4. The capacity and operations of public roads, utilities, other facilities and services will not be significantly compromised.
5. The use variance will not alter the essential character of the neighborhood nor be of detriment to adjacent properties.

### SECTION 1807. OTHER POWERS

In addition to the powers listed above, the ZBA has the authority to undertake other reviews specified in this ordinance including those specified below.

- a. Grant a one (1) year extension to a site plan approval granted prior to the adoption of this ordinance per Section 104.a.1
- b. Permit the expansion of a nonconforming use per Section 1102.a
- c. Permit a nonconforming use to change to another nonconforming use per Section 1102.d.

### SECTION 1808. PROCESS

- a. Matters coming before the Zoning Board of Appeals (ZBA) shall be decided no later than thirty (30) days after the hearing on such matter is closed unless a later date is mutually agreed to by the ZBA and the applicant.
- b. The decision of the ZBA shall be final upon the earlier of the following, which begin the "clock for appeal of a ZBA decision":
  1. Issuance of a written decision signed by the Chairperson of the ZBA.
  2. Approval of the minutes of the meeting at which the decision was made.
- c. In its decisions, the ZBA shall state a finding of facts underlying its decisions.
- d. **Public Hearing.** The ZBA shall fix a reasonable time for the hearing of the appeal. Written notice of the public hearing shall comply with the requirements of Section 2014 of this ordinance.
- e. **Non-Use Variance, Appeal, Interpretation and other Votes.** A concurring vote of a majority of the members of the ZBA shall be required to reverse an order, requirements, decisions, or determination of an administrative official or body, or to decide in favor of the applicant, a matter upon which the ZBA is required to pass under this Ordinance.
- f. **Use Variance Votes.** A concurring vote of two-thirds (2/3) of the members of the ZBA shall be necessary to grant a variance from uses of land permitted in this Ordinance.

- g. Decisions of the ZBA may be appealed to the appropriate court on the record and for that reason the ZBA shall cause a record to be made of its proceedings
- h. The ZBA may impose conditions necessary to ensure the spirit and intent of the ordinance is assured. Criteria for those conditions are outlined in Section 2015.
- i. The ZBA may require performance guarantees to ensure that certain improvements necessary to comply with the requirements of the ordinance are completed.

**SECTION 1809. EXPIRATION OF VARIANCE APPROVAL**

- a. Variances shall expire at the end of one (1) year of the decision becoming final per Section 1807.b unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to a completion in accordance with the terms of such permit.
- b. For variances not involving a building permit such as approval for a lot division or a use variance involving an existing building, the variance shall expire at the end of one (1) year of the decision becoming final per Section 1807.b unless the applicant has undertaken an action to implement the variance such as filing a Land Division application or a zoning permit to occupy the existing building and such division or occupation is completed within the terms of such application.

## ARTICLE 19

### ORDINANCE AMENDMENTS AND CONDITIONAL REZONING AGREEMENTS

#### SECTION 1900. PURPOSE

The purpose of this Article is to identify the procedures for initiation and review of text and map amendments to this zoning ordinance and provides standards for approval of the proposed amendments.

#### SECTION 1901. INITIATION OF AMENDMENTS

The City Council may, from time to time, amend, modify, supplement, or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the City Council, the Planning Commission, the Zoning Board of Appeals, the Zoning Administrator or by application of one or more land owners. Amendment applications by land owners may only include map or text amendments impacting their property. Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or by the owner or owners of the subject site. All proposed amendments to the provisions of this Ordinance including the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the City Council prior to action by the City Council.

#### SECTION 1902. APPLICATION PROCEDURE

- a. An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application form and fee. The following information shall accompany the application form for a map amendment:
  1. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
  2. The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
  3. The existing and proposed zoning district designation of the subject property.
  4. The land use classification for the subject site as illustrated on the City's Master Plan.
  5. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
  6. A written description of how the requested rezoning meets the amendment criteria of this Article shall be included in an application for a map or text amendment.
- b. Applications will be submitted to the Zoning Administrator at least 21 days prior to the date of the Planning Commission public hearing.
- c. A minimum of 7 copies of the application and supporting material shall be provided.
- d. Copies of the application will be submitted to any of the following for their recommendation as determined appropriate by the Zoning Administrator.

1. City Attorney
2. City Engineer
3. City Planner
4. Fire Chief
5. County Planning Commission
6. Michigan Department of Environment, Great Lakes and Environment

**SECTION 1903. AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE**

- a. **Public Hearing.** Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, written notice of the public hearing shall be made in compliance with Section 2014 of this ordinance.
- b. **Planning Commission Findings and Recommendation.** Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. The Planning Commission shall consider the criteria listed in SECTION 1905 Criteria for Amendment of the Official Zoning Map for a requested amendment to the Official Zoning Map, and the criteria listed in SECTION 1906 Criteria for Amendment to the Zoning Ordinance Text for requested amendments to the standards and regulations in the text.
- c. **City Council Findings and Action.** Following receipt of the findings and recommendation of the Planning Commission, the City Council shall act on the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment recommended by the Planning Commission prior to enactment. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria in SECTION 1905 Criteria for Amendment of the Official Zoning Map or SECTION 1906 Criteria for Amendment to the Zoning Ordinance Text as applicable. Approval of a zoning ordinance amendment requires a vote of a majority of the members of the City Council, except in the case of a rezoning where a protest petition is submitted before the vote meeting the requirements of Section 403 of the Michigan Zoning Enabling Act, in which case approval requires a 2/3 vote of the City Council. Within 15 days of adoption of a zoning amendment, a notice of adoption shall be published in a newspaper of general circulation in the city. An amendment to the zoning ordinance takes effect on the eight day after publication. The notice shall include:
  1. either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
  2. The effective date of the ordinance or amendment.
  3. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

**SECTION 1904. REQUIRED AMENDMENTS TO COMPLY WITH A COURT DECREE**

Any amendment for the purpose of complying with a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral hereof to any other board or agency.

**SECTION 1905. CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP**

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall consider the following criteria in making its findings, recommendations and decision:

- a. Consistency with the goals, policies, and future land use map of the City of Au Gres Master Plan. If conditions upon which the Master Plan was developed (such as market factors: demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the City, the Planning Commission and Council shall consider the consistency with recent development trends in the area. If during this analysis the Planning Commission determines that there are relevant changes needed to the plan to address inconsistencies or mistakes, the Planning Commission will note the need for the revision as part of its recommendation and address the changes at the next plan update or rewrite if not earlier.
- b. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district.
- c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
- d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- e. The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare".
- f. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to accommodate the demand.
- g. The request has not previously been submitted within the past one (1) year, unless conditions have changed, or new information has been provided.
- h. Other factors deemed appropriate by the Planning Commission and City Council.

**SECTION 1906. CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT**

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- a. Documentation has been provided from City Staff, or the Zoning Board of Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
- b. Reference materials, planning and zoning publication, information gained at seminars or experiences of other communities that demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- c. The City Attorney recommends an amendment to respond to significant case law.

- d. The amendment would promote implementation of the goals and objectives of the City's Master Plan.
- e. Other factors deemed appropriate by the Planning Commission and City Council.

**SECTION 1907. RESTRICTION ON RESUBMITTAL OF A REZONING REQUEST**

An application for an amendment to the Official Zoning Map (i.e. a rezoning request) that has been denied shall not be reconsidered for one (1) year, unless the applicant demonstrates that conditions have changed.

**SECTION 1908. CONDITIONAL REZONING**

An applicant for a rezoning may voluntarily offer a zoning agreement along with an application for rezoning. An election to file a rezoning with a zoning agreement shall be pursuant to the City and Village Zoning Act, as amended, and this Article. The conditions set forth in the zoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The zoning agreement shall be a written agreement that is approved and executed by the applicant and the City and recorded with the Arenac County Register of Deeds. When necessary, the zoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in Article 12. The zoning agreement must be voluntarily offered by the applicant and the City shall not have the authority to require a petitioner for rezoning to offer such agreement and shall not have the authority to require modification to a zoning agreement without the consent of the petitioner; provided, the City shall not enter into a zoning agreement that is not found acceptable to the City Council.

- a. **Scope of Agreement.** The zoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture, and other features. The zoning agreement may not authorize uses or developments of greater intensity, or density or which are not permitted in the proposed zoning district; nor may a zoning agreement permit variations from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The zoning agreement may include conditions related to the use and development of the property that are necessary to:
  - 1. Serve the intended use of the property such as extension of or improvements to roadways, utilities or other infrastructure serving the site;
  - 2. Minimize the impact of the development on surrounding properties; and
  - 3. Preserve natural features and open space.
- b. **Content of Agreement.** In addition to any limitations on use or development of the site, preservation of site features or improvements described in A above, the zoning agreement shall also include the following:
  - 1. Acknowledgement that the zoning agreement was proposed voluntarily by the applicant and that the City relied upon the agreement and may not grant the rezoning but for the terms spelled out in the zoning agreement.
  - 2. Acknowledgement that the zoning agreement and its terms and conditions are authorized by all

applicable State and Federal law and constitution, and that the zoning agreement is valid and was entered into on a voluntary basis.

3. Agreement and understanding that the property shall not be developed or used in any manner that is not consistent with the zoning agreement.
  4. Agreement and understanding that the approval of the rezoning and the zoning agreement shall be binding upon and inure to the benefit of the property owner and the City, and also their respective heirs, successors, assigns, receivers or transferees.
  5. Agreement and understanding that, if a rezoning with a zoning agreement becomes void in accordance with this section, that no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
  6. Agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the proposed zoning district.
  7. Acknowledgement that the zoning agreement does not guarantee other approvals required under the zoning ordinance such as site plans, variances or special land uses.
  8. Any other provisions as are agreed upon by the parties.
- c. **Future Rezoning.** Nothing in the zoning agreement, nor any statement or other provision, shall prohibit the City from later rezoning all or any portion of the property that is the subject of the zoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the City and Village Zoning Act.
- d. **Compliance with Agreement.** Provided that all development and use of the property in question is in compliance with the zoning agreement, a use or development authorized thereunder may continue indefinitely, provided that all terms of the zoning agreement continue to be adhered to. Failure to comply with the zoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this Ordinance and further use of the property may be subject to legal remedies available to the City.



## ARTICLE 20

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 2000. ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance. The Zoning Administrator shall be appointed by the City Council for such term and subject to such conditions and at such rate of compensation as said Council shall determine. In the exercise of duties, the Zoning Administrator shall have the right to enter private premises, as provided by law.

#### SECTION 2001. DUTIES OF ZONING ADMINISTRATOR AND BUILDING OFFICIAL

- a. **Zoning Administrator Duties.** The Zoning Administrator shall have the authority to enforce the terms of this Ordinance, issue zoning compliance and other permits as stipulated herein, to ensure approved plans and permits are carried out in accordance with their approvals, and to make inspections of buildings or premises as necessary. The Zoning Administrator shall also document all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of ARTICLE 11 Non-Conformities.
- b. **Building Official Duties.** The Building Official shall have the authority to issue building and construction permits and certificates of occupancy to applicants, assist the Zoning Administrator in enforcing requirements that relate to State Building Code and construction elements, and to make inspections of buildings or premises as necessary.
- c. **General Requirements:** The following general requirements apply to both positions:
  1. Issuance of a permit shall not be refused when an application is in compliance with the requirements of this Ordinance or other applicable codes.
  2. The Building Official and Zoning Administrator do not have the authority to amend the requirements of this ordinance unless discretion is granted within the terms of a particular section.

#### SECTION 2002. PLOT PLAN

The Building Official may require that all applications for building permits be accompanied by plans and specifications including two (2) copies of a plot plan, drawn to scale, showing the following:

- a. The actual shape, location, and dimensions of the lot.
- b. The shape size and location of all buildings or other structures to be erected, altered or moved and of any building or other structures already on the lot.
- c. The existing and intended use of the lot and of all such structures upon it including, in residential areas, the number of dwelling units the building is intended to accommodate.

- d. Such other information concerning the lot or adjoining lots as may be essential to determining whether the provisions of this Ordinance are being observed.

### SECTION 2003. PERMITS

The following shall apply in the issuance of any zoning permit:

- a. **Permits Not to be Issued.** No building permit shall be issued for the erection, alteration, or use of any building or structure as part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
- b. **Permits for New Use of Land.** No vacant land shall be used, and no existing use of land shall be changed to another type of use unless a zoning permit is obtained for the new or different use.
- c. **Permits for New Use of Building.** No building or structure, or part thereof, shall be changed to or occupied by a different use unless a zoning permit is first obtained for the new or different use.
- d. **Permits Required.** No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. No building permit will be issued until a zoning permit has been approved for the work or a determination is made that a zoning permit is required. Any work involving a structure with mixed occupancy as described in SECTION 1008 shall have Fire Chief and Health Department review as required by that section.
- e. **Inspection.** The Building Official shall be notified by the person, firm, or corporation obtaining the building permit when the foundations are completed, and the Building Official shall inspect same within three (3) days after notification. If in conformance with the provisions of this Ordinance, the Building Official shall endorse each fact upon the building permit.

### SECTION 2004. CERTIFICATE OF OCCUPANCY

No land, building or part thereof, shall be occupied by or for any use for which a building permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such new use by the Building Official. The following shall apply in the issuance of any certificate:

- a. **Certificates Not to be Issued.** No certificate of occupancy pursuant to the State Building Code shall be issued for any building, structure or part thereof or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- b. **Certificates Required.** No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- c. **Certificates Including Zoning.** Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
- d. **Certificates for Existing Buildings.** Certificates of occupancy may be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this

Ordinance. Certificates of occupancy may be issued for business buildings existing at the effective date of this Ordinance which change occupancy and which do not provide sufficient parking as required in this Ordinance, provided there is no decrease in the number of spaces existing at the effective date of this Ordinance.

- e. **Temporary Certificates.** Nothing in this Ordinance shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance.
- f. **Records of Certificates.** A record of all certificates issued shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the property involved.
- g. **Certificates for Residential Accessory Buildings.** Buildings accessory to residential dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- h. **Applications for Certificates.** Application for certificates of occupancy shall be made in writing to the Building Official on forms furnished by the City and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

#### **SECTION 2005. FINAL INSPECTION**

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

#### **SECTION 2006. FEES**

Applicants for permits required by this Ordinance shall pay to the City, at the time of application for such permit, applicable fees. Fees are set by City Council and contained in the City's fee schedule that is updated periodically by resolution of City Council.

#### **SECTION 2007. VIOLATIONS**

- a. Any violation of any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or the City Council issued in pursuance of this Ordinance shall be a municipal civil infraction. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Ordinance and any omission or failure to act where the act is required by this Ordinance.
- b. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided in this Article, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act 236 of the Public Acts of 1961, as amended, and other applicable laws.

- c. The Zoning Administrator, Building Official, and Police Officers of the City, are the City officials authorized to issue municipal civil infraction citations and municipal civil infraction notices for violations of this Ordinance.

**SECTION 2008. PUBLIC NUISANCE PER SE**

In addition to all other remedies, including the penalties provided in this Section of this Ordinance, the City may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction, to retain or prevent any noncompliance with or violation of any of the provisions in this Ordinance, or to correct, remedy or abate such non-compliance or violation. Buildings erected, altered, razed or converted, or uses carried on in violation of any provisions of this Ordinance or in violation of any regulations made under the authority of the Michigan Zoning Enabling Act (Public Act 110 of 2006), are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

**SECTION 2009. RIGHTS AND REMEDIES ARE CUMULATIVE**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**SECTION 2010. FORBEARANCE NOT CONDONED**

Forbearance in enforcement of this Ordinance shall not be deemed condonation of any violation thereof.

**SECTION 2011. FINES, SANCTIONS**

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

**SECTION 2012. EACH DAY A SEPARATE OFFENSE**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**SECTION 2013. DECLARATION OF A ZONING MORATORIUM**

Notwithstanding any other provision of this zoning ordinance, the city council may, by resolution, declare a moratorium on the issuance of any permit under this ordinance, the processing of any permit application hereunder, the processing of any rezoning request, the processing of any site plan review, special land use request, or the processing of any other application made under this zoning ordinance. Such a moratorium may be declared by the city council only under the following conditions:

- a. The City Council finds, based on facts appearing in the public record before it, that such a moratorium is necessary to protect the public health, safety and welfare and that no other action short of imposing such a moratorium can adequately protect the public health, safety and welfare.
- b. The moratorium is for a limited period of time, not to exceed six (6) months, but may be extended for no more than one (1) additional six (6) month period upon a new and separate finding of the facts

required by a. above.

- c. The moratorium is limited in its scope and area of application so as to only affect those matters and that area necessary to protect the public health, safety and welfare.
- d. The resolution declaring the moratorium shall be published in a newspaper of general circulation within the City.
- e. The resolution declaring the moratorium shall specify the effective date of such moratorium which may be the date of publication or another date following such publication.
- f. The resolution declaring the moratorium shall be adopted by a vote of no fewer than five (5) members of the City Council.

#### **SECTION 2014. PUBLIC HEARINGS**

Notwithstanding any other requirements in this Ordinance to the contrary, notices for all public hearings shall be given as follows:

- a. The notice shall:
  - 1. Describe the nature of the request.
  - 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3. State when and where the request will be considered.
  - 4. Indicate when and where written comments will be received concerning the request.
- b. Except as required in c. and d., below, notices for all public hearings shall be given as follows:
  - 1. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing
  - 2. Notice of the hearing shall be published in a newspaper of general circulation
  - 3. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - 4. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- c. Newspaper publication as required in b. above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
- d. Zoning Board of Appeals
  - 1. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice shall be only to the applicant and by newspaper publication, as required in b.2. above.

2. If the interpretation or appeal of an administrative decision involves a specific property, notice shall be given to the person bringing the appeal and as required in b.l.-3., above.

#### **SECTION 2015. CONDITIONS**

The Planning Commission and ZBA may impose conditions on approval, which may include the requirement of a performance guarantee in compliance with SECTION 2016 of this Ordinance. In determining appropriate conditions, the Planning Commission or ZBA shall ensure that:

- a. There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated; and
- b. There is a reasonable connection between the condition imposed and the impact it is mitigating.

#### **SECTION 2016. PERFORMANCE GUARANTEES**

In the interest of ensuring compliance with the zoning ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the city, the Planning Commission or ZBA (depending on who is granting approval) may require the applicant to deposit a performance guarantee. Performance guarantees shall be required in instances where a building permit or occupancy permit is requested prior to completion of all improvements on an approved site plan variance or similar approval. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- a. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety, or performance bond in the amount equal to one hundred and fifteen (115) percent of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- b. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the City Treasurer prior to the issuance of a zoning permit. The city shall deposit the performance guarantee, if in the form of a cash deposit, certified check, or performance bond in an interest-bearing account.
- c. The zoning approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- d. In the event the performance guarantee deposited is a cash deposit or certified check, the city shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator.
- e. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

- f. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the city, the city shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the city to complete the improvements for which it was posted, the applicant shall be required to pay the city the amount by which the costs of completing the improvements exceed the amount of the performance guarantee. Should the city use the performance guarantee or a portion thereof to complete the required improvements, any amount remaining after said completion shall be applied first to the city's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the city to ensure completion of an improvement associated with the proposed project prior to the city's approval, the applicant shall not be required to deposit with the city a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the city and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions regarding the performance guarantee with the city.

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