

# ARTICLE 1 GENERAL PROVISIONS

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## Division 1.1 Title and Purposes

### Sec. 1.1.1 Title and Purposes

- A. **Title.** These regulations shall be known and may be cited as the City of Portage, Michigan, Unified Development Ordinance.
- B. **Short Title.** References to "this Ordinance" or "this UDO" are interpreted as references to this Unified Development Ordinance.
- C. **Purposes.** This UDO is adopted to protect the public health, safety, and general welfare of the current and future residents of the City of Portage in accordance with the goals of the Master Plan. The provisions of this UDO are specifically intended to:
  1. *Public Health and Safety.* Protect public health and safety by:
    - a. Ensuring adequate provision of open space for light, air, and fire safety;
    - b. Promoting public safety from fire, flooding, and other natural and man-made disasters through appropriate subdivision and site design;
    - c. Providing for the proper arrangement of streets or highways to manage traffic and promote improved connectivity to better serve residents and businesses;
    - d. Promoting a balanced and efficient pattern of development by managing the density and intensity of land use, thereby preventing overcrowding and supporting a healthy, well-distributed population; and
    - e. Facilitating the adequate and safe provision of transportation, water, sewage, drainage, and other public requirements of the City.
  2. *Scenic and Environmental Significance.* Preserve and protect existing trees and vegetation, flood plains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development by:

- a. Minimizing erosion, surface runoff, and sedimentation into streams and waterways through strategic vegetation and floodplain management;
  - b. Maintaining and enhance tree canopy;
  - c. Conserving wetlands, riparian buffers, and natural bodies of water;
  - d. Protecting wildlife corridors;
  - e. Reducing urban heat islands, noise, glare, dust, and air pollution through increased vegetation and tree cover; and
  - f. Preserving scenic views and open spaces by requiring and incentivizing open space in new subdivisions and promoting the orientation of lots toward these features.
3. *Quality of Life.* Protect the quality of life of City residents, business owners, employees, and visitors by:
    - a. Improving the City's appearance through the regulation of design, materials, layout, landscaping, etc., where such regulations are appropriate;
    - b. Maintaining and enhancing the community's distinct character;
    - c. Preserving the character and quality of residential neighborhoods;
    - d. Promoting a range of housing choices; and
    - e. Creating residential areas with strong neighborhood qualities including pedestrian-friendly streets, community gathering spaces, and basic commercial needs in close proximity.
  4. *Economic Development.* Promote the economic vitality of the City by:
    - a. Providing for the expansion and diversification of the economic base to assure a strong economy; and
    - b. Encourage economic opportunities, particularly those that have meaningful multiplier effects on the local economy, by promoting the highest and best use of land and vitality and development of resilient commercial, mixed-use, and industrial districts.
  5. *Fiscal and Functional Health.* Protect the fiscal and functional health of the City by:
    - a. Establishing and maintaining zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;
    - b. Promoting orderly, efficient, and appropriate development of land;
    - c. Encouraging infill development to make efficient use of existing public infrastructure;
    - d. Facilitating greenfield development to capitalize on valued natural features;
    - e. Promoting a balanced supply of residential, commercial, and industrial land uses that are compatible with adjacent land uses and have good transportation access; and
    - f. Securing economy in government and private sector expenditures by promoting efficiency in development review.
  6. *Clear Regulations and Processes.* Provide transparent regulations and review procedures for development and outline the duties and powers of responsible administrative, elected, and appointed review bodies to maintain public trust.

## Division 1.2 Authority, Jurisdiction, and Severability

### Sec. 1.2.1 Authority, Jurisdiction, Compliance, and Applicability

- A. **Authority.** The City Council adopts this UDO pursuant to:

1. *State Statues.* The authority granted by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
  2. *Charter.* The provisions of the [Charter in the Code of Ordinances](#) of the City of Portage.
- B. **Jurisdiction.** All provisions of this UDO shall apply to all land within the City limits, unless otherwise specifically stated in this UDO.
- C. **Compliance.** All persons shall comply with all technical specifications promulgated by the City. All development shall comply to all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the City, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector. Further, all development shall meet all standards in this UDO.
- D. **Applicability.** No building or structure may be constructed, altered, or used unless it complies with this Ordinance (UDO) and comply with the following:
1. *Consistency with the Master Plan.* The administration, enforcement, and amendment of this UDO should be consistent with the City of Portage Master Plan, as amended and herein referred to as the "Master Plan." Amendments to this UDO should maintain and enhance the consistency between this UDO and the Master Plan.
  2. *Permits Required.* Permits or certificates issued on the basis of plans and applications approved by the agency having jurisdiction authorize only the use and arrangement set forth in such approved plans and applications and no other use, arrangement, or construction. Any other use, arrangement, or construction, or failure to obtain an appropriate permit, certificate, or inspection, shall be deemed to be a violation of this UDO, punishable under [Division 8](#), Administration and Enforcement.
  3. *Sale of Land in a Subdivision.* No lot, tract, or parcel of land within any subdivision or any development constituting a subdivision under [Michigan Land Division Act 288 of 1967](#) shall be offered for sale, nor shall any sale or contract for sale which is intended to be recorded with the applicable county have any validity, until such subdivision, together with the plans for the improvements thereto, has been properly reviewed and officially approved by the City. This regulation is not intended to prohibit the sale of unplatted land for purposes of ownership changes or new developer acquisition.
  4. *Restoration and Repair of Unsafe Buildings.* Except as provided in Sec. 42-133. Nonconforming Lots, Buildings, Structures, and Uses, nothing contained in this UDO shall prevent the strengthening, repair, or restoring to a safe condition any part of any building or structure declared unsafe by the proper authority.,
  5. *Burden of Proof.* The burden of, demonstrating that an application or any development subject to this UDO complies with applicable review and approval standards is on the applicant. The burden is not on the City or other parties to show that the standards have been met by the applicant or person responsible for the development.

## Sec. 1.2.2 Severability

- A. **Generally.** If a court of competent jurisdiction holds any provision of this UDO for any reason illegal, invalid, or unenforceable, the same shall not be construed to affect any other valid portion hereof, and the remainder of this UDO shall not be affected and shall remain in full force and effect.
- B. **As-Applied.** If a court of competent jurisdiction holds any application of a provision of this UDO to a particular structure, land, or body of water to be illegal or invalid "as-applied," such decision shall not apply to any other structure, land, or body of water not specifically included in the judgment.

## Division 1.3 Effect of UDO

### Sec. 1.3.1 Enactment, Effective Date, Repeal

- A. **Enactment and Repeal.** The enactment of this UDO shall repeal and replace Articles 1, Article 2, Article 4, Article 5, Article 6, and Article 8 of Chapter 42, Land Development Regulations, of the Code of Ordinances of Portage, in place prior to the effective date of this UDO. All other Articles within Chapter 42 not listed remain in effect.
- B. **Effective Date.** The effective date of this UDO is [INSERT DATE], which shall be the date when this UDO enters into the full force of law.

### Sec. 1.3.2 Transitional Provisions and Vesting

- A. **General.** In accordance with Michigan Zoning Enabling Act, Public Act 110 of 2006, it is the City's intent to acknowledge approved development applications that were addressed in the adopted regulatory documents that pre-date this UDO, as amended.
- B. **Development Approvals that Predate the Zoning Ordinance.**
  - 1. *Generally.* Development applications submitted prior to the effective date of this UDO may be carried out within the scope of the development approval, including applicable standards in effect at the time of approval, provided that the approval is valid and has not expired.
  - 2. *Duration of Approvals.* Development approvals that are valid on the effective date of this UDO are valid until the expiration date in the approval documents or prior regulations or, if no expiration date is specified in the approval documents or prior regulations, pursuant to Sec. 42-461, Application and Review Procedures.
- C. **Pending Applications.**
  - 1. *Generally.* Except as provided in Paragraph 2, below, each development application shall be evaluated in accordance with the adopted regulatory documents in effect at the time that each complete application is submitted.
  - 2. *Expired Applications.* Pending development applications that the applicant does not pursue with diligence may expire.
- D. **Vested Rights.** Nothing in this article shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, district, zoning classification or permissible activity therein, and they are hereby declared to be subject to such subsequent amendment, change or modification as may be necessary to the preservation or protection of the public health, safety and welfare.
- E. **Construction of Statutory Terms.** Terms in the Planning Act shall be construed in harmony with this chapter and the customary meanings of words and terms therein as such words and terms may be applied in fulfilling the purpose of such act in the City. Except as otherwise provided in the Planning Act, this chapter shall be controlling in the case of any inconsistencies between this chapter and an ordinance adopted under any other act.

### Sec. 1.3.3 Abrogation and Conflicting Provisions

- A. **Minimum Requirements.** In its interpretation and application, the provisions of this article shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience or general welfare.
- B. **Abrogation.** This article is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, other than the prior zoning code of the City, or with any rule, regulation

or permit previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

- C. **Conflicting Provisions.** Should any part of this article conflict with any other part of this article, the more restrictive of the conflicting language shall apply. In these cases, the Zoning Board of Appeals shall, if requested, resolve the conflict under the provisions of Article 6, ZBA, Interpretations. The Planning Commission and City Council may also resolve the conflict by an amendment to this article under the provisions of amendments to this article.

# ARTICLE 2 ZONING DISTRICTS, DIMENSIONAL STANDARDS, AND LAND USES

## Division 2.1 Zoning Districts Established and Official Zoning Maps.

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Sec 2.1.2 Zoning Districts Established

Sec. 2.1.3 Zoning Map

Sec. 2.1.4 Interpretation of District Boundaries

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Sec. 2.4.1 Measurements

## Division 2.1 Zoning Districts Established and Official Zoning Maps.

### Sec 2.1.1 Purpose

This section establishes the City's zoning districts and describes the general characteristics of land use and development in each district. Also included are the future land use classifications from the Master Plan that are implemented by each zone as well as the former zoning district designations that the City repealed and replaced on the effective date of this UDO. The zoning districts are shown on the Zoning Map, which is established in Sec. 2.1.3, *Zoning Map*.

### Sec 2.1.2 Zoning Districts Established

Table 2.1.2-1 Zoning Districts			
Future Land Use Classification	Zoning District	Description	Former Zone District Designations
<b>Residential Districts</b>			
Single-Family Residential	Residential Estate (RE)	The RE District accommodates suburban and exurban neighborhoods and settings that feature large residential lots occupied by single-unit detached dwellings having limited or full public utilities. Public and civic uses are permitted to support the residential character of the district.	R-1C, R-1D
	Residential Neighborhood District (RN)	The RN District supports low- to medium-density suburban development, primarily consisting single-unit detached dwellings having limited or full public utilities. A diversity of housing types, including two-unit attached, multiplexes, and townhouses may be permitted on a limited basis with design and use standards in infill and new development except for lakefront properties. The district promotes open space and community connectivity through conservation neighborhood design.	R-1A, R-1B
	Manufactured-Home Community (MHC)	The MHC District is intended to provide safe, well-designed manufactured home communities as a viable and affordable housing option in the City of Portage and maintain consistency with MCL Act 96 of 1987, The Mobile Home Commission Act. It establishes location and design standards to protect residents, prevent displacement, and ensure compatibility with surrounding neighborhoods and land uses.	MHC

**Table 2.1.2-1 Zoning Districts**

Future Land Use Classification	Zoning District	Description	Former Zone District Designations
Mixed Residential	Residential Mixed (RM)	The RM District features medium- to high-intensity residential development with a mix of single-unit detached, two-unit attached, townhouse, multiplex, and multi-unit dwellings. Community amenities and open spaces connect to existing parks and open spaces where possible. Neighborhood-scale nonresidential uses are encouraged in close proximity for the convenience of nearby residents.	R-IT, RM-1, RM-2
<b>Mixed Use Districts [Reserved.]</b>			
<b>Nonresidential Districts [Reserved.]</b>			
<b>Planned Development Districts [Reserved.]</b>			

### Sec. 2.1.3 Zoning Map

- A. The boundaries of the districts listed in Sec. 2.1.2, *Zoning Districts Established*, are hereby established as shown on the zoning map, which, with all notations, references and other information shown thereon, shall be a part of this article as if fully described in this article.
- B. The zoning map shall be identified by the signature of the mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to Sec. 2.1.3 of the City [date of adoption]."
- C. If, in accordance with this article, changes are made in district boundaries or other matter portrayed on the zoning map, together with an entry on the map as follows: "On [date], by official action of City Council the following change(s) were made [brief description with reference number to Council proceedings]."
- D. Two copies of the Zoning Map are to be maintained and kept up to date, one in the Department of Community Development and one in the office of the City Clerk, which copy shall be accessible to the public. The zoning map and any adopted amending ordinances shall be considered as evidence of the current adopted zoning status of lands, buildings and other structures in the City.

### Sec. 2.1.4 Interpretation of District Boundaries

- A. **Interpretation Rules.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the rules of this section shall apply. Boundaries indicated as:
  - 1. Approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
  - 2. Approximately following platted lot lines shall be construed to follow such lot lines.
  - 3. Approximately following City limits shall be construed as following City limits.

4. Following railroad lines shall be construed to be midway between the main tracks.
  5. Following shorelines shall be construed to follow such shorelines and, in the event of a change in a shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
  6. Parallel to, or extensions of features mentioned in Paragraphs A.1 through A.5 of this section, shall be so construed.
- B. **Map Scale.** The scale of the map shall be used to determine distances not specifically indicated on the zoning map.
- C. **Discrepancies.** Where physical or natural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by Paragraphs A.1 through A.6 of this section, the Director shall interpret the district boundaries.

### **Sec. 2.1.5 Zoning of Annexed Areas**

Whenever any area is annexed to the city, one of the following conditions shall apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district established by this UDO that most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council. The City Council shall approve the classification by resolution.
- B. Land not zoned prior to annexation shall be classified into whichever district established by this UDO that most closely conforms with the existing use of the annexed area, or, in the case of vacant land, in accordance with the master plan. The Planning Commission shall recommend the appropriate zoning district for such area within three months after the matter is referred to by the City Council.

### **Sec. 2.1.6 Zoning of Vacated Areas**

When the City Council officially vacates a street, alley, or other public path, the land that was part of it becomes part of the adjoining properties. From that point on, the land will automatically follow the same zoning rules as the land it joins, without the City Council needing to take any further action.

## Division 2.2 Zoning Districts and Dimensional Standards

### Article 2 Zoning Districts, Dimensional Standards, and Land Uses

#### Division 2.2 Zoning Districts and Dimensional Standards

##### Sec. 2.2.1 General Provisions

##### Sec. 2.2.2 Residential District Dimensional Standards

###### Subsec. 2.2.2-A RE, Residential Estate District

###### Subsec. 2.2.2-B RN, Residential Neighborhood District

###### Subsec. 2.2.2-C RM, Residential Mixed District

###### Subsec. 2.2.2-D MHC, Manufactured Home Community

##### Sec. 2.2.3 Mixed Use District Dimensional Standards [Reserved.]

###### Subsec. 2.2.3-A General Standards for All Mixed-Use Districts [Reserved.]

###### Subsec. 2.2.3-B LC, Lake Center [Reserved.]

###### Subsec. 2.2.3-C MU, Mixed Use [Reserved.]

###### Subsec. 2.2.3-D CC, City Centre [Reserved.]

###### Subsec. 2.2.3-E CR, Crossroads [Reserved.]

##### Sec. 2.2.4 Nonresidential District Dimensional Standards [Reserved.]

###### Subsec. 2.2.4-A NC, Neighborhood Commercial [Reserved.]

###### Subsec. 2.2.4-B GC, General Commercial [Reserved.]

###### Subsec. 2.2.4-C LI, Light Industrial [Reserved.]

###### Subsec. 2.2.4-D HI, Heavy Industrial [Reserved.]

##### Sec. 2.2.5 Special Purpose and Overlay District [Reserved.]

###### Subsec. 2.2.5-A PUD, Planned Unit Development [Reserved.]

###### Subsec. 2.2.5-B Parks District. [Reserved.]

###### Subsec. 2.2.5-C Airport Overlay District. [Reserved.]

##### Sec. 2.2.6 Neighborhood Types

##### Sec. 2.2.7 Open Space and Amenity Types

## Sec. 2.2.1 General Provisions

### A. Principal Uses and Main Buildings.

1. Not more than one principal use shall be allowed on a lot of record zoned for single-unit dwelling purposes.
2. If a zoning lot or lot of record (not zoned for single-unit dwelling) contains a legal nonconforming use, no additional principal use is allowed on that lot.

B. **Essential Services.** Essential services serving the City are permitted as authorized and regulated by law and other ordinances of the City.

C. **Voting Places.** This article 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.

D. **Nonconformities.** See Sec. 42-133, Nonconforming Lots, Uses, and Structures regarding nonconforming lot area and lot width.

## Sec. 2.2.2 Residential District Dimensional Standards

### Contents:

Article 2 Zoning Districts, Dimensional Standards, and Land Uses

Division 2.2 Zoning Districts and Dimensional Standards

Sec. 2.2.2 Residential District Dimensional Standards

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Subsec. 2.2.2-B RN, Residential Neighborhood District

Subsec. 2.2.2-C RM, Residential Mixed District

Subsec. 2.2.2-D MHC, Manufactured Home Community

### Sec. 2.2.2 Residential District Dimensional Standards

General. Parcels existing within the RE and RN districts as of the date of this UDO, will be classified and future development shall meet Conventional Option development standards of the underlying zoning district, except existing Planning Developments and Commercial Planning Developments.

Accessory Dwelling Units regulations and dimensional standards are provided in Sec 2.3.4 *Accessory Use, Building, and Structures*.

### Subsec. 2.2.2-A RE, Residential Estate District

A. **Purpose.** The purpose of the Residential Estate (RE) district is to accommodate larger, estate-sized housing units in a rural setting. This district is predominantly allocated for detached single-unit residential developments of low density, with the possibility of including an accessory dwelling unit.



**Table 2.2.2-A-1, RE Dimensional Standards**

<b>Open Space</b> (minimum) <sup>2</sup>	N/A	15%
<b>Principal Building</b>		
<b>Setbacks</b> (minimum) <sup>6</sup>		
D - Front <sup>4</sup>	30 ft.	30 ft.
E - Side	12 ft.	10 ft.
F - Rear	40 ft.	30 ft.
G <b>Height/Stories</b> (maximum) <sup>5</sup>	30 ft./40ft; 3 stories	30 ft./40ft; 3 stories
<b>Minimum Floor Area (All Options)</b>		
1 Story		1,000 SF
2 Story <sup>7</sup>		1,400 SF
<b>Accessory Structures</b>		
<b>Setbacks</b> (minimum) <sup>3</sup>		
- Front		Shall meet same setback as principal building setback.
- Side		5 ft.
- Rear		5 ft.
<b>Height of Structure (maximum)</b>		16 ft.

**Table Notes:**

1. Parcels without water or sewer service shall have a minimum lot size of 15,000 sq. ft. and minimum lot width of 100 feet.
2. The open space percentage applies to the entire conservation development, not individual lot. See [Sec. 2.2.7, Open and Amenity Types](#), for open space and amenity standards.
3. Accessory structures on lakefront lots shall not be closer than 10 feet to any side property line nor three feet to the rear property line.
4. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
5. Building height is measured by roofline type. See [Sec. 2.4.1, Measurement](#) for guidance on height measurement. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
6. Parcels not meeting required minimum lot dimensions and yard setbacks may be buildable under [Sec. 3.2.2, Residential infill in Existing Neighborhoods](#).
7. An upper floor living space including a loft of a dwelling unit shall be counted as an additional floor area for building height and minimum floor area purposes. The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.
8. All street frontages of corner lot shall be 20 feet greater than minimum requirement in RE. Ratio of lot depth to width must meet Land Division Act requirements.
9. Conservation developments without land divisions such as condominiums and single-deed projects shall show how each dwelling unit meets the district's dimensional standards by using conceptual property lines.

**Table 2.2.2-A-2, RE References to Related Standards**

<b>Standard Topic</b>	<b>Location in UDO</b>
Accessory Uses and Structures	<a href="#">Sec. 2.3.4</a>
Building and Site Design	<a href="#">Div. 3.2</a>
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	<a href="#">Div. 3.4</a>

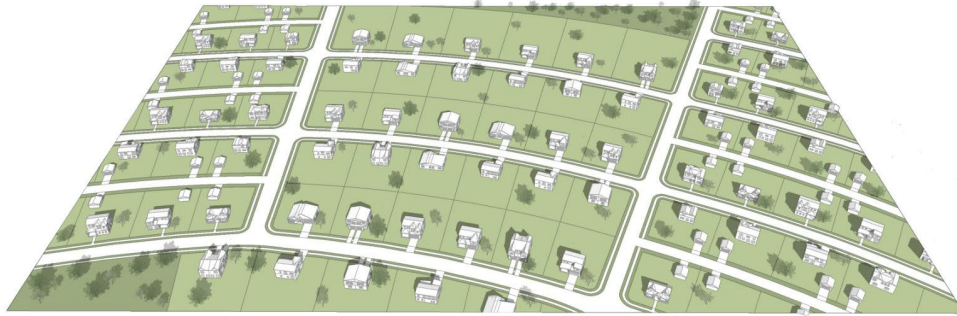
**Table 2.2.2-A-2, RE References to Related Standards**

Standard Topic	Location in UDO
Driveways	Sec. 3.2.3
Open Space and Amenity Types	Sec. 2.2.7
Parking, Loading, and Circulation	Div. 3.3
Signs	Div. 3.6
Limited Use Standards	Sec. 2.3.2
Special Land Use Standards	Sec. 2.3.3
Neighborhood Types	Sec. 2.2.6
Measurements	Div. 2.4
Subdivision and Condominium Projects Standards	Art. 4
Residential Building Encroachments	Div. 2.3.8

### **Subsec. 2.2.2-B RN, Residential Neighborhood District**

- A. **Purpose.** The RN, Residential District supports new development, including infill development, primarily consisting of detached single-unit dwellings and a limited amount of two-unit attached dwellings, townhouses, and multiplex dwellings. The district encourages open space and community connectivity through conservation neighborhood design. All lots are served by the public water and sewer system.

**Figure 2.2.2-B-1, RN District Illustrative Development Pattern**



**Conventional Option**

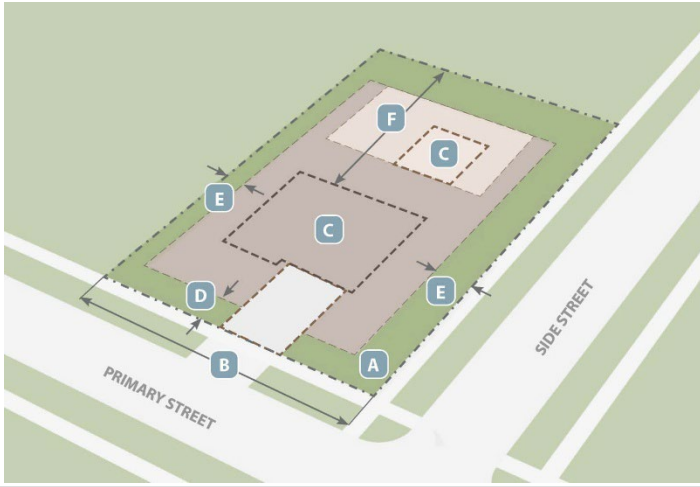


**Conservation Option**

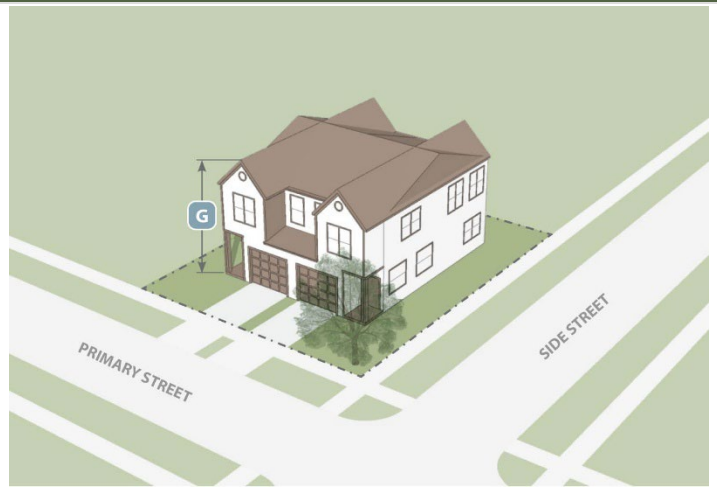
- B. **Land Uses.** The permitted by-right (P), limited use (L), special land use (S), and prohibited uses are set out in [Sec. 2.3.1, Land Use Table](#).
- E. **Dimensional Standards and Illustrations.** The applicable dimensional standards for the RN district are outlined in Table 2.2.2-B-1, *RN Dimensional Standards*, and additional development standards are provided in Table 2.2.2-B-2.
- C. **Review Procedures.**
  - 1. Applications for a Conventional Option in the RN district shall be reviewed according to procedures in Chapter 42, Article 6, Subdivision and Land Regulations or Chapter 42, Article 6, Condominium Projects.
  - 2. Applications for a Conservation Option in the RN district shall be reviewed using one of the following procedures depending on proposed housing types:
    - a. Chapter 42, Article 6, Condominium Projects.
    - b. Chapter 42, Article 4. Zoning, Division 4. Zoning Districts and District Regulations, Subdivision 11. PD Planned Development District, Sec. 42-375. Plan review and approval, A. - E. and G. - M.

**Table 2.2.2-B-1, RN, Residential Neighborhood Dimensional Standards**

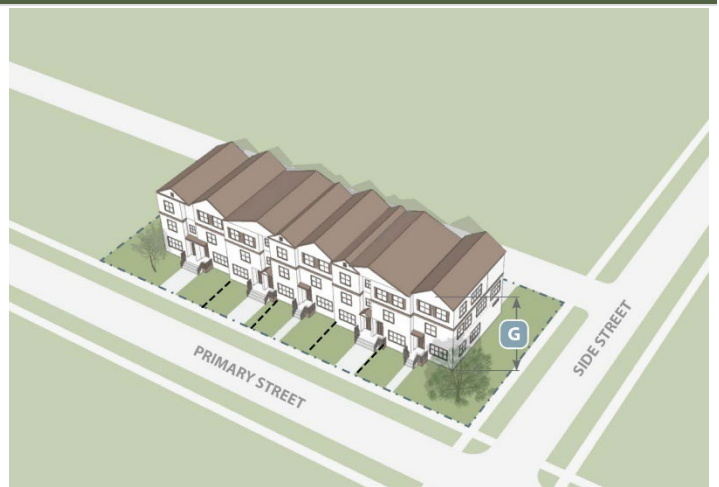
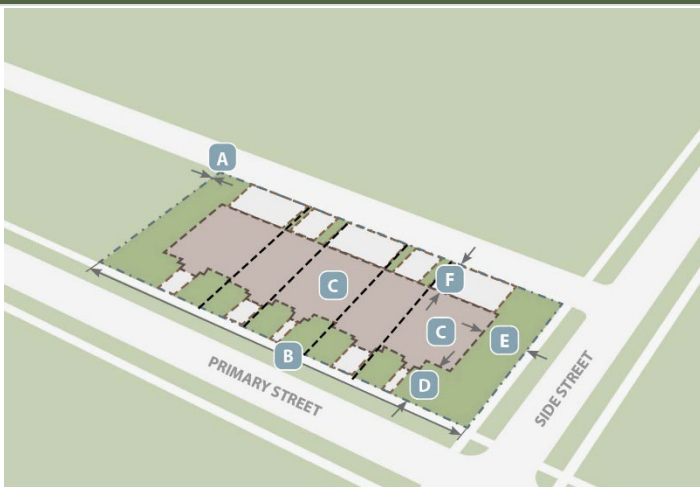
**Single-Unit Detached**



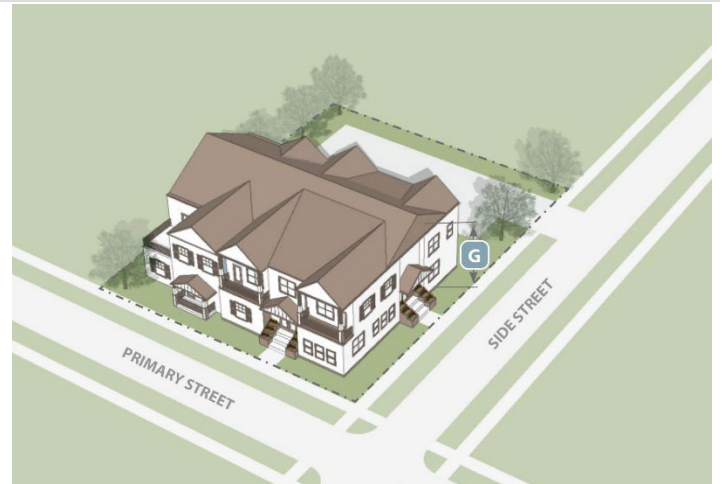
**Two-Unit Attached**



**Townhouse**



**Multiplex**



Key		Conventional Option	Conservation <sup>11</sup> Option
<b>Standard</b>			
<b>Lot Area Per Dwelling Unit</b> (minimum)			
A	- Single-Unit Detached <sup>6</sup>	7,000 SF	5,250 SF
	- Two-Unit Attached <sup>6</sup>	5,000 SF	4,500 SF
	- Townhouse	N/A	2,250/3,150 SF
	- Multiplex	N/A	1,800 SF
<b>Lot Width</b> (minimum) <sup>5</sup>			
B	- Single-Unit Detached	60 ft.	50 ft.
	- Two-Unit Attached	50 ft.	50 ft.
	- Townhouse	N/A	N/A
	- Multiplex	N/A	N/A
<b>Building Coverage</b> (maximum)			
C	- Single-Unit Detached	30%/ 40% <sup>9, 10</sup>	60%
	- Two-Unit Attached	30%/ 50% <sup>9, 10</sup>	60%
	- Townhouse	N/A	60%
	- Multiplex	N/A	60%
<b>Open Space</b> (minimum) <sup>1</sup>		N/A	15%/20%
<b>Principal Building</b>			
<b>Setbacks</b> (minimum) <sup>6</sup>			
D	- Front <sup>2</sup>	27 ft.	25 ft.
E	- Side <sup>5</sup>	8 ft.	0 ft/8 ft.
F	- Rear	40 ft.	25 ft.
G	<b>Height</b> (maximum) <sup>4</sup>	30 ft.	30 ft.
<b>Minimum Floor Area</b>			
1 Story		1,000 SF	1,000 SF
2 Story <sup>7</sup>		1,400 SF	1,400 SF
Multiplex			1 br = 500 SF 2 br = 700 SF 3 br = 900 SF

### Accessory Structure<sup>8</sup>

Setbacks (minimum) <sup>3</sup>	
- Front	Shall meet same setback as principal structure
- Side	5 ft.
- Rear	5 ft.
Height (maximum)	
	16 ft.

**Table Notes: ft = feet; SF = square feet; br = bedroom; N/A = Not Applicable**

1. The open space percentage applies to the entire conservation development, not individual lot. 15% min. open space when amenities are provided, all others require min. 20% Open Space area.
2. The side yard facing the street shall be the same as the minimum front yard setback of the district in which it is located, unless otherwise permitted in this article.
3. Accessory structures on lakefront lots shall not be closer than 10 feet to any side property line and three feet to the rear property line.
4. Building height is measured by roofline type. See [Sec. 2.4.1, Measurements](#), for guidance on height measurement. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
5. All street frontages of corner lot shall be 20 feet greater than minimum requirement in RN. Ratio of lot depth to width must meet Land Division Act requirements.
6. Parcels not meeting required minimum lot dimensions and yard setbacks may be buildable under [Sec. 3.2.2, Residential infill in Existing Neighborhoods](#).
7. An upper floor living space including a loft of a dwelling unit shall be counted as an additional floor area for building height and minimum floor area purposes. The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.
8. Recreation or meeting facilities accessory to the development shall meet the setback requirements applicable to main buildings for the district.
9. Lot coverage of 30 percent applies to both conforming and nonconforming lakefront lots.
10. When lot coverage exceeds 25 percent, the property owner shall submit a drainage plan prepared, signed, and sealed by a Professional Engineer licensed in the State of Michigan demonstrating that runoff from all impervious surface is retained and infiltrated on-site and/or discharged to surface water in accordance with applicable EGLE (Michigan Department of Environment, Great Lakes, and Energy) requirements.
11. Conservation developments without land divisions such as condominiums and single-deed projects shall show how each dwelling unit meets the district's dimensional standards by using conceptual property lines.

E. **References to Related Standards.** Table 2.2.2-B-2 provides the locations in the UDO for related provisions but is not meant to be an exhaustive list of all applicable requirements of this UDO.

**Table 2.2.2-B-2, RN References to Related Standards**

Standard Topic	Location in UDO
Accessory Uses, Buildings, and Structures	Sec. 2.3.4
Building and Site Design	Div. 3.2
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	Div. 3.4
Driveways	Sec. 3.2.3
Open Space and Amenities	Sec. 2.2.7
Parking, Loading, and Circulation	Div. 3.3
Signs	Div. 3.6
Residential Building Encroachments	Sec. 2.3.8
Limited Use Standards	Sec. 2.3.2

**Table 2.2.2-B-2, RN References to Related Standards**

Standard Topic	Location in UDO
Special Land Use Standards	Sec. 2.3.3
Neighborhood Types	Sec. 2.2.6
Subdivision and Condominium Projects Standards	Art. 4
Measurements	Div. 2.4

### Subsec. 2.2.2-C RM, Residential Mixed District



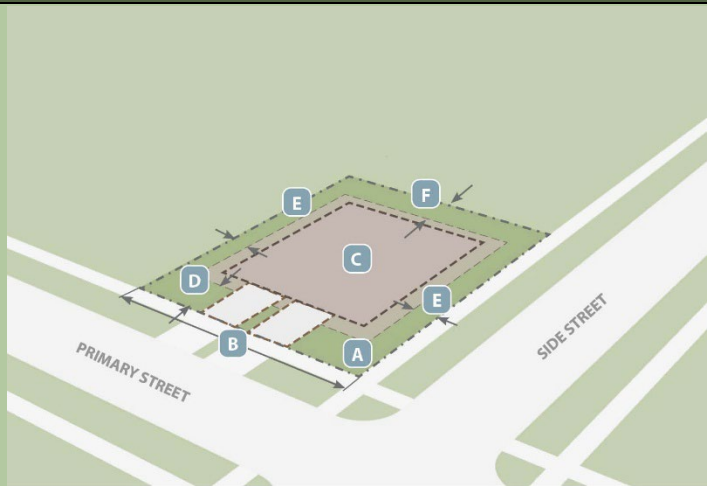
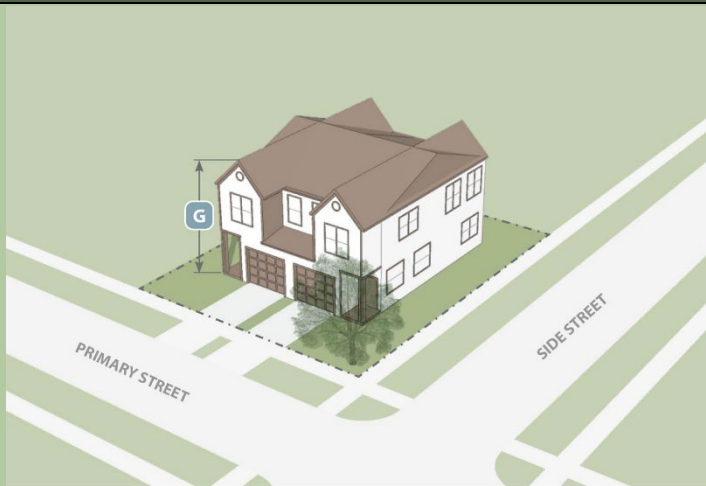
- A. **Purpose.** The purpose of the RM, Residential Mixed District is to provide a variety of housing types, including single-unit detached, two-unit attached, townhouses, multiplexes, and multi-unit dwellings. Open space and community amenities are encouraged with an emphasis on creating connections to parks, trails, and sensitive environmental areas. Public and civic uses are permitted to support the primarily residential character of the district.

**Figure 2.2.2-C-1, RM District Illustrative Development Pattern**



- B. **Land Uses.** The permitted by-right (P), limited use (L), special land use (S), and prohibited uses are in Table 2.3.1-1, *Land Use Table*.
- C. **Dimensional Standards and Illustrations.** The applicable dimensional standards for the RM district are provided in Table 2.2.2-C-1, RM Dimensional Standards, and additional development standards are provided in Table 2.2.2-C-2.
- D. **Development Siting Design.** All new multi-plex and multi-unit buildings in the RM shall meet the following standards:
1. Located at front average setback as abutting primary buildings, but not greater than 30 feet setback.
  2. Building's entrance shall consist of a street facing porch.
  3. Provide a connecting sidewalk between the building's porch and street sidewalk.
  4. Parking areas cannot be located between the building and any street.

E. **Review Procedures.** Applications for development in the RM district shall be reviewed according to procedures in Article 4. Zoning, Division 5. Subdivision 2. Site Plan.

Table 2.2.2-C-1, RM Dimensional Standards	
Single-Unit Detached	
	
Two-Unit Attached	
	
Townhouse	



**Cottage Court**



**Multiplex**



**Multi-Unit (Apartments or Condominiums)**



		Single-Unit Detached	Two-Unit Attached	Townhouse	Multi-plex	Multi-Unit	Cottage Courts <sup>5</sup>
<b>Standard</b>							
A	Lot Area Per Dwelling Unit (minimum)	5,000 SF	2,500 SF	1,500 SF	N/A	N/A	1,400 SF
B	Lot Width (minimum) <sup>1</sup>	55 ft.	40 ft.	N/A	N/A	N/A.	20 ft.
C	Building Coverage (maximum) <sup>7</sup>	45%	45%	45%	45%	60%	60%
	Lot Coverage <sup>7</sup>	60%	60%	60%	60%	--	--
	Open Space (minimum) <sup>2</sup>	N/A	N/A	15%	15%	15%	30%
<b>Principal Building</b>							
	Setbacks (minimum) <sup>4</sup>						
D	- Front <sup>3</sup>	27 ft.	25 ft.	25 ft.	25 ft.	25 ft.	30 ft.
E	- Side	8 ft.	0/8 ft.	0/10 ft.	10 ft.	15 ft.	6 ft.
F	- Rear	40 ft.	25 ft.	25 ft.	15 ft.	25 ft.	15 ft.
G	Height (Stories/Feet) (maximum)	3/30 ft.	3/30 ft.	3/30 ft.	35 ft. 4/45 ft. <sup>4</sup>	35 ft. 4/45 ft. <sup>4</sup>	2/30 ft.
<b>Minimum Floor Area</b>							
	All Units	See 2.2.2-B-1	850 sf	850 sf			850 sf
	Multiplex and Multi-unit						
	1 Bedroom				500 sf	500 sf	
	2 Bedrooms				700 sf	700 sf	
	3 Bedrooms				900 sf	900 sf	
<b>Accessory Buildings<sup>6</sup></b>							
Permitted Location		Rear yard only					

Side (ft.)	5 ft.
Rear setback (ft.)	5 ft.

Table Notes: ft = feet; sf = square feet

1. Corner lots shall be 15 feet wider for all housing types in the RM district with the exception of Cottage Courts, where an additional 10 feet in lot width shall be required on corner lots.
2. The open space percentage applies to subdivisions and site condominiums, not individual lots. See Sec. 2.2.7, *Open and Amenity Types*, for open space and amenity standards.
3. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted. The first number is the setback for both sides of an interior unit on a townhouse lot only and the second number is the setback for one side of an exterior unit.
4. Multi-unit and Multiplex buildings may be up to 4 stories and 45 feet tall when not abutting the R-E or R-N zoning districts. However, if abutting those districts, the buildings may be up to 4 stories and 45 feet tall with Planning Commission approval during a public hearing when the Commission determines that natural features, site design, separation distances to adjacent residences, or other features that adequately mitigate adverse impacts to adjacent RE, RN, and PD districts.
5. For Cottage Court development See Sec. 2.2.6, *Neighborhood Types*, for additional requirements for Cottage Courts.
6. Recreation or meeting facilities accessory to the development shall meet the setback requirements applicable to main buildings for the district.

E. **References to Related Standards.** Table 2.2.2-C-2 provides the locations in the UDO for related provisions, but it is not intended to be an exhaustive list of all applicable requirements of this UDO.

Table 2.2.2-C-2, RM References to Related Standards	
Standard Topic	Location in UDO
Accessory Uses and Structures	Sec. 2.3.4
Building and Site Design	Div. 3.2
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	Div. 3.4
Open Space and Amenity Types	Sec. 2.2.7
Parking, Loading, and Circulation	Div. 3.3
Limited Use Standards	Sec. 2.3.2
Special Land Use Standards	Sec. 2.3.3
Neighborhood Types	Sec. 2.2.6
Signs	Div. 3.6
Measurements	Div. 2.4
Subdivision and Condominium Projects Standards	Art. 4
Residential Building Encroachment	Sec 2.3.8

### Subsec. 2.2.2-D MHC, Manufactured Home Community

- Purpose.** The purpose of the Manufactured Home Community (MHC) district is to provide a specific district for manufactured and mobile homes, manufactured home parks, and appropriate accessory and supporting uses. The district is intended to ensure and promote the health, safety, and welfare of residents by establishing minimum standards for the location, density, improvement, and design of mobile home parks and subdivisions.
- Land Uses.** The permitted by-right (P), limited use (L), special land use (S), and prohibited uses are set out in Table 2.3.1-1, *Land Use Table*.
- Development Standards.** The development standards for the MHC district shall be subject to all applicable requirements of the Mobile Home Commission Act, 1987 PA 96, MCLA § 125.2301; MSA 19.855(101), as

amended, and the rules of the Michigan Mobile Home Commission set forth and provided under the Act, as amended, and the following requirements:

1. *Site Area and Dimensions.*
  - a. **Minimum Site Area.** A minimum of 10 acres shall be required for the development of a manufactured home community.
  - b. **Minimum Dimensions.** The site shall comprise a single tract and be so dimensioned as to facilitate efficient design and management. However, the minimum width of the site for portions used for general vehicle entrances and exits only shall be 60 feet. For portions containing lots for dwellings and buildings generally open to occupants, minimum dimensions shall be 200 feet.
  - c. **Exemptions.** These limitations shall not apply where expansion of an existing manufactured home development is concerned and where such expansion will not increase variation from requirements applying to a manufactured home community as outlined in this subsection.
2. *Location.*
  - a. **Road Frontage.** A manufactured home community district shall have at least 60 feet of frontage on a principle or minor arterial as shown on the Roadway Functional Classification Map in the Master Plan. All ingress and egress to and from the development shall be onto the principal or minor arterial roadway.
  - b. **Transition District.** Since the manufactured home community district is intended to serve as a zone of transition between nonresidential districts and residential districts, the manufactured home community district shall have at least one property line abutting I-1 Light Industrial, or H-1, Heavy Industrial, district.
3. **Accessory Structure Standards**
  - a. **Commercial and service facilities** within the manufactured home community, including laundry facilities and sales office facilities, provided that such facilities are intended to serve only persons residing within the development and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.
  - b. **Outdoor vehicle storage areas** for recreational vehicles, provided that such areas are intended to serve only persons residing within the manufactured home community and are designed, located and improved so as to protect the character of the community and the surrounding neighborhood.
  - c. **Accessory structures and uses** customarily incidental to the uses permitted in this district.

**Figure 2.2.2-D-1, MHC, Manufactured Home Community District**

**Manufactured Home Community**



D. **References to Related Standards.** Table 2.2.2-D-1 provides the locations in the UDO for related provisions, but it is not intended to be an exhaustive list of all applicable requirements of this UDO.

**Table 2.2.2-D-1, MHC References to Related Standards**

<b>Standard Topic</b>	<b>Location in UDO</b>
Accessory Uses and Structures	Sec. 2.3.4
Building Design	Div. 3.2
Floodplain Management	Art. 8, Sec. 42-995
Landscaping, Screening, and Trees	Div. 3.4
Open Space and Amenity Types	Sec. 2.2.7
Parking, Loading, and Circulation	Div. 3.3
Signs	Div. 3.6
Measurements and Allowances	Div. 2.4
Subdivision Design Standards	Art. 4

## Sec. 2.2.3 Mixed Use District Dimensional Standards [Reserved.]

### Subsec. 2.2.3-B LC, Lake Center

[Reserved.]

### Subsec. 2.2.3-C MU, Mixed Use

[Reserved.]

### Subsec. 2.2.3-D CC, City Centre

[Reserved.]

### Subsec. 2.2.3-E CR, Crossroads

[Reserved.]

## Sec. 2.2.6 Neighborhood Types

- A. **Purpose.** The standards of this section establish additional design and development standards for certain types of residential development not typically applicable to other forms of development in terms of use, configuration, or both. More specifically, these standards are intended to:
1. Promote a strong sense of place and pedestrian-friendly development through visual design interest and human-scale site design; and
  2. Accommodate increased housing choices and options in both new development and redevelopment contexts.
- B. **Generally.** Development of any neighborhood type that is permitted in a zoning district is at the option of the applicant. Where more than one neighborhood type is permitted in a zoning district, no single type is mandatory. Refer to Sec. 2.2.2, *Residential Districts Dimensional Standards*, for lot density and dimension standards related to each permitted development and housing type combination.
- C. **Time of Review.** The review of permitted neighborhood types to ensure compliance with the standards of this section shall occur during the procedural review per Sec. 42-458, Plot Plans; Building Permits; Certificates of Occupancy or Division 3, Platting Procedure, as appropriate.
- D. **Permitted Residential Districts.** Table 2.2.6-1 sets forth the Permitted Neighborhood Types by Residential District.

**Table 2.2.6-1 Permitted Neighborhood Types by Residential District**

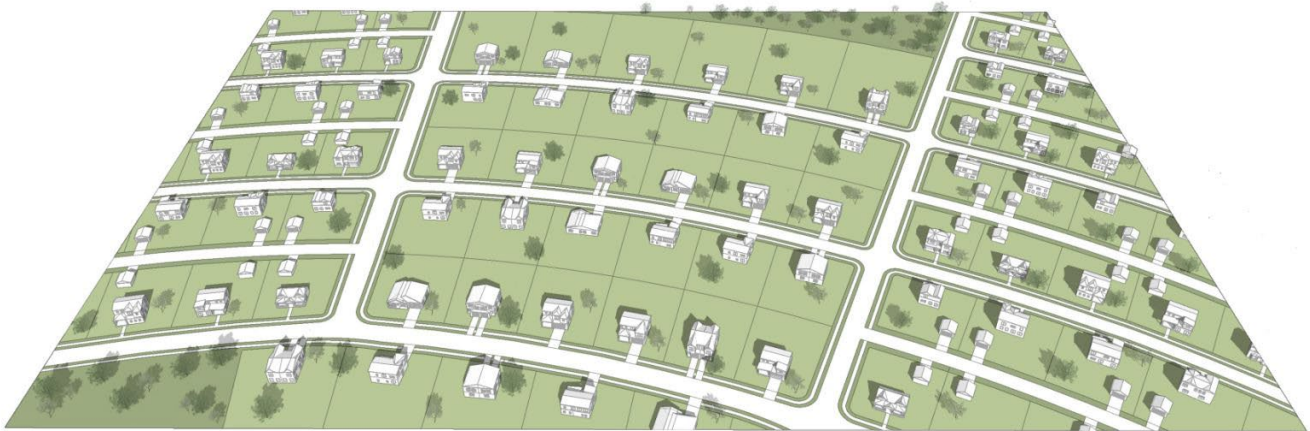
Neighborhood Types	RE	RN	RM
	"P" = Permitted   "--" = Not Permitted		
Conventional	P	P	P
Conservation	P	P	P
Cottage Court	--	--	P

**E. Applicability.**

1. *Conventional.*

- a. Description. The conventional neighborhood type, as depicted in Figure 2.2.6-1, is a pattern that allows primarily residential uses. It consists of varying housing types (depending on the zoning district) and a uniform minimum lot size.
- b. Standards. All the requirements of this article shall apply to conventional development types unless otherwise specified.
- c. In the RN district, two-unit attached dwellings shall not exceed 30 percent of all housing types within a Conventional Neighborhood Type development.

**Figure 2.2.6-1, Conventional Neighborhood Type**



2. *Conservation.*

- a. Description. The conservation development type, as depicted in Figure 2.2.6-2, consists of smaller lots than conventional development that are clustered together in order to provide for more common civic and open spaces. The common open space may be set-aside for resource features such as parks, recreation areas, woodlands, and similar features.
- b. Housing Types in the RN Zoning District. A conservation development type in the RN zoning district may include multiple housing types as permitted in Table 2.3.1-1, *Principal Use Table*.
- c. Minimum Site Area. The minimum site area required for a Conservation Development is five acres.

- d. Residential Mix. At least 65 percent of the development shall consist of detached single dwelling units, thus no more than 35 percent of proposed units in a new development or subdivision to be developed with two-unit attached, townhouse, or multiplex buildings. There shall be only one two-unit attached or multiplex allowed per development building area.
- e. Open Space, Amenity Requirements apply pursuant to Sec 2.2.7 *Open Space and Amenity Types*.
- f. Minimum Lot Area Adjacent to other Development. Conservation development lots directly abutting existing conventional single-unit development shall be:
  - i. Equal to or greater in lot area and width of the existing lots, and
  - ii. Separated from adjacent lots by a Type 1 screening as established in [Sec. 3.4.3, Landscaping, Screening, and Trees](#).

**Figure 2.2.6-2, Conservation Development Type**



3. *Cottage Court.*

- a. Description. A cottage court neighborhood type, as depicted in 2.2.6-5, broadens the diversity of housing options available in the community to provide accessible, adequate, and affordable housing. This development type contains single-unit detached and two-unit attached housing units typically arranged in a group of three to 12 dwelling units around a common open space. It may include a common building as an amenity (e.g., a common kitchen or meeting area). Vehicular access is provided by a shared parking lot.
- b. Building Requirements.
  - i. Minimum site area. The minimum site area for the development of a cottage court neighborhood type shall be one-half acre. The maximum site area shall be five acres.
  - ii. Minimum total units per cottage court. There shall be a minimum of three single-unit detached dwellings or three two-unit attached dwellings per site.
- c. Common Areas and Amenities. The following shall apply to the common areas and amenities associated with a cottage court development type:
  - i. It shall be a minimum of 30 percent of the overall site and shall include a central green, lawn or garden area, playground, or plaza as a focal point among the dwelling.
  - ii. The area shall generally be square, oval, circle, diamond, or rectangular in shape.

- iii. It shall be consolidated into a single, contiguous shared area located centrally within the court development.
- iv. Common area improvements shall include:
  - (1) A primary walkway, a minimum of six feet in width, that spans the width of the development and connect each dwelling to the shared common space, parking areas, or garages and
  - (2) Pedestrian walkways, a minimum of five feet in width, that connect each dwelling unit to the primary walkway.
- v. Required stormwater facilities, wetlands, and other water bodies shall not be included in the common area.
- vi. A common building shall be permitted as accessory to a cottage court neighborhood and may serve all residents, provided its gross floor area is 10 percent or less of the site area. Bedrooms are not permitted in the common building.
- d. Lot and Building Orientation.
  - i. The front door of each residential building shall be oriented towards a common area. The rear of any residential building shall not front or face an adjacent street.
  - ii. A Type 1 screening around the perimeter of the site that incorporates landscape materials and earthen berm and/or a wall or fence to provide a visual buffer from adjacent development per Sec. 3.4, Landscaping, Screening, and Trees.
- e. Vehicular Access.
  - i. Individual dwellings in a cottage court development shall not have direct vehicular access to an arterial roadway. Off-street parking shall be accessed from a rear alley or located in a common parking area that is outside of the open or amenity space.
  - ii. Driveways serving individual units from the fronting street shall not be permitted.
- f. Garages. The following garage structure requirements shall apply to a cottage court development type:
  - i. If provided, detached garages serving more than one dwelling unit shall be accessed via a private drive or alley.
  - ii. Garage doors are prohibited from facing public rights-of-way unless screened by a Type 1 screening per Sec. 3.4, Landscaping, Screening, and Trees.
  - iii. A garage shall not exceed four car bays. Garage buildings shall match the principal dwellings in terms of roof pitch, roof materials, materials, material patterns, and color.

Figure 2.2.6-5, Cottage Court Neighborhood Type






## Sec. 2.2.7 Open Space and Amenity Types

- A. **Generally.** To ensure that a variety of functional, well-designed civic and open spaces are distributed throughout the city, residential developments shall have an open space component as required in [Sec. 2.2.2, Residential District Dimensional Standards](#).
- B. **Applicability.**
1. *Generally.* Open space and amenities are required by specific zoning districts established in [Division 2.2, Zoning Districts and Dimensional Standards](#), and is elaborated upon by this Section. The intent of this Section is to guide the applicant to fulfill the district's open space and amenity requirements.
  2. *Exemptions.* Open space requirements do not apply to the following:
    - a. Developments of four or fewer single-unit detached homes or two-unit attached homes; or
    - b. Developments of three or fewer multiplex buildings on single parcel that are not part of an overall development.
- C. **Exclusions for Open Spaces.** The following areas shall not be counted as open space:
1. *Yards.* Private yards on individual lots;
  2. *Driveways and Landscaping.* Driveways, parking areas, and required landscaped areas;
  3. *Structures.* Land covered by structures not designated for active or passive recreational uses; and
  4. *Outdoor Display and Storage.* Designated outdoor display and storage areas, as permitted.

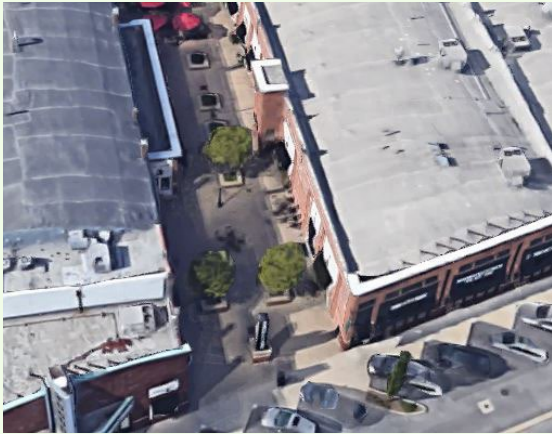


5. *Stormwater*. Required stormwater facilities including basins, swales, or similar.
  6. *Wetlands and other water bodies*. Non-developable environs such as wetlands, rivers, lakes, or similar recognized bodies of water, except E.3.
- D. **Prohibited Uses of Open Spaces**. Required open space shall not be used for the following purposes:
1. *Wastewater*. Individual wastewater disposal systems;
  2. *Electrical*. Overhead electrical transmission lines or high voltage electrical transmission lines; and
  3. *Pavement*. Streets (except for street crossings as provided in the site development plan) and surface parking lots.
- E. **Qualifying Open Space**.
1. *Required Space*. Table 2.2.7-1 establishes open space types and associated standards and dimensions as required by the zoning districts.
  2. *Unusable Land*. A maximum of 20 percent of wetlands, riparian buffers, drainage areas, and land subject to inadequate drainage shall be eligible to serve as open space if directly connected to a trail network or observation space accessible to a trail or public sidewalk in the development.
  3. *Screening*. A maximum of 25 percent of the perimeter screening may count towards the required overall open space.
  4. *Character*. Land reserved by the developer for open space shall be of a character and location suitable for the proposed use and must meet the minimum requirements for each open space type allowed as defined in each district.
  5. *Location*. Common Green open space shall be connected to dwelling units via a path or a sidewalk network within the development.
  6. *Accessibility*. Walkways in the open space shall be designed in accordance with the Americans with Disabilities Act requirements as applicable.
  7. *Hours*. Open space shall be encouraged to be open to the public at the same hours as a comparable public-access park.
- F. **General Design Standards for Open Space**. In addition to the specific design standards for public civic and open space standards as established in Table 2.2.7-1, below, the following design standards shall apply:
1. *Size and Location*. Open space areas shall be a minimum size as established by type indicated in this section.
  2. *Play Structures*. Play structures shall be located no closer than 40 feet from a residential unit.
  3. *Open Space in RE, RN Zoning Districts Conservation Developments* shall be
    - a. Minimum 20% of overall development area, if no amenities are provided within the overall development; or
    - b. Minimum 15% of overall development area, if any of the following amenities are provided within the overall development:
      - i. playground equipment,
      - ii. pavilion within covered seating,
      - iii. dog park per Subsection 2.2.7.F.4,
      - iv. clubhouse that may contain community rooms, workout rooms, or other rooms commonly found in clubhouses,
      - v. basketball, tennis, or similar facilities,
      - vi. indoor/ outdoor swimming pools, or

- vii. others providing overall benefit to the residents of the development.
- c. If the limits of the development contain areas as described as a Natural Area open space type per Sec. 2.2.7, a minimum of 75 percent of required open space area shall be preserved. It shall be integrated into the development design for the maximum number of homes to enjoy, provided that physical access may be limited if such limitation would materially impact on the natural open space area.
- 4. *Open Space in the RM Zoning District.* Common open space should be designed and incorporated into a neighborhood development as follows:
  - a. Open spaces shall be organized around important natural features on the site or at prominent areas of a development, such as the terminus of key views along streets or at intersections.
  - b. The size of a common open space area shall depend upon the overall square footage or acreage required for a development per [Sec. 2.2.2-C](#), RM, Residential Mixed District.
  - c. The maximum width-to-depth ratio of any open space is 3:1. This standard shall not apply to open space that is intended as a greenway, trail, or walkway.
  - d. Required open spaces that are adjacent to a public park, bike path, or trail shall provide a connection to such facilities.
- 5. *Dog Parks.* A dog park designed as a passive, neighborhood-serving amenity that supports recreation for residents and their pets may be permitted in open spaces subject to the following standards:
  - a. **Size.** The dog park shall occupy no more than 5 percent of the required open space in the subdivision and shall be a minimum of 5,000 square feet and a maximum of one acre.
  - b. **Noise.** It shall be sited to minimize noise and visibility impacts on adjacent dwellings, with screening provided where necessary.
  - c. **Access.** Direct pedestrian access from neighborhood sidewalks or trails shall be provided.
  - d. **Facilities.** Facilities shall be limited to fencing, seating, shade structures, waste receptacles, and similar low-impact improvements.
  - e. **Lighting.** Lighting, if provided, shall be pedestrian-scale and shielded to minimize off-site impacts.
- G. **Development Phase of Common Open Space.** For multi-phase development, open space and amenities shall be provided within the phase of construction but no later than the completion of 60% of the dwelling units of the overall development.


**Table 2.2.7-1, Public Civic and Open Space Standards**

Type	Standard
<p><b>Plaza</b></p> 	<ul style="list-style-type: none"> <li>▪ Reserved</li> </ul>
<p><b>Pocket Park</b></p> 	<ul style="list-style-type: none"> <li>▪ Reserved</li> </ul>
<p><b>Common Green</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Small semi-urban open space responding to specific user groups and space available</li> <li>▪ Range of character can be for intense use or aesthetic enjoyment</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area 5,000 square feet</li> <li>▪ Minimum pervious cover: 75%; the remainder may consist of amenities, pavers, or other materials and features acceptable to the Director</li> <li>▪ Greens should be sized so that the width is no less than half the length.</li> <li>▪ Within a ¼ mile of all residences</li> </ul> <p><b>Permitted Zoning Districts</b></p> <ul style="list-style-type: none"> <li>▪ RE, RN, MHC, RM, LC, CC, CR, MU, NC, GC, PUD</li> </ul>

**Table 2.2.7-1, Public Civic and Open Space Standards**

Type	Standard
<p><b>Promenade</b></p> 	<ul style="list-style-type: none"> <li>▪ Reserved</li> </ul>
<p><b>Civic Space</b></p> 	<ul style="list-style-type: none"> <li>▪ Reserved</li> </ul>
<p><b>Natural Area</b></p> 	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Spatially defined by natural features</li> <li>▪ Paths, meadows, and wooded areas are designed to reflect the natural and cultural heritage of the site</li> <li>▪ Potential to interconnect with other natural areas</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area: 0.75 contiguous acre</li> <li>▪ Minimum width: 25 feet at its narrowest point</li> <li>▪ Located in areas of unique lands that could be otherwise developed.</li> </ul> <p><b>Permitted Zoning Districts</b></p> <ul style="list-style-type: none"> <li>▪ RE, RN, MHC, RM, LC, CC, CR, MU, NC, GC, I1, H1, PUD</li> </ul>

**Table 2.2.7-1, Public Civic and Open Space Standards**

Type	Standard
	<p><b>General Character</b></p> <ul style="list-style-type: none"> <li>▪ Stands of mature trees on proposed development sites</li> <li>▪ Removal of invasive tree, shrub, and vine species as identified on the <a href="#">Michigan Invasive Plant list</a></li> <li>▪ Potential to set aside as permanent open space in a Conservation neighborhood</li> </ul> <p><b>Location and Size</b></p> <ul style="list-style-type: none"> <li>▪ Minimum area: 1/8 contiguous acre; minimum of two areas required</li> <li>▪ Minimum width: 70 feet at the narrowest point for deciduous trees, as measured from tree drip lines; 50 feet for evergreen/conifer tree stands.</li> <li>▪ Located in areas of unique lands that could be otherwise developed.</li> </ul> <p>Permitted Zoning Districts</p> <ul style="list-style-type: none"> <li>▪ RE, RN, MHC, RM, LC, CC, CR, MU, NC, GC, I1, H1, PUD</li> </ul>

**H. Public Uses.**

1. *Common Open Spaces.* All land reserved for dedication to the municipality shall have prior approval by the City Council and shall be noted on the plat: "Reserved for common open space purposes."
2. *School Sites.* All land reserved for dedication for public school use shall be reviewed by the board of the respective school district. Said property shall be noted on the plat: "Reserved for school."
3. *Community Centers or Other Public Facilities.* All land reserved for dedication for a community center or other public facility use shall be reviewed by a public entity with responsibility, capacity, and jurisdiction for acceptance, development, operation, and maintenance of said facility. All land reserved for dedication to the public facility shall be noted on the plat "Reserved for public (type of facility)."
4. *Plat to Provide for Common Open Spaces and Amenity Spaces.*
  - f. Where a tract to be subdivided includes common open space or amenity space, the applicant shall arrange for a Pre-Application Conference with the Director, in accordance with Sec. 42-771(a), Preliminary Investigation, and indicate that information on the conceptual plan.
  - g. Upon submittal of a Site Plan, in accordance with Division 5, Subdivision 2, Site Plan Review, if the Planning Commission and the appropriate local government official or public agency determines a continued need for the public facility, the applicant shall incorporate the proposed site onto the preliminary and final plats.
5. *Duration of Land Reservation.* Unless a part of an approved Capital Improvements Program, the acquisition of land reserved by a public agency on a final plat shall be initiated within 48 months of the date of approval by the City Council of the plat. If the public agency fails to initiate acquisition within the prescribed 48 months, the 48-month reservation period shall expire, thereby, freeing the property for development according to these regulations.

**I. Ownership and Management of Open Space.**

1. *Ownership.* Required open space shall be owned and maintained by one of the following entities:

- a. Land Conservancy or Land Trust. A bona fide land conservancy or land trust with legal authority may own the open space. The responsibility for maintaining the open space and any facilities may be borne by a land conservancy or land trust.
  - b. Homeowners' Association (HOA). A homeowners' association representing residents of the development may own the open space. The homeowners' association must have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities is borne by the homeowners' association.
2. *Conveyance*. The conveyance of common open space shall be in accordance with the following:
- a. Open space shall be conveyed to the land conservancy or homeowners' association in fee simple without any encumbrances except drainage, greenway and utility easements. Title to the real property shall be conveyed no later than the time of the conveyance of the first lot within the applicable phase of the development.
  - b. Open space shall be preserved for the perpetual benefit of the residents within the development and it shall be restricted against private or public ownership for any other purpose except acquisition by condemnation or in lieu of condemnation and the granting of utility, drainage, and greenway easements.

## Division 2.3 Land Use Standards

### Contents:

#### Article 2 Zoning Districts, Dimensional Standards, and Land Uses

##### Division 2.3 Land Use Standards

##### Sec. 2.3.1 Land Use Table

##### Sec. 2.3.2 Limited Use Standards

##### Sec. 2.3.3 Special Land Use Standards

##### Subsec. 2.3.3-A Special Land Use Standards

##### Sec. 2.3.4 Accessory Uses, Buildings, and Structures

##### Sec. 2.3.5 Temporary Use Standards [Reserved.]

##### Sec. 2.3.6 Wireless Telecommunications and Towers [Reserved.]

##### Subsec. 2.3.6-A Purpose and Goals [Reserved.]

##### Subsec. 2.3.6-B Applicability [Reserved.]

##### Subsec. 2.3.6-C General Requirements [Reserved.]

##### Subsec. 2.3.6-D Aesthetics [Reserved.]

##### Subsec. 2.3.6-E Permitted and Special Uses [Reserved.]

##### Subsec. 2.3.6-F Construction and Design Requirements [Reserved.]

##### Subsec. 2.3.6-G Tower Necessity; Alternative Technology and Accommodations [Reserved.]

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Subsec. 2.3.6-I Height [Reserved.]

Subsec. 2.3.6-J Placement and Collocation of Towers [Reserved.]

Subsec. 2.3.6-K Microcell Networks [Reserved.]

Subsec. 2.3.6-L Building and Equipment Storage [Reserved.]

Subsec. 2.3.6-M Additional Submittal Requirements [Reserved.]

Subsec. 2.3.6-N Antenna Criteria [Reserved.]

Subsec. 2.3.6-O Abandonment and Removal of Facilities [Reserved.]

Subsec. 2.3.6-P Nonconforming Towers/Antennas [Reserved.]

Subsec.2.3.6-Q Waiver [Reserved.]

Sec. 2.3.7 Home Occupations

Subsec. 2.3.7-A Home Occupations

Subsec. 2.3.7-B Medical Marihuana Home Occupation

Sec. 2.3.8 Residential Building Encroachments

## Sec. 2.3.1 Land Use Table

- A. **Generally.** Table 2.3.1-1, *Land Use Table*, lists the specific land uses in rows, organized by use category. The districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is a permitted use, limited use, special use, or prohibited use in the district.
- B. **Legend.** The land uses in Table 2.3.1-1, are classified and symbolized by the following:
1. "P" = The use is permitted by right and is not subject to additional use-specific standards.
  2. "L" = The use is permitted by right but shall be subject to use standards in [Sec. 2.3.2, Limited Use Standards](#).
  3. "S" = The use is subject to the review and approval procedures in Division 5, Subdivision 1, Special Land Uses, and to any additional requirements specific to that use in both [Sec. 2.3.2, Limited Use Standards](#) and [Sec. 2.3.3, Special Land Use Standards](#).
  4. "--" = The use is prohibited.
  5. All the blanks in the zoning districts columns except "Use Standards" mean "Reserved".
  6. To avoid duplication, where a use is indicated as both an "S" (Special) and an "L" (Limited) in one or more districts, the use standards will appear in either [Sec. 2.3.2, Limited Use Standards](#) or in [Sec. 2.3.3, Special Land Use Standards](#).
- C. **Use Standards.** The "Use Standards" column on the far right of the Land Use Table provides hyperlinked cross references to supplemental standards for limited and special land uses. Where the cell is blank, there is

no associated standard, however, other requirements, such as site development standards in [Article 3, Development Standards](#), apply to all uses including uses permitted by right.

- D. **Use Categories.** Appendix B, *Use Categories*, provide a systemic basis for assigning land uses to appropriate zoning districts and for consistently regulating similar uses in this UDO. The land uses listed in each Use Category only indicate how that use is broadly classified and does not indicate the use is permitted.
- E. **New and Unlisted Uses.**
1. *Authorization of Unlisted Uses.* Each of the use categories in Appendix B, *Use Categories*, and uses listed in Table 2.3.1-1 are defined in [Division 10.2, Definitions](#). If a proposed use is not listed as part of a use category definition, the Director may interpret the proposed use as functionally similar to a use that is listed. The proposed use is then permitted, permitted with a limited use permit, permitted with a special land use permit, or prohibited in the same districts as its functionally similar use.
  2. *Decision Criteria.* In making such determinations, the Director may consider but is not limited to the following criteria:
    - a. Actual or projected characteristics of the activity in relation to those of the use type;
    - b. Amount of site area or floor space and equipment devoted to the activity;
    - c. Vehicle parking demand;
    - d. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
    - e. Types of vehicles used and their parking requirements;
    - f. Building impervious surface coverage;
    - g. Regulated air or water emissions;
    - h. Noise, lighting, dust, and odors;
    - i. Solid waste generation;
    - j. Number of employees on a typical shift;
    - k. Use and storage of hazardous materials;
    - l. Character of associated buildings and structures;
    - m. How the use is advertised;
    - n. Nature and impacts of operation;
    - o. Hours of operation;
    - p. History of nuisance, code violations, or related issues in other jurisdictions; and
    - q. Any other pertinent considerations necessary.
- F. **Prohibited Uses.** A specific land use is prohibited if it is not listed in Table 2.3.1-1, and if the Director cannot interpret an unlisted specific use as functionally similar to a use that is allowed, based on the criteria in Paragraph E.1 in this section.
1. *Appeal.* If the applicant disagrees with the Director’s determination regarding the proposed use, the applicant may choose to appeal the determination of the Director to the Zoning Board of Appeals pursuant to Division 7. Zoning Board of Appeals.

**Table 2.3.1 LAND USE TABLE**

Land Uses	Zoning Districts													Use Standards
	RE	RN	RM	MHC										
Agricultural Use Categories														
General agriculture and farms	P	P	P	--										

**Table 2.3.1 LAND USE TABLE**

Land Uses	Zoning Districts													Use Standards
	RE	RN	RM	MHC										
	Specialized agriculture	L	--	L	--									
<b>Residential Use Categories</b>														
<b>Household Living Uses</b>														
Cottage Court Development	--	--	P	--									2.2.6-3	
Manufactured home	L	L	L	P									2.3.2	
Multi-unit dwelling	--	--	P	--										
Multiplex dwelling	--	L	P	--									2.3.2	
Single-unit detached dwelling	P	P	P	--										
Townhouse dwelling	--	L	P	--									2.3.2	
Two-unit attached dwelling	--	P	P	--										
<b>Group Living Uses</b>														
Adult foster care family group home (6 or fewer)	P	P	P	--										
Adult foster care, small group home (7-12)	--	--	P	--										
Adult foster care, large group home (13-20)	--	--	S	--									2.3.3	
Assisted living facility	--	L	L	--									2.3.2	
Boarding house	--	--	L	--									2.3.2	
Continuing care community	--	S	L	--									2.3.2 2.3.3	
Emergency shelter	--	--	S	--									2.3.3	
Nursing home	L	L	L	--									2.3.2	
Rehabilitation center	--	S	S	--									2.3.3	
<b>General Public and Civic Uses</b>														
Cultural institution	S	S	S	--									2.3.3	
Neighborhood or community center	--	--	S	--									2.3.3	
Places of worship	S	S	L	--									2.3.2 2.3.3	
College or university	--	--	P	--										
School, K-12, private	S	S	S	--									2.3.3	
Cemetery, columbarium, mausoleum, or memorial park	S	S	P	--									2.3.3	
Public park and recreational facility	P	P	P	P										
Private outdoor recreational field, court	S	S	L	--									2.3.2 2.3.3	
<b>Commercial Use Categories</b>														
<b>General Commercial Uses</b>														
Bed and breakfast establishment	S	S	L	--									2.3.2 2.3.3	

**Table 2.3.1 LAND USE TABLE**

Land Uses	Zoning Districts													Use Standards
	RE	RN	RM	MHC										
	Day care center, Adult	--	--	L	--									
Day care center, Child	S	S	L	--									2.3.2 2.3.3	
Day care - Family childcare home (7 or fewer)	P	P	P	--										
Day care - Group childcare home (8-14)	S	S	L	--									2.3.2 2.3.3	
Golf course	S	S	L	--									2.3.2 2.3.3	
Short-term rental	--	--	L	--									2.3.2	
Swimming pool club	--	S	L	--									2.3.2 2.3.3	
Utility and public service buildings	L	L	L	--									2.3.2	

## Sec. 2.3.2 Limited Use Standards

- A. **General Provisions.** The standards of this section apply to Limited Uses as identified with the letter "L" in the Principal Use Table in [Sec. 2.3.1-B](#). Such uses are permitted in a particular zoning district, and additional use-specific conditions or limitations must be met before it can be established.
- B. **Agricultural Uses.**
1. *Specialized Agriculture.*
    - a. The site shall be so located as to have at least one property line abutting a principal or minor arterial. All ingress to and egress from the site shall be directly onto the principal or minor arterial or marginal access drive that serves an arterial.
    - b. A specialized agricultural use of land operating and in existence on November 23, 1989, and land contiguous with and owned by a person operating such adjoining parcel on November 23, 1989, shall not be subject to the conditions imposed by this subsection and shall be considered conforming for all purposes under this article.
    - c. In the RM district, specialized agriculture on land separately owned outside the boundaries of platted property having an area of not less than five acres but not including retail sales on the premises and subject to Paragraphs 1.a and 1.b, above.
- C. **Residential Uses.**
1. *Assisted Living Facility, Nursing Home, or Rehabilitation Center.*
    - a. Development requirements of [Sec. 2.2.2](#), *Residential District Dimensional Standards*, Single-unit detached dwelling, Conventional Option standards apply, and [Sec. 2.2.3](#), *Mixed Use District Dimensional Standards*.
    - b. The minimum lot area for such a facility shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.
    - c. RN and RM zone supplemental requirements.
      - i. The facility must abut a principal arterial or minor arterial road.

- ii. The exterior appearance of the building shall be compatible with the architecture and style of adjacent residential buildings.
2. *Continuing Care Community.* A continuing-care community may consist of a congregate building, auxiliary uses, accessory uses as follows:
  - a. Congregate Care Building(s). A congregate building(s) may contain the following components:
    - i. Assisted living facilities providing room, board and personal care assistance with activities of daily living (such as bathing, grooming and meal preparation) for individuals able to retain a moderate degree of independence;
    - ii. Skilled nursing care facilities providing professionally supervised nursing care and related medical or other health services to individuals not in need of hospitalization, but whose needs are above the level of assisted living;
    - iii. Dining facilities;
    - iv. Memory care; and
    - v. Medical treatment facilities.
  - b. Auxiliary or Accessory Uses. The following uses may be located in the congregate care building or within the overall development:
    - i. Rehabilitation and physical therapy facilities;
    - ii. Activity rooms, craft rooms, libraries, lounges, outdoor activities spaces, and similar recreation facilities;
    - iii. Retail and service facilities, including barbershop; convenience store; hair salon; pharmacy; snack bar/coffee shop; or bakery;
    - iv. Administrative offices used in the management of the continuing-care retirement community;
    - v. Overnight guest rooms;
    - vi. Facilities maintenance areas; and
    - vii. Other similar uses.
  - c. Independent Living Units. Independent living units may consist of single-unit detached, two-unit attached, multiplex dwellings, and multi-unit dwellings.
  - d. Development Standards.
    - i. Accessways. Main entrance shall be provided from a principal arterial or minor arterial road.
    - ii. Site layout and exterior building appearance. Buildings shall be in accordance with an overall plan and shall be designed with a single architectural scheme.
    - iii. Open space elements. Walking trails, gardens and public gathering spaces shall be incorporated into the required open space.
    - iv. Landscaping and Screening. As required by the [Division 3.4, Landscaping, Screening, and Trees](#), site landscaping shall be provided along all abutting rights-of-way and screening shall be provided along all other abutting lot lines.
    - v. Trash enclosures.
    - vi. Outdoor lighting (See [Division 3.7, Outdoor Lighting](#)).
    - vii. Off-street parking. Off-street parking shall be in accordance with [Division 3.3, Parking, Loading, and Circulation](#).
  - e. Accessory Uses and Structures. These are subject to the provisions of [Sec. 2.3.4, Accessory Uses, Buildings, and Structures](#).

- f. Dimensional Standards. Site and building dimensional standards are in Table 2.3.2-A-1, *Continuing Care Community Dimensional Standards*.

**Table 2.3.2-1, Continuing Care Community Dimensional Standards**

Site Element	Requirement
<b>Minimum Lot Area</b>	5 acres
<b>Minimum Open Space<sup>1</sup></b>	15%
<b>Minimum Building Setbacks from all Property Lines</b>	30 ft <sup>2</sup>
-- Congregate care building from main front property line	50 ft.
-- Other buildings, off-street parking, trash enclosures,	20 ft.
<b>Maximum Building Height</b>	Base zoning district height limit
<b>Minimum Distance Between Buildings</b>	15 ft.
<b>Accessory Buildings</b>	
-- Height	16 ft.

**Table Notes:**

<sup>1</sup> For Continuing Care Communities only, the following site elements shall not count toward the minimum open space requirement: Public or private streets and driveways, public street rights-of-way, parking areas, any areas within 25 feet of any principal building; or the required 30-foot setback area along the perimeter of the site.

<sup>2</sup> Building setback criteria are not to be applied to loading docks, canopies, and service areas.

3. *Day Care - Group Child Care Homes (8-14).*

- a. The lot containing the group childcare home shall not be located closer than 1,500 feet to any lot occupied by any of the following uses. This distance shall be measured as a traveled distance along public streets but not including an alley.
  - i. Another licensed group childcare home.
  - ii. An adult foster care small group home or large group home.
  - iii. A facility offering substance abuse treatment and rehabilitation service.
  - iv. A community correction center, resident home, halfway house or similar jurisdiction administered by the Michigan Department of Corrections or other state or federal agency.
- c. A six-foot-high screening fence completely enclosing the area where children play or congregate shall be required to mitigate possible adverse impacts on surrounding property and to improve safety.
- d. The group childcare home shall be maintained in a manner similar to visual characteristics of the surrounding neighborhood.
- e. No more than one non-resident employee, whether compensated or not, in addition to the operator, shall be permitted for a group childcare home, unless required by the state as part of the approval of the license.
- g. A revocation or refusal to renew a license or certificate of registration of a group childcare home shall cause the revocation of the permit.

4. *Manufactured Homes.* If a single-unit dwelling unit is a manufactured home, it is required to meet the following:

- a. New Units. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile 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; or
  - b. Used Units. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in paragraph A above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
  - c. Compliance with Codes. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the City, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector.
  - d. Zoning Compliance. The dwelling unit shall comply with all restrictions and requirements of this article, including, without limitation, the lot area, lot width, residential floor area, setback, and building height requirements of the district in which it is located.
  - e. Foundation. The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the City.
  - f. Installation. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
  - g. Water and Sanitary. The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the City.
  - h. Manufactured Home Community. The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the City according to the provisions of this article except to the extent required by state or federal law.
- E. *Multiplex Dwellings and Townhouses.* The maximum number of units for a multiplex or townhouse row is four in the Conservation Neighborhood type as per Sec. 2.2.6, *Neighborhood Types.*
- F. **Public and Civic Uses.**
1. *Places of Worship.*
    - a. Existing religious institutions and religious institution lands purchased before December 14, 1965, and not meeting the requirements of this subsection shall not be prevented from constructing and/or expanding their facilities and, for the purposes of this article, shall be considered a conforming use or building.
    - b. The site shall be located to have at least one property line abutting a principal or minor arterial All ingress to and egress from the site shall be directly onto such principal or minor arterial or a marginal access service drive thereof.
    - c. The main building of a religious institution, not including the height exceptions of [Division 2.4, Measurements and Allowances](#), may exceed the maximum height allowed in this district, provided that the front, side and rear yard setbacks are increased above the minimum required setback by one foot for each one foot of building height over the maximum height allowed.
  2. Private Outdoor Recreational Field, Court
    - a. The proposed site shall abut and only have access along an arterial.

- b. All parking areas, outdoor seating areas, and fields shall be located at least 80' away from all abutting residential uses, except on those sides adjacent to non-residential districts. Screen Type B per Sec 3.4.3 shall be provided around perimeter of site.
- c. Accessory buildings such as storage, bathrooms, concessions, or similar are permitted.

**G. Commercial Uses.**

1. *Bed and Breakfast Establishments.*

- a. Bed and breakfast establishments shall be located in a one-unit dwelling existing at the date of the adoption of this article.
- b. The property on which the use is located shall be at least 500 feet from the property line of any other bed and breakfast establishment.
- c. The site shall be so located as to have one property line abutting a principal or minor arterial or a major collector. All ingress to and egress from the site shall be directly onto such principal or minor arterial or major collector or marginal access service drive thereof.
- d. No exterior alterations to the main building are permitted for additional sleeping accommodations and all accommodations must be within the main building.
- e. There shall be no more than one kitchen or other similar area in the main building and all cooking appliances must be located in the allowable cooking area.
- f. All food shall be served on the premises and be for the consumption of the innkeeper and guests only.
- g. The bed and breakfast establishment must be the innkeeper's principal residence.
- h. The maximum stay of any guest is 14 days on any single occasion. A guest register is required to be maintained showing the arrival and departure dates of guests and must be made available for inspection by the Director of Community Development or his/her representative.
- i. Sufficient off-street parking shall be provided as 2 spaces plus 1/ guest room.
- j. See Division 3.6, *Signs*, for sign regulations applicable to bed and breakfast establishments.

2. *Day Care Center, Adult.* Such a use shall abut and only have access from a principal or minor arterial or a major collector.

3. *Day Care Centers, Child.*

- a. Such a use shall abut and only have access from a principal or minor arterial, or a major collector.
- b. The play area shall be screened from any adjoining residential district lot per Sec. 3.4. *Landscaping, Screening, and Trees.*

4. *Day Care, Group Child Care Homes (8-14)*

- a. The lot containing the group childcare home shall not be located closer than 1,500 feet to any lot occupied by any of the following uses. This distance shall be measured as a traveled distance along public streets, but not including an alley. Nor shall the lot containing the group childcare home be located less than 500 feet to any lot occupied by any of the following uses, as measured from the nearest property lines of each use.
  - i. Another licensed group childcare home.
  - ii. An adult foster care small group home or large group home.
  - iii. A facility offering substance abuse treatment and rehabilitation service.
  - iv. A community correction center, resident home, halfway house or similar jurisdiction administered by the Michigan Department of Corrections or other state or federal agency.

- b. The planning commission may require up to a six-foot high screening fence completely enclosing the area where children play or congregate in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety.
      - c. The group childcare home shall be maintained in a manner visibly characteristic of the surrounding neighborhood. No signs advertising the childcare home are permitted.
      - d. No more than one nonresident employee, whether compensated or not, in addition to the operator, shall be permitted for a group childcare home, unless required by the state as part of the approval of the license.
      - e. Off-street parking shall be provided for the group childcare operator and nonresident employee(s). Two client parking spaces shall also be provided.
      - f. A revocation or refusal to renew a license or certificate of registration of a group childcare home shall cause the revocation of the special land use permit.
5. *Golf Courses.*
  - a. The site shall be so planned as to provide all ingress and egress directly onto principal arterial, minor arterial or major collector.
  - b. All main and accessory buildings and structures shall be setback at least 200 feet from any property line abutting a residential district. The Planning Commission may reduce this setback where topographic conditions or existing vegetation would screen the buildings from view.
  - c. Swimming pools, if provided, shall have a protective fence six feet in height, and entry shall be through a controlled gate.
6. *Short-Term Rentals.*
  - a. A short-term rental unit shall not be located on the ground floor in any mixed use district.
  - b. *Additional Review Criteria.*
    - i. The name, email, and phone number of a local contact person shall be filed with the Director as well as the name of a local property manager, owner, or agent who is available 24 hours a day during the rental period, if different from the local contact person.
    - ii. The person designated as on call on a 24-hour per day basis shall reside within a 45-minute travel time of the rental. That person shall be responsible for taking remedial action and responding to any violations of this ordinance.
    - iii. Only one dwelling unit per parcel shall be leased, rented, or sub-rented at a given time.
    - iv. All parking associated with the STR shall be entirely onsite on an improved parking area or inside a garage or similar structure.
    - v. Compliance with all state, county, and city ordinances, laws, rules, and regulations including the City's building and fire codes.
    - vi. The maximum number of guests allowed on the premises shall be no more than two per bedroom.
    - vii. Signage shall be permitted as outlined in [Division 3.6, Signs](#).
7. *Swimming Pool Clubs.*
  - a. *Applicability.* A swimming pool club shall include pools that are maintained and operated as part of private club or organization for the exclusive use of their members and guests.
  - b. *Site Design Standards.* The following standards apply:
    - i. The site shall have one property line abutting a principal or minor arterial street, and all ingress and egress shall be from a principal or minor arterial.

- ii. The edge of pool and main building shall be set back 50' away from the front, side and rear property lines, or 30' when abutting nonresidential districts.
- iii. Swimming pool shall be enclosed by an oblique fence and gate of at least six feet in height.
- iv. The development shall meet Division 3.4, Landscaping, Screening, and Trees.

**H. Utilities Uses.**

1. *Utility and Public Service Use Buildings.* Any above-grade buildings, utilities, and related components including parking, access areas shall be provided with a Type 2 screening pursuant to Sec 3.4.3. along the full perimeter boundary of use.

## Sec. 2.3.3 Special Land Use Standards

- A. **Purpose.** The purpose of this section is to ensure that a use generally deemed incompatible with permitted uses in a given zoning district can be considered for approval with certain conditions placed on the use as denoted in this section.
- B. **Applicability.** Special land uses may be authorized following a recommendation from the reviewing staff and a final decision by Planning Commission for uses shown as Special (indicated by a "S") in Table 2.3.1, *Land Use Table*.
- C. **Review Procedures.** Special land uses contained in this section will be subject to the review procedures in Article 4. Zoning, Division 5. Special Land Uses and Site Plan Review, except as such standards relate to Subdivision 1. Off-street Parking and Loading or Subdivision 3. Landscaping and Screening, which will be subject to the new standards in [Division 3.3, Off-Street Parking, Loading, and Circulation](#) and [Division 3.4, Landscaping, Screening, and Trees](#).
- D. **Timing of Compliance.** The standards of this section apply when the special land use is:
  1. Established in an existing or new structure;
  2. Established outdoors; or
  3. Expanded by more than 10 percent of the existing indoor or outdoor square footage currently devoted to the special use.
- E. **Site Development Requirements.** All special land uses shall meet the following site development requirements:
  1. The use shall have at least one property line abutting a principal arterial, minor arterial, or major collector. Ingress and egress to and from the site shall be directly from that roadway or from a marginal access service drive.
  2. The outdoor storage of goods or materials is prohibited.
  3. Warehousing, or the indoor storage of goods or materials, shall be limited to no more than 15 percent of the usable floor area of the principal use.
  4. Lot, yard, and building requirements shall be governed by the requirements of [Division 2.2](#) of this UDO.
  5. Parking, signs, landscaping, and lighting shall be governed by the requirements of [Article 3](#) of this UDO.
  6. Site plan and special land use review shall be governed by the requirements of [Article 7, Development Review Procedures](#).
- F. **General Standards for Review of Special Uses.** The Planning Commission shall take the following standards into consideration in its review of any special use application:
  1. Promote the intent and purpose of this Article;
  2. Be compatible with adjacent uses of land and the natural environment;

3. Not unduly affect the capacities of public services or facilities;
4. Be consistent with public health, safety and welfare;
5. Be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
6. Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use.

**G. Special Studies.**

1. *Traffic Impact Analysis Study or Parking Study.* The Planning Commission may require an applicant for a special use to submit a traffic impact analysis or parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual, that demonstrates a waiver of or modification to the parking, access, or circulation requirements for a special use would not be detrimental to the safety and welfare of the subject property or adjacent properties.
2. *Environmental Assessment.* The Planning Commission may require an applicant for a special land use to submit a complete assessment of the environmental impacts of the proposed use on the air, water, groundwater, and land on the site and on surrounding properties.

**H. Residential Use Standards.**

1. *Adult Foster Care Large Group Homes.*
  - a. The site shall be so located as to have one property line abutting a principal or minor arterial or a major collector. All ingress to and egress from the site shall be directly onto such principal or minor arterial or major collector or marginal access service drive thereof. The Planning Commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
  - b. The parking area shall be screened in accordance with [Sec. 3.3.4, Parking Lot and Parking Space Design](#).
  - c. Adult foster care family homes require approval of applicable building permits for commercial use, as regulated by the most recently adopted edition of the building code.
2. *Boarding House.*
  - a. A boarding house shall be served by a principal or minor arterial road.
  - b. A residential manager shall be required to live on site if the house is not occupied by the owner.
  - c. Sleeping rooms for one person shall be at least 70 square feet in area. Sleeping rooms for two or more people shall have at least 50 square feet in area for each person.
3. *Continuing Care Facilities and Rehabilitation Centers.* (See [Sec. 2.3.2, Limited Use Standards](#).)
4. *Emergency Shelter.* Emergency shelters shall comply with applicable federal, state and local licensing requirements; state and local housing, building, and fire code requirements; all standards of the underlying zoning district in which they are permitted; and with the use standards contained in this section.
  - a. *Where Permitted.* An emergency shelter shall be permitted as a Special Use in the RM, NC, and GC zoning districts. Shelters are further permitted as an accessory use to a place of worship in all districts in which such uses are permitted. Nothing in this section modifies the requirements for approval of a religious facility as otherwise provided in this code.
  - b. *Physical Characteristics.*

- i. If the emergency shelter is proposed in conjunction with a religious facility, the area utilized for emergency shelter facilities may not exceed 50 percent of the total floor area used for the religious facility.
    - ii. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
    - iii. Where a day care facility or elementary or middle school is operated on the same site as an emergency shelter, the day care and school facilities must be separated from the emergency shelter facilities by means to prevent access from one facility to the other.
  - c. Facility Operations.
    - i. *Number of Beds per Facility.* Emergency shelters accessory to a religious facility shall not exceed 20 beds. Other emergency shelters located in the city's residential or industrial zoning districts shall not exceed 40 beds.
    - ii. *Length of Stay.* The maximum term of staying at an emergency shelter is six months in a consecutive 12-month period.
    - iii. *Security.* The facility shall provide secure areas for personal property and shall have on-site security during all hours when the shelter is open.
  - d. *Management Plan.* A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the Department of Community Development prior to the operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The City Council may establish a fee by resolution to cover the administrative cost of review of the required management plan.
  - e. *Permit Expiration.* Unless a building permit has been issued for the development within one year after the granting of the special use permit, as required by this chapter, or such further time as the commission shall allow, then without further action the special use permit shall be null and void.
- I. *Live/Work Accommodations.* (See Subsec. 3.2.3-G, *Live/Work*)
- J. *Multiplex Dwellings.* (See Sec. 2.3.2, *Limited Use Standards.*)
- K. *Townhouses.* (See Sec. 2.3.2, *Limited Use Standards.*)
- L. **Public and Civic Use Standards.**
  - 1. *Cultural Institutions.* The primary frontage of a cultural institution shall face and have vehicle access only from a principal or minor arterial roadway.
  - 2. *Neighborhood or Community Center.* (See Sec. 2.3.2, *Limited Use Standards.*)
  - 3. *Places of Worship.* (See Sec. 2.3.2, *Limited Use Standards.*)
  - 4. *Schools, K-12, Private.*
    - a. All ingress to and egress from the site shall be directly onto principal or minor arterial street.
    - b. Main and accessory buildings shall be set back a minimum of 80 feet from any property line.
- M. **Open Space and Parks Uses.**
  - 1. *Cemeteries.* The site shall be located to have at least one property line abutting a major arterial street, as designated in the City's roadway classification system in the Master Plan. All ingress to and egress from the site shall be directly onto major thoroughfare or a marginal access service drive.

- N. Private outdoor recreational field, court. (See Sec. 2.3.2, Limited Use Standards.)
- O. **Commercial Use Standards.**
1. *Bed and Breakfast Establishments.*
    - a. Bed and breakfast establishments shall be located in a single-unit detached dwelling existing at the date of the adoption of this article.
    - b. The property on which the use is located shall be at least 500 feet from the property line of any other bed and breakfast establishment.
    - c. The site shall be located to have one property line abutting a major principal or minor arterial or major collector as designated in the Master Plan. All ingress to and egress from the site shall be directly on to such principal or minor arterial or major collector or from a marginal access drive. The Planning Commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
    - d. No exterior alterations to the main building are permitted for additional sleeping accommodations and all accommodations must be within the main building.
    - e. There shall be no more than one kitchen or other similar area in the main building and all cooking appliances must be located in the allowable cooking area.
    - f. All food shall be served on the premises and be for the consumption of the innkeeper and guests only.
    - g. The bed and breakfast establishment must be the innkeeper's principal residence.
    - h. The maximum stay of any guest is 14 days on any single occasion. A guest register is required to be maintained showing the arrival and departure dates of guests and must be made available for inspection by the director or his representative.
    - i. See Division 3.6, *Signs*, for sign regulations for bed and breakfast establishments.
  2. *Day Care Center, Child.* (See Sec. 2.3.2, Limited Use Standards.)
  3. *Day Care, Group childcare home (8-14).* (See Sec. 2.3.2, Limited Use Standards.)
  4. *Golf Courses.* (See Sec. 2.3.2 Limited Use Standards.)
  5. *Swimming Pool Clubs.* (See Sec. 2.3.2, *Limited Use Standards.*)
- P. **Industrial Use Standards.** [Reserved.]
- Q. **Research and Technology Use Standards.** [Reserved.]
- R. **Marihuana Use Standards.** [Reserved.]
- S. **Utilities.** [Reserved.]
- T. **Transportation Use Standards.** [Reserved.]
- U. **Warehousing and Storage Use Standards.** [Reserved.]

## Sec. 2.3.4 Accessory Uses, Buildings, and Structures

- A. **Accessory Buildings.**
1. *General Requirements.*
    - a. Except as otherwise noted in this section, accessory structures, buildings and uses shall be subject to all of the regulations of this article applicable to main buildings, structures and uses.
    - b. No detached accessory building or structure shall be located closer than five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the building code are met.

- c. Except as noted in Paragraph 1.d, below, accessory buildings, structures and uses shall be located in the same zone and on the same zoning lot as the main building and/or principal use.
- d. Accessory buildings, structures and uses shall be located in the same zone and on the same zoning lot as the main building and/or principal use, except if the use is a private utility, such as a private water supply or water impoundment area (but not including parking or access drives). These exceptions shall be subject to the review and approval of the Planning Commission and shall be specifically subject to site plan review. In addition, the developer shall provide the Planning Commission with impacts statements and information that the Planning Commission deems necessary to review potential adverse impacts on surrounding properties. The Planning Commission may attach requirements to such accessory buildings, structures and uses which it deems necessary to avoid or mitigate adverse impacts on surrounding properties.

2. *Accessory Buildings in Residential Zoning Districts.*

- a. Non-Lakefront Lots. The following applies to accessory buildings and uses on non-lakefront lots in the RE, Residential Estate; RN, Residential Neighborhood; and RM, Residential Mixed districts:
  - i. No detached accessory building shall exceed 16 feet in height except, after a public hearing, the height of the building may be increased if the Planning Commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.
  - ii. Maximum floor areas.
    - (1) Except as noted in Paragraphs ii.1 and ii.2 below, each detached accessory building shall have a maximum floor area not greater than 20 percent of the rear yard. Accessory buildings in the rear or side yard shall be setback from the side or rear property lines a distance of five feet. Accessory buildings in the front yard shall meet the setbacks required for the main building.
    - (2) The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.
    - (3) The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the Planning Commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.
    - (4) Residential Mixed (RM) District. A detached accessory building accessory to uses permitted in this district may be located within a required rear yard not closer than five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. One-unit dwellings shall comply with the provisions of Paragraph 2.a, above.

- b. Lakefront Lots. The following applies to accessory buildings on lakefront lots in any residential district:
  - i. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.
  - ii. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.
  - iii. Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.
  - iv. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.
  - v. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.
- c. *Swimming pool location.* Swimming pools shall meet the following setbacks:
  - i. Front yard setback of the applicable zoning district;
  - ii. No closer than eight feet from the required rear or side property line; and
  - iii. No closer than ten feet from any structures as measured from the nearest vertical wall enclosure (not including support columns with dimensions of less than 12 inches).

**B. Accessory Uses.**

1. *List of Accessory Uses.* Accessory uses may include, but are not necessarily limited to, the following:
  - a. Residential accommodations for servants and caretakers within the principal dwelling and not as a separate household.
  - b. A swimming pool for the use of the occupants of a residence or their guests.
  - c. Storage of merchandise normally carried in stock or goods used in or produced by industrial uses in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
  - d. Off-street parking, open or enclosed, and loading subject to the provisions of [Division 3.3](#), Parking, Loading, and Circulation.
  - e. Signs, subject to the provisions of Division 6, Subdivision 2, Signs, of this chapter.
  - f. Home occupations, subject to the provisions of [Sec. 2.3.7](#).
  - g. Accessory antennas, subject to the provisions of Paragraph D of this section.
  - h. Private stables, if all of the following are satisfied:
    - i. The private stable is being used for the enjoyment of the persons occupying the premises.
    - ii. The private stable is outside of the boundaries of platted land.
    - iii. Two acres of land are provided for the first horse and one additional acre of land is provided for each additional horse. The zoning board of appeals may reduce the area requirements

when it is affirmatively shown that the reduction will not interfere with the rights of neighboring landowners to the enjoyment of their premises.

- iv. Stables, feeding areas and other confinement areas are located at least 125 feet from neighboring residences.
- v. Manure from stables is located at least 125 feet from any property boundary line.
- vi. No electrical fencing exceeding 12 volts is used on the premises.
- vii. The stables, feeding areas and other confinement and/or manure storage areas do not produce noise, odor, dust, fumes or comparable nuisances.
- i. A residential dwelling unit subject to the provisions of [Subsec. 3.2.3-G, Live/Work](#).

2. *Keeping of Chickens as an Accessory Use.*

- c. Household pets. Domestic animals that are normally and customarily kept for pleasure and companionship as household pets as defined in [Division 10.2, Definitions](#) and do not conflict with or violate any other law or regulation of the state, county or city applicable to the keeping of such animal is permitted as accessory to a residential use.
- d. Chickens (hens). The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to six chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to six chickens that are utilized exclusively by the person(s) occupying a one-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:
  - ii. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.
  - iii. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:
    - (5) The coop and pen shall be setback a minimum of 10 feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a lake front lot shall have a 40-foot rear yard setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.
    - (6) The coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet.
    - (7) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen must be completely enclosed with a top and/or cover.
    - (8) The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
  - iv. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.
  - v. The outdoor slaughter of chickens is prohibited.

- vi. The accessory use shall comply with all provisions of the City of Portage Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
- vii. No person shall keep chickens without first securing a permit from the city on a form provided and without paying a permit fee as prescribed by the Portage City Council by resolution. The permit shall be issued by the Director. Such permit may be revoked by the Director if it is determined that any provision of this section is violated.
- viii. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
- ix. This section shall not regulate the keeping of chickens in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.
- x. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.
- xi. No permit shall be issued by the Director without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.

**C. Accessory Dwelling Units.**

1. *Purpose.* It is the intent of this section to allow for accessory dwelling units (ADUs) upon properties within the RE and RN residential zoning districts to allow homeowners to have a supplemental source of income with a long-term tenant, as well as other nontangible benefits to older residents, such as companionship or a live-in caretaker. It is recognized that ADUs provide an opportunity for affordable housing for family members to reside nearby with independence. It is further recognized that appropriate limitations are necessary so that ADUs are compatible and harmonious within residential neighborhoods.
2. *Design and Development Standards.* The following provisions shall apply to all ADUs:
  - a. An ADU may only be established on a parcel with a single-unit detached dwelling on it and located in RE or RN district.
  - b. Not more than one ADU may be established on a single parcel or zoning lot.
  - c. No more than two bedrooms.
  - d. An ADU shall not be smaller than 500 square feet and no larger than 900 square feet, but in no circumstances shall it exceed the total square footage of the principal dwelling.
  - e. An ADU shall be furnished with its own kitchen, full bathroom, and sleeping area.
  - f. The principal residence and ADU shall share the same vehicular access to the parcel.
  - g. Short-term rentals (30 days or less) shall not be permitted for either the ADU or principal residence.
  - h. An ADU must have its own means of egress from the exterior or from a common hallway within a single building.
  - i. At least one on-premise dedicated improved surface parking space shall be provided for the ADU.
  - j. The ADU cannot be sold separately from the primary dwelling.
  - k. Lot coverage maximums of the underlying zoning district shall apply.
  - l. The property owner shall live in either the ADU or principal residence, which shall be addressed pursuant to subsection 3 of this section.

- m. The ADU shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the City.
  - n. The ADU unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the City, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector. The following life/safety aspects apply:
    - i. All attached ADUs shall have smoke detectors and carbon monoxide detectors interconnected with those in the principal dwelling; if separate, the common wall separating the ADU from the principal dwelling shall consist of a 1-hour fire-rated wall.
    - ii. ADU occupants shall have access to utility shut-off elements, including electricity, gas, and water.
  - o. Shall be subject to the minimum front and side yard setbacks of the underlying zoning district. The rear yard setback shall meet the minimum side yard setback for the underlying zoning district.
  - p. Prior to occupancy of the ADU, the community development department shall issue a certificate of occupancy indicating compliance with all applicable requirements and inspections.
3. *Detached ADUs.* The following supplemental standards shall apply to detached ADUs:
- a. The maximum height shall not exceed the height of the principal dwelling, except after a public hearing the height may be increased if the Planning Commission determines harmonious relationships and to minimize conflicts between adjacent uses. The Commission shall consider the proposed characteristics of the building in relation to existing land uses and to future land uses as shown in the master plan. The Commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties.
  - b. Mobile homes, shipping containers, trailers on wheels, tree houses, or any other unit not on a permanent foundation shall not be considered an ADU.
  - c. Shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the adopted building code.
  - d. Exterior design of an ADU shall be compatible with existing residences. Consistent with primary dwelling and in harmony with the character and scale of the surrounding neighborhood.
4. *Submittal Requirements.* Applications for an ADU shall be made to the Department of Community Development and shall consist of the following information:
- a. Plot plan (scaled drawings) showing the following:
    - i. Location of all existing and proposed structures on the property.
    - ii. Setbacks of the proposed ADU from all property lines and structures.
    - iii. Designated parking area for the ADU and principal residence.
    - iv. Elevation drawings, where necessary.
  - b. Floor plan, elevations, and building plans showing the following:
    - i. Kitchen, bathroom, sleeping area, entry stairs, and gross square footage;
    - ii. Connecting wall or floor to the principal residence, where necessary;
    - iii. Elevations including windows, doors, porches, walls, and other exterior features.
  - c. A Deed Restriction by the owner of record acknowledging the following:
    - i. One of the two dwelling units will be occupied by the property owner,
    - ii. The ADU cannot be sold separate from the principal residential unit.
  - d. An affidavit by the owner of record indicating the following:

- i. Which of the two dwelling units will be occupied by the owner of record.
  - ii. All ADU standards of the City of Portage shall be adhered to.
- D. **Refuse Containers.** The regulations of this section shall be applicable to any refuse container, including waste receptacles and compactors, on the site of all uses except single-unit and two-unit dwellings.
  1. Refuse containers shall be designed, constructed and maintained according to the following:
  2. Refuse containers shall be located in the rear yard or non-required side yard 20 feet from any adjacent residential district or use property line, unless otherwise approved by the Director.
  3. Containers shall be screened from view of any public right-of-way or residential district with a solid wall, fence or live landscape material at least six feet high. The use of chain link fencing with interwoven slats is not permitted. Landscape plantings are encouraged when a wall or fence is used to better screen the refuse containers and protect adjacent property.
  4. A change in refuse container location or size shall require a modification to screening as required by this section.
- E. **Solar Installations.**
  1. *Roof-Mounted Installations.* Roof-mounted solar collectors on principal and accessory buildings shall meet the following:
    - a. Panels shall be attached directly to the roof and shall match the pitch of the roof;
    - b. Panels shall not project above the ridge, and to the extent practical, should generally fill the roof plane when facing a public right-of-way, resulting in the appearance of a full-coverage material over the roof plane.
    - c. Panels shall not be stopped short of gable or shed roof edges. To the extent practical, solar panels should be selected and installed in a manner that minimizes reflectivity and glare.
  2. *Ground- or Structure-Mounted Solar Collectors.* Ground- or structure-mounted solar collectors shall be set back from lot lines a distance equal to that of detached accessory buildings.
  3. *Carport and Covered Walkways.* Solar collectors that are attached to carports and covered walkways shall meet the following criteria:
    - a. There shall be a minimum of eight feet of clearance under the carport or covered walkway.
    - b. Such carports and walkways shall be set back from the front lot line as required for principal buildings if located in a residential district.
  4. *Damaged Collectors.* If solar collectors are damaged, such that the damage is obvious when viewed from public right-of-way, then the collectors shall be removed or replaced within 30 days of the event that caused the damage.

### **Sec. 2.3.5 Temporary Use Standards**

[Reserved.]

### **Sec. 2.3.6 Wireless Telecommunications and Towers**

[Reserved.]

### **Sec. 2.3.7 Home Occupations**

- A. **Home Occupation Types.** There are three types of home occupations, Passive, Active, and Medical Marihuana, all of which are defined in [Division 10.2, Definitions](#).

- B. **Standards.** The following standards apply to passive and active home occupations. Additional requirements for Passive and Active home occupations follow this section. Specific requirements for Medical Marijuana home occupations are contained in Sec. 2.3.7-B.
1. *Where Permitted.* Home occupations are permitted as an accessory use in any single-unit dwelling on a zoned lot in any zoning district.
  2. *Exception.* No condition or requirement stated for a home occupation shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture
  3. *Employees.* A home occupation shall be owned or operated by a permanent occupant of the single-unit dwelling in which the home occupation is conducted. The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.
  4. *Business License Required.* The owner or operator of any home occupation for which a business license is required shall maintain the license in good standing.
  5. *Floor Area Allowances.*
    - a. The home occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in a garage or any other attached or detached accessory building or structure, nor on any patio, deck, or lawn area.
    - b. A maximum of 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, may be used for the home occupation.
  6. *Indoor Storage Only.*
    - a. Storage of materials, equipment and goods which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the ~~one-family~~ single-unit dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
    - b. Materials, equipment, and goods shall not be visible from adjacent properties.
  7. *Off-Street Parking and Traffic.*
    - a. Off-street parking shall be provided on an improved driveway that fulfills the requirements of [Division 3.3](#), Parking, Loading, Circulation. Stacking, and Access.
    - b. There shall be no other additional vehicular parking spaces provided other than the off-street parking facilities normally required for residential use.
    - c. The home occupation shall not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
  8. *Signs.* A home occupation shall be allowed one non-illuminated sign, up to six square feet, on the lot on which the single-unit dwelling that houses the home occupation resides. Window displays, other than the permitted sign, are prohibited.
  9. *Limit on Use of Accessory Buildings or Structures.* The home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.

10. *Exterior Alterations.* There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.
  11. *Noise, Dust, and Odors.* The business activity shall not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.
  12. *Hazardous Materials.* The business activity shall not be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
  13. *Storage of Goods.* The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the single-unit dwelling. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.
  14. *Deliveries.* No goods or products shall be directly sold or delivered to customers on the premises of the single-unit dwelling that houses the home occupation, except goods and products which are incidental to the services of the business activity.
  15. *Sale of Goods and Products Prohibited.* No goods or products shall be directly sold or delivered to customers on the premises of the single-unit dwelling except goods and products which are incidental to the services of the home occupation.
- C. **Passive Home Occupations.**
16. *Permit Not Required.* A passive home occupation, as defined in [Division 10.2](#), Definitions, shall be allowed without a permit as an accessory use on a zoning lot, provided it meets the standards of this section.
  17. *Notification Recommended.* The owner of a dwelling unit in which a passive home occupation has been established, or the occupant under whose name the business is registered, is encouraged to notify the Department of Community Development at the time a home occupation is established. The owner and/or business occupant may request information from the Director of Community Development about his or her rights and responsibilities to operate a passive home business.
- C. **Active Home Occupations.**
1. *Special Use Permit Required.* An active home occupation, as defined in [Division 10.2](#), Definitions, shall require approval by the Planning Commission of a Special Use Permit in accordance with [Sec. 7.4.3](#). The following requirements and allowances shall apply to active home occupations:
  2. *Number of Employees.*
    - a. One person other than a full-time occupant of the single-unit dwelling may be employed by the active home occupation.
    - b. In its review, the Planning Commission may allow two full-time, non-occupant employees for an active home occupation, upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in this section, and may impose additional conditions.
    - c. *Additional Floor Area Allowances.* An active home occupation shall be limited to 400 square feet of the dwelling unit, provided it occupies 25 percent or less of the total floor area of any one floor of the single-unit dwelling or 25 percent or less of any basement. The Planning Commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation of up to 50 percent of the floor area of any one floor or basement of the dwelling unit. The Planning Commission shall make a finding that the increase of floor area used for the home occupation does

not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the requirements of this section.

- d. **Review Criteria.** The Planning Commission shall consider whether the use and the day-to-day operation of the active home occupation application submitted by the occupant is compatible with the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
- i. Promotes the intent and purpose of this section;
  - ii. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
    - (12) The number of trips the vehicle to be used in the home occupation is expected to make to and from the property.
    - (13) The size and weight of vehicles to be used in the active home occupation;
    - (14) The seasonal nature of the active home occupation;
    - (15) The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot; and
    - (16) The proximity of the surrounding uses to the active home occupation.
  - iii. Does not unduly affect the capacities of public services or facilities;
  - iv. Is consistent with public health, safety, and welfare;
  - v. Is harmonious with and in accordance with the general objectives or with any specific objective of the Master Plan; and
  - vi. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.
- e. **Additional Conditions.** The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors.

### **Subsec. 2.3.7-A Home Occupations**

- A. **Passive Home Occupations.** A passive home occupation on a zoning lot conducted by the occupant that meets the following requirements is allowed as an accessory use with no permit being required:
1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.
  2. The occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area.
  3. No person outside the family is employed in the home occupation.
  4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.
  5. The home occupation does not require interior or exterior alterations of the dwelling unit or the use of mechanical or electronic equipment not customarily used in a dwelling unit.

6. There shall be no sign of any nature identifying the home occupation. The use of window displays are not permitted.
  7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
  8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
  9. Off-street parking shall be provided on an improved driveway that fulfills the requirements of [Division 10.2, Definitions](#), and there shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
  10. The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one-family dwelling unit. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.
  11. No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home occupation.
  12. No condition or requirement stated for passive home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.
- B. **Active Home Occupations.** An active home occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101 et seq., as amended, and finding that the application of the occupant meets the following requirements:
1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in Paragraph B.11, below, and may impose conditions under Paragraph B.12, below. The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.
  2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation. The Planning Commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The Planning Commission shall make a finding that the increase of floor area used for the home occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home occupation complies with the requirements contained in Paragraphs B.11.a. through f. below.
  3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.

4. Off street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of [Division 10.2](#), Definitions. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
5. No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home occupation.
6. Storage of materials, equipment and goods which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
7. The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.
8. Materials, equipment and goods shall not be visible from adjacent properties.
9. There shall be no sign of any nature identifying the home occupation except a non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted.
10. The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
11. The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
  - a. Promotes the intent and purpose of this section;
  - b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
    - i. The proximity of the surrounding uses to the active home occupation;
    - ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;
    - iii. The seasonal nature of the active home occupation;
    - iv. The size and weight of vehicles to be used in the active home occupation; and
    - v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;
  - c. Does not unduly affect the capacities of public services or facilities;
  - d. Is consistent with the public health, safety and welfare;
  - e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
  - f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.
12. The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property

rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.3504(4) of the Michigan Zoning Enabling Act, as amended.

13. No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.

### **Subsec. 2.3.7-B Medical Marihuana Home Occupation**

- A. **Permitted by State Law.** A primary caregiver acting in compliance with the General Rules of the Michigan Department of Licensing and Regulatory Affairs ("general rules"), the Michigan Medical Marihuana Act, MCL 333.26421 et seq., (the "Act") and the requirements of this section, may be allowed as a home occupation.
- B. **Standards in Sec. 2.3.7, Home Occupations Do Not Apply.** The conditions and requirements contained in Sec. 2.3.7 governing passive and active home occupations shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation.
- C. **Requirements.** The following requirements for a primary caregiver as a home occupation shall apply:
  1. *Primary Caregiver.* A primary caregiver shall comply at all times and in all circumstances with the Act and the general rules of the department as they may be amended from time to time.
  2. *In-Home Cultivation.* The home occupation may be conducted in a dwelling unit (as defined by the Zoning Code), in an accessory building, or outdoors, where no more than one primary caregiver:
    - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient);
    - b. Possesses up to the maximum amount of marihuana or marihuana-infused products permitted by the Act;
    - c. Assists no more than the maximum number of qualifying patients permitted by the Act (maximum of five) who have been issued and possess a registry identification card and who are connected with the primary caregiver through the department's registration process for the medical use of marihuana. Assistance to a qualifying patient by someone other than his or her designated primary caregiver is prohibited;
    - d. Does not separate marihuana resin from marihuana plants by butane extraction on the premises of the medical marihuana home occupation;
    - e. Does not store any chemicals such as herbicides, pesticides, and fertilizers inconsistent with the provisions of the Portage Code of Ordinances including but not limited to the International Fire Code as adopted by the code; and
    - f. Does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. The following shall apply
  3. *Separation Distances.* The following shall apply a primary caregiver conducting a home occupation under this section:
    - a. Considering the federal "Drug Free School Zone" requirements, the medical marihuana home occupation shall not be located:

- i. Within 500 feet from the real property comprising a public or private elementary, vocational or secondary school or a public or private college, junior college or university, a childcare center, a playground, a housing facility owned by a public housing authority; or
    - ii. Within 100 feet of a public or private youth center, public swimming pool, or video arcade facility.
  - b. Measurements for purposes of subsection Sec 2.3.7 (D)(3)(a) in this subsection shall be made from the property boundary of the zoning lot occupied by the home occupation to the nearest point of the property occupied by any of the uses listed above, using an uninterrupted straight line without regard to intervening structures or objects.- A map showing the uses and facilities listed in subsection C.3.a above, as well as the protected areas, is available for review in the Department of Community Development.
  - c. The distance provisions of this subsection do not apply to a primary caregiver whose qualifying patient(s) (up to the maximum permitted under the Act) are permanent residents of the primary caregiver's household and whose residence is shared with the primary caregiver.
  - d. If the primary caregiver is not an owner of the premises, nothing contained in this section shall limit an owner of the premises from prohibiting the home occupation on the premises occupied by the primary caregiver nor limit an owner's right to pursue any private right of action allowed by law.
4. ***Safekeeping of Products.*** All medical marijuana plants and medical marijuana-infused products shall be contained in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. Marijuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either a registered qualifying patient or the primary caregiver for the registered qualifying patient or patients for whom the marijuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located.
  5. ***Other Applicable City Codes.*** The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marijuana, compliance with Article 4, Chapter 24, Noise, Article 5, Chapter 24, Safety, Sanitation and Health, as well as Article 14, Chapter 42, Housing/Property Maintenance Code. If a room with windows is utilized as a marijuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 pm and 6:00 am shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
  6. ***Business Hours for Qualifying Patients.*** Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than five qualifying patients may visit the site at any one time.
  7. ***Off-Street Parking.*** Off-street parking provided for the medical marijuana home occupation shall be provided on an improved driveway that fulfills the requirements of Division 10.2, *Definitions*, of this UDO. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.

8. Signs. There shall be no sign of any nature identifying the home occupation and the use of window displays is not permitted.
9. *Other Marihuana Facilities Prohibited.* The location and operation of a marihuana facility pursuant to the provisions of the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 et seq., as a home occupation is prohibited.
10. *Immunity Not Granted.* Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the general rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the general rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this UDO, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this section nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

## Sec. 2.3.8 Residential Building Encroachments

- A. **Generally.** The purpose of this Section is to set forth special cases that warrant flexibility in the developmental standards in this UDO.
- B. **Height.** Height limitations stipulated in this UDO shall not apply to:
  1. *General.* Chimneys, farm buildings, church spires, flagpoles, public monuments, cornices without windows, cupolas, domes not used for human occupancy, elevator penthouses, monuments, parapet walls, skylights, spires, steeples, theater scenery lofts, towers, ventilators, publicly-owned water tanks, and similar structures and necessary mechanical appurtenances covering not more than 25 percent of the roof area of the structure, and rooftop solar panels, may exceed the maximum permitted height in the district in which the site is located. In no case may the exclusions exceed 150 percent of the height of the principal building without approval of a Variance in accordance with [Sec. 7.5.3, Variance](#).
  2. *Limited Height Restrictions.* Sports lighting facilities owned by or under the control of a governmental entity and utility poles and towers owned by a public utility and used for the transmission and distribution of electricity may be erected to any height in any zoning district, unless prohibited by airport height hazard zoning regulations.
- C. **Setback Encroachments for Residential Uses.** Table 2.3.8-1, *Setback Encroachments in Residential Districts Uses* indicates which building elements may project into required front, side, or rear yards. Such allowances are expressed as the number of feet an element may encroach into a required setback, the number of feet an element shall be separated from a property line, or both.

**Table 2.3.8-1, Setback Encroachments in Residential Districts**
**"P" = Permitted | "--" = Not Permitted**

Building Element	Max Allowable Encroachment	Side	Front	Rear
Architectural features including cornices, canopies, and eaves <sup>1</sup>	2 in. for each 1 ft. side yard width; 3 ft. into front or rear yard	P	P	p
Gutters	Exempt	P	P	P
Bay windows and chimneys	3 ft. into any setback; 5 ft. away from any lot line	P	P	P
Unenclosed balconies, uncovered porches, and uncovered decks attached to main dwelling <sup>3</sup>	10 ft. into front and rear yard setback	--	P	P
Covered balconies and covered porches	Required setbacks for principal building or structure on the site apply.			
Unenclosed stairs, steps, access ramps for egress and ingress <sup>2,4</sup>	10 ft. away from front lot line; 15 ft. away from rear lot line; 3 ft. away from side lot lines	P	P	P
Patios and at-grade decks <sup>5</sup>	Exempt when less than 9" above grade and in side and rear yards	P	--	P
Steps not connected to a structure or building, and landscaping	Allowed anywhere in setbacks	P	P	P
Window wells, egress windows, basement escape ladders	Min. necessary to meet fire code	P	P	P

**Table 2.3.8-1, Setback Encroachments in Residential Districts**

"P" = Permitted | "--" = Not Permitted

Building Element	Max Allowable Encroachment	Side	Front	Rear
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**Table Notes:**

1. Eaves are measured at the drip line and are permitted to encroach into any yard setback; Cantilevered walls do not qualify as a permitted encroachment and shall meet all setback requirements for the zoning district.
2. Barrier-free access ramps on residential sites for use by persons with disabilities may be located in the front setback if there is not adequate space to locate it elsewhere. When such ramp is no longer required it shall be considered a legal, nonconforming structure. Ramps for the purpose of providing barrier free access to a dwelling can project to within ten feet of the front property line.
3. A porch, terrace, or deck located within any front yard or rear yard setback area may be enclosed with ornamental railings, handrails, or similar guardrails up to 42 inches in height are permitted around any porch, terrace, or deck in any front or rear yard setback.
4. Lakefront parcels are exempt.
5. Unattached decks are subject to accessory building setbacks.

**D. Permitted Encroachments in Nonresidential Districts.**

1. Awnings and canopies attached to a principal building may project up to three feet into any setback and shall be erected at least eight feet above adjoining walkways and driveways.
2. Open entrances, stoops, and porches, when not covered and not more than 18 inches in height above grade, shall not project more than 10 feet from a principal building.

**E. Gas Station Canopies. [Reserved.]**

**F. Lot Averaging.** Lot averaging is a design technique that replaces minimum lot dimensions with an average lot width and size for a subdivision. The lot area and width dimensions in [Division 2.2, Zoning Districts and Dimensional Standards](#), may be averaged for each zoning district. To use lot averaging, all lots in a proposed subdivision shall meet the following criteria:

1. *Equal to or Greater.* The average lot area and average lot width of the proposed subdivision shall be equal to or greater than the individual lot area and lot width of the subdivision's proposed underlying zoning district requirements as specified in [Division 2.2](#).
2. *Greater than 90 Percent.* The lot area and lot width of all lots shall be a minimum of 90 percent of the lot area or lot width specified in [Division 2.2](#). (see [Figure 2.4.2-1, Lot Averaging](#)).

**Figure 2.3.8-1, Lot Averaging**

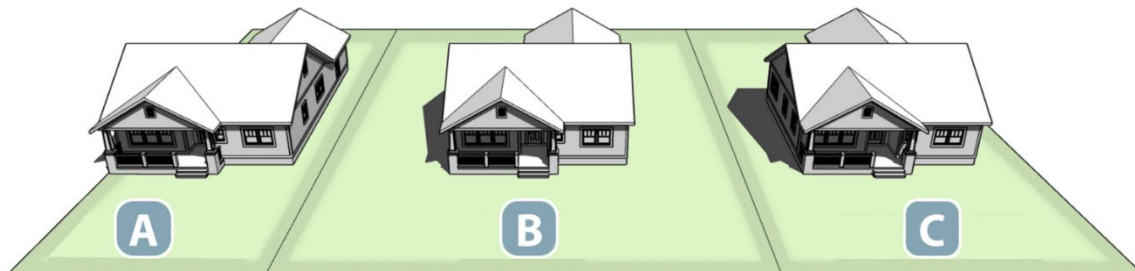


FIGURE NOTES: A = Smaller Lot | B = Larger Lot | C = Average Lot

**G. Setback Averaging.** Where 50 percent or more of the lots on the same side of the block (not counting the applicant's lot) are developed with buildings that are set back at distances less than the required front yard

setback, the front setback of the applicant's lot may be reduced to the average front setback of all of the developed lots on the same side of the block (See Figure 2.4.2-2, Setback Averaging.)

**Figure 2.3.8-2, Setback Averaging**

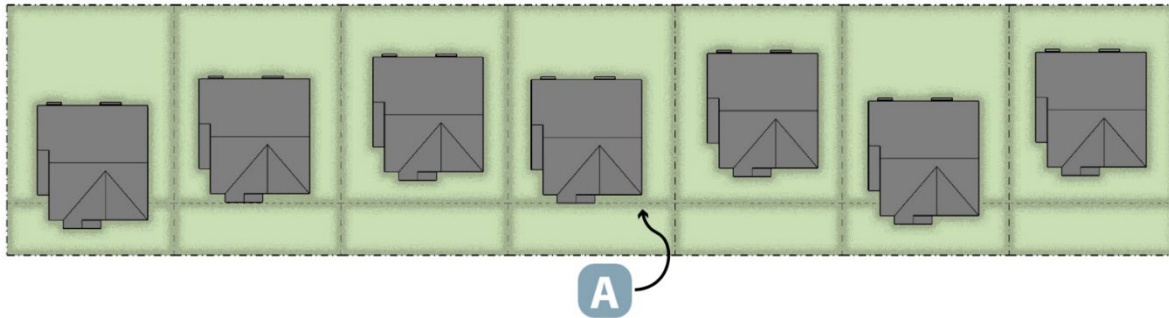




Figure note: A = Average Setback Line

## Division 2.4 Measurements

### Sec. 2.4.1 Measurements

- A. **Purpose.** The purpose of this Section is to provide uniform measures for the interpretation and enforcement of this UDO, the method of measurement and illustrations for the developmental standards in this UDO are detailed in Table 2.4.1-1, *Measurements*. Standards related to each type of measurement in this Section are established in:
1. [Article 2, Zoning Districts, Dimensional Standards, and Land Uses](#);
  2. [Division 2.3, Land Use Standards](#);
  3. [Article 3, Development Standards](#); and
  4. [Article 4, Subdivision Standards](#).

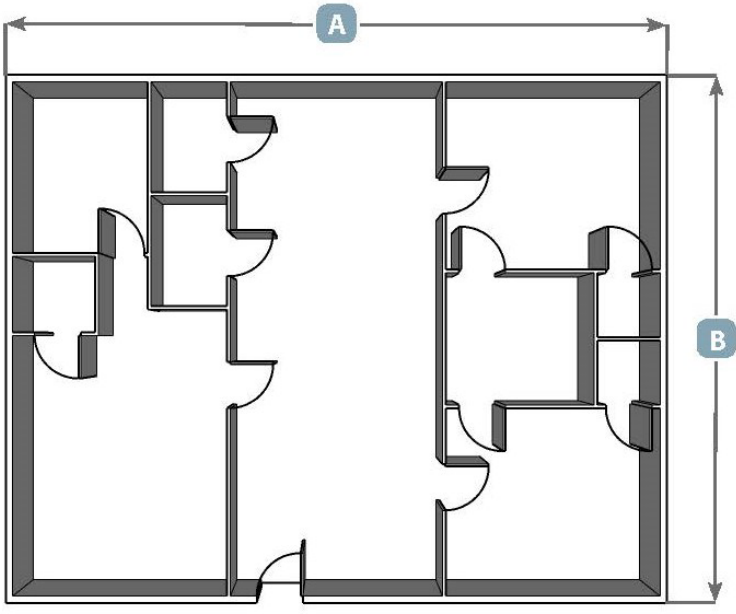
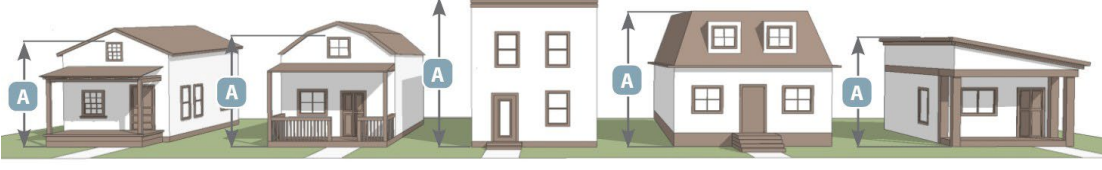
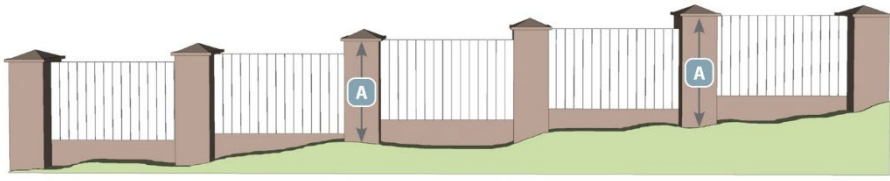
**Table 2.4.1-1 Measurements**

Measurement	
<p><b>Building Coverage</b></p>	<p><b>Building Coverage:</b> The area of a lot occupied by the footprint of the principal and all accessory buildings, expressed as a ratio of the building footprint ("A") to lot area ("B").</p> 
<p><b>Lot Coverage</b></p>	<p><b>Lot Coverage:</b> The portion of a lot occupied by buildings or structures that are roofed or otherwise not open to the sky ("B") and any impervious cover such as patios, driveways, sidewalks, etc. ("C") divided by the total acreage ("A").</p> 
<p><b>Minimum Civic and Open Space</b></p>	<p>The minimum civic and open space required by each district is calculated by dividing the total amount of civic and open space on the parcel proposed for development ("A") by the total gross area of the entire parcel proposed for development ("B") as depicted on a development plan. To be counted toward the minimum amenity space requirements, the minimum amenity space percentages per each district must be met per <a href="#">Article 2, Zoning Districts, Dimensional Standards, Land Uses</a>.</p>

**Table 2.4.1-1 Measurements**

Measurement		
		
<p><b>Gross Density</b></p>	<p><b>Gross Density:</b> The number of dwelling units ("B") divided by total gross acres of a development ("A").</p>	

**Table 2.4.1-1 Measurements**

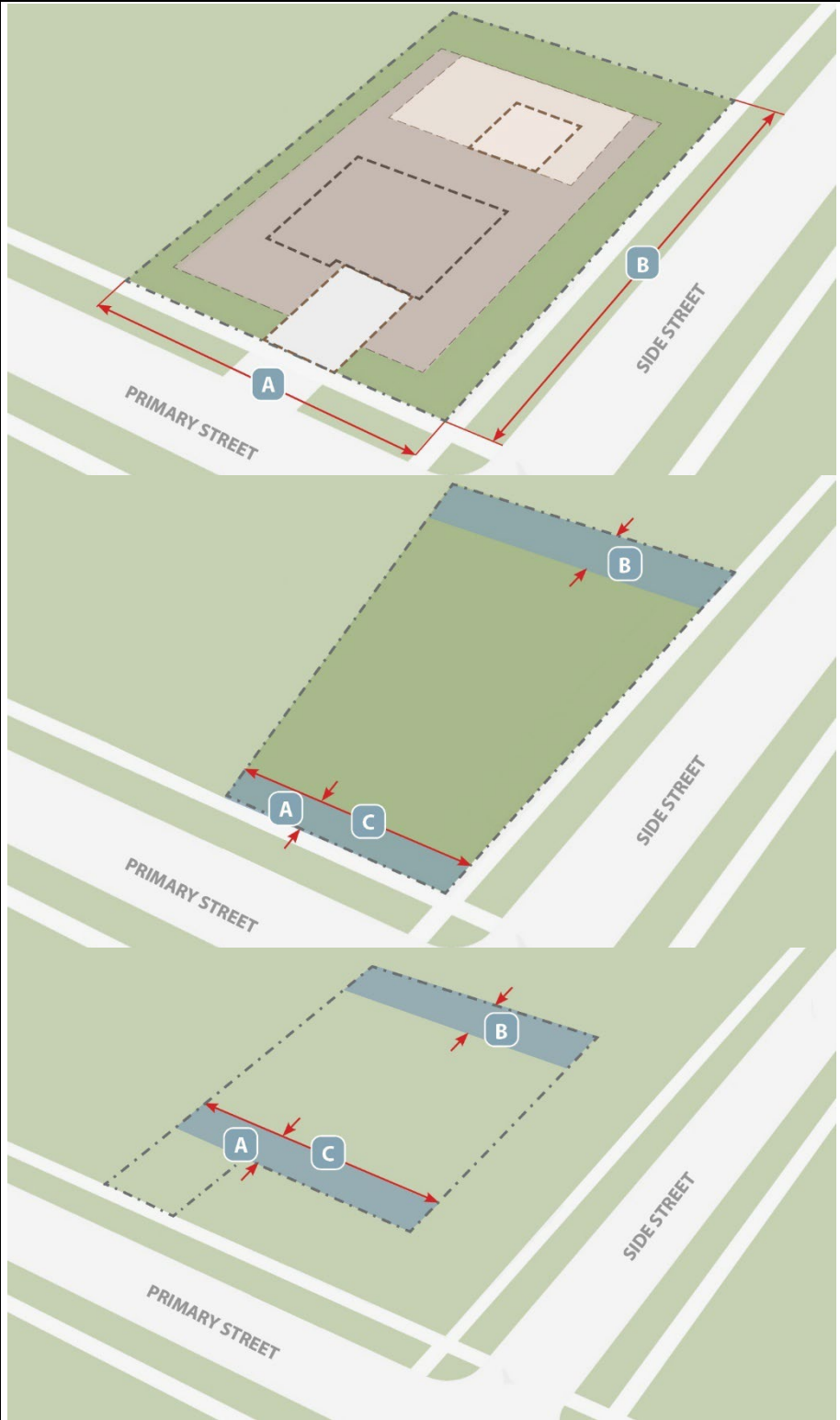
Measurement	
<p><b>Gross Floor Area</b></p>	<p>The total area of all the floors of a building, including basements, intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building, computed by the multiplication of the exterior dimensions of the building ("A") and ("B").</p> 
<p><b>Height</b></p>	<p><b>Building Height</b> shall be measured as follows for varying roof forms, as the vertical distance from the average ground level around the building to:</p> <ul style="list-style-type: none"> <li>▪ <b>Gable, Hip, and Gambrel Roof:</b> The height to roof's midpoint between eaves and the ridge ("A");</li> <li>▪ <b>Flat Roof:</b> The highest point of the roof ("A");</li> <li>▪ <b>Mansard Roof:</b> The deck line ("A"); and</li> <li>▪ <b>Shed or Similar Style:</b> The highest point of the roof ("A"). This also applies to asymmetrical or dynamic roof forms.</li> </ul>  <p style="text-align: center;"> <span>Gable Roof</span>      <span>Gambrel Roof</span>      <span>Flat Roof</span>      <span>Mansard Roof</span>      <span>Shed or Similar Style</span> </p> <p><b>Walls or Fences:</b> The height of a wall or fence is measured from the lowest grade level within three feet of either side of the wall or fence to the top of the wall or fence ("A").</p> 

**Table 2.4.1-1 Measurements**

**Measurement**

**Lot Area**

The total horizontal area included within lot lines measured by multiplying the lot width "A" by lot depth "B". Alternatively, "A" multiplied by "B". For non-uniform lots, the distance measured parallel to the front lot line ("C") at the point of the minimum required front yard setback ("A"). No portion of the lot between the front ("A") and rear ("B") setback lines may be less than the minimum lot width ("C"). For a panhandle cul-de-sac parcel, the horizontal distance ("C") between the side lot lines measured at the front setback line ("A"). No portion of the lot between the front ("A") and rear ("B") setback lines may be less than the minimum lot width ("C").

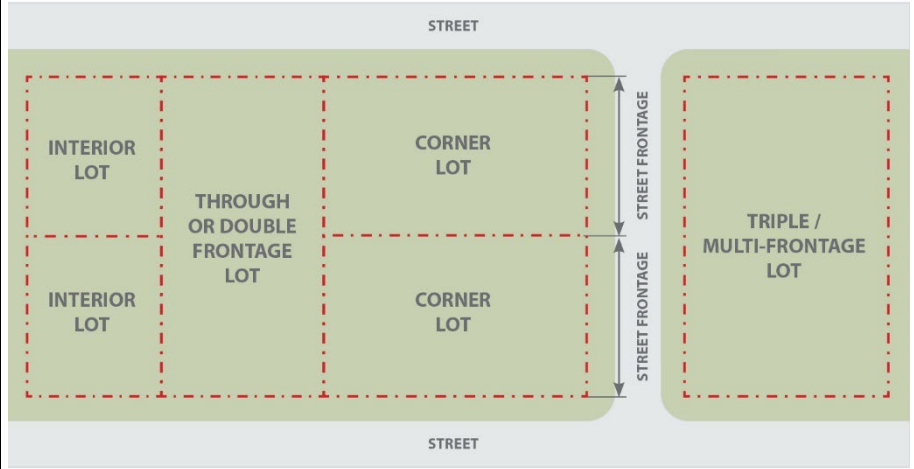


**Table 2.4.1-1 Measurements**

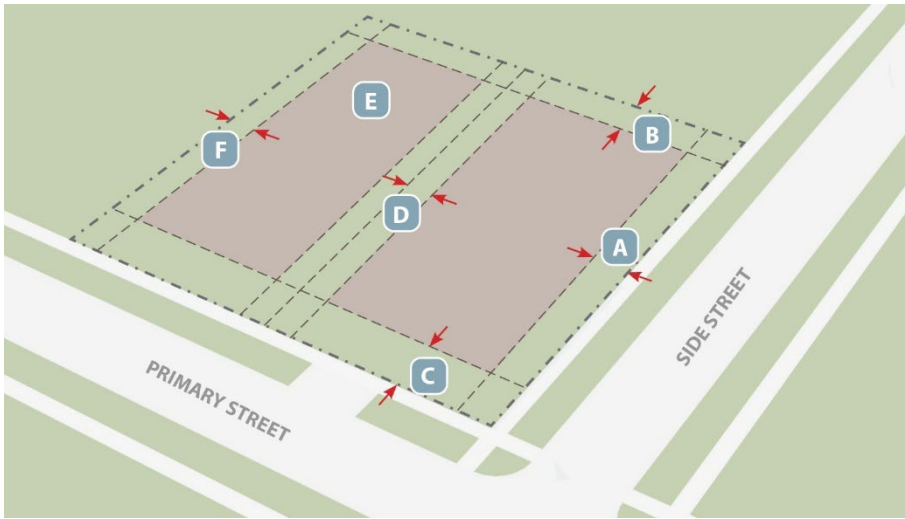
Measurement	
<p><b>Lot Width</b></p>	<p>The distance measured parallel to the front lot line at the point of the minimum required front yard setback ("A"). For a cul-de-sac parcel, the horizontal distance ("A") between the side lot lines measured at the front setback line. No portion of the lot between the front and rear setback lines may be less than the minimum lot width.</p>

**Table 2.4.1-1 Measurements**

Measurement	
<b>Lot Types</b>	<p><b>Corner Lot.</b> A lot abutting two streets at their intersection.</p> <p><b>Through or Double-Frontage Lot.</b> An interior lot that fronts on two streets that do not intersect at the boundaries of such a lot. The required front yard setback shall be provided on both street frontages.</p> <p><b>Interior Lot.</b> A lot whose side lot lines abut alley rights-of-way or other lots instead of non-alley public or private rights-of-way.</p> <p><b>Triple- / Multi-frontage Lot.</b> A lot abutting more than two non-alley street rights-of-way.</p>

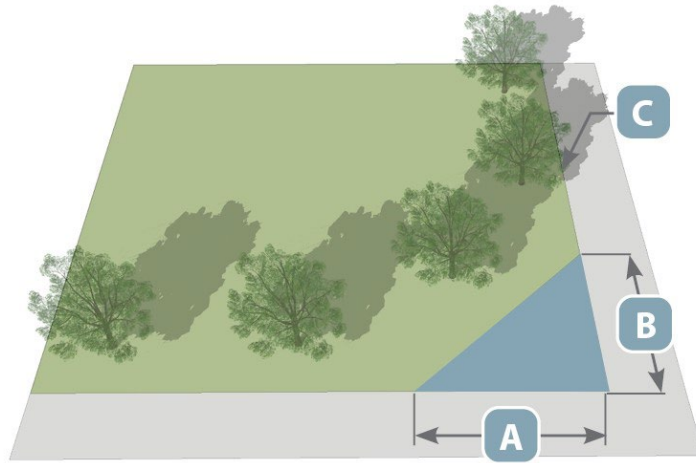


**Table 2.4.1-1 Measurements**

Measurement	
<p><b>Setback, Required</b></p>	<p>The horizontal distance of a required private open area at grade between the outer wall of a building or structure ("E") and the adjoining property lines ("D"), or, in the case of an abutting private street, the back-of-curb, unoccupied and unobstructed by any portion of a structure from the ground upward except as allowed in this UDO. The front ("C") and rear setback ("B") lines span the entire width of the property. The interior side ("F") and street side ("A") setback lines extend from the required front setback line to the required rear setback line.</p> 
<p><b>Visibility Triangle (or Sight Triangle)</b></p>	<p><b>Triangle Measurement:</b> A triangular area that includes that portion of public right-of-way and any private property adjacent to the intersection of any street established by measuring a distance of 25 feet (<b>A</b> and <b>B</b>, below) for Principal Arterial, Minor Arterial, and Collector Street and 15 feet (<b>A</b> and <b>B</b>, below) for a Local Street. The distance shall be measured from the point of the intersection of two streets along the right-of-way (<b>C</b>) of each of the intersecting streets and connecting the ends of each measure distance to assure adequate visibility sight lines for vehicular traffic approaching the intersection.</p>

**Table 2.4.1-1 Measurements**

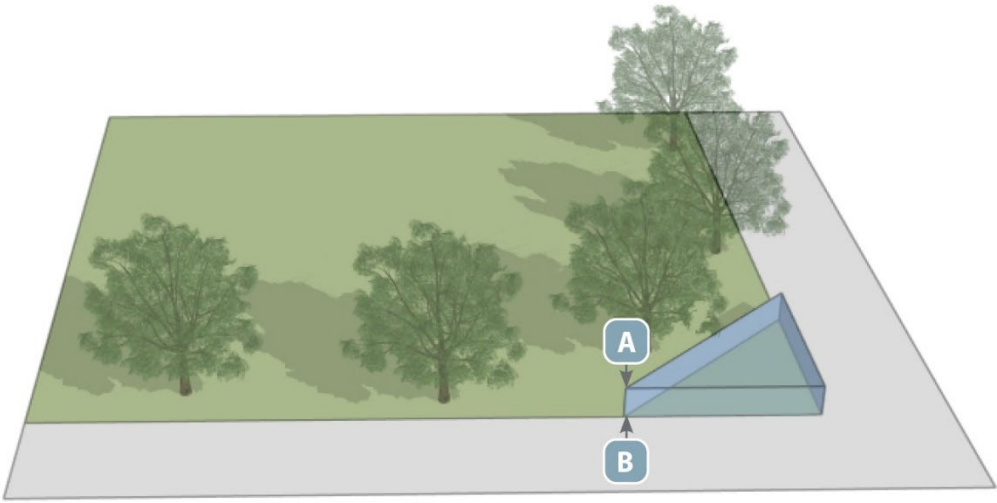

**Measurement**



Illustrative Only

**Vertical Visibility at Triangles:** Visual obstructions within visibility triangles, including vegetative landscaping, shall be no greater in height than 30 inches above (A) the top of the adjacent curb or centerline of the pavement (B) when allowed to grow to its maximum height unless approved by the City Engineer.

**Table 2.4.1-1 Measurements**

Measurement	
	 <p style="text-align: center;">Illustrative Only</p>
<p><b>Distance Between Uses</b></p>	<p>The distance shall be measured as a traveled distance along public streets, but not including an alley.</p> 

# ARTICLE 3 DEVELOPMENT STANDARDS

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Sec. 3.9.1 Stormwater Retention or Detention Facilities

## Division 3.1 Purpose and Applicability

### Sec. 3.1.1 Purpose and Applicability

A. **Purpose.**

**Table 3.1.1-1, Site Development and Design Purpose Statements**

Division	Purpose Statements
<p><i>Division 3.2, Building and Site Design</i></p>	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> <li>▪ Establish reasonable design standards for residential, nonresidential, and mixed-use buildings to provide for visually appealing development that enhances the overall quality and character of the community, while balancing the development and commercial needs of property owners.</li> <li>▪ Establish standards for height, materials, and permitted locations for fences and accessory walls;</li> <li>▪ Ensure that outdoor displays, sales, storage, and refuse containers are compatible with associated and nearby uses and do not create an unsightly appearance of unrestricted clutter;</li> <li>▪ Protect property values by lessening the impact that commercial properties have on surrounding residential development.</li> </ul>
<p><i>Division 3.3, Parking, Loading, and On-Site Circulation</i></p>	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> <li>▪ Ensure that adequate off-street parking for vehicles and bicycles and facilities for loading and stacking are provided for new land uses and changes in use;</li> <li>▪ Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking lots;</li> <li>▪ Establish standards and regulations for safe and well-designed vehicle use areas that minimize conflicts between pedestrians and vehicles;</li> <li>▪ Access to sites is managed to maintain the desired function and safety of the adjacent streets; and</li> <li>▪ Provide off-street bicycle parking facilities that are located and designed to serve the bicycle community.</li> </ul>

**Table 3.1.1-1, Site Development and Design Purpose Statements**

Division	Purpose Statements
<p><i>Division 3.4, Landscaping, Screening, and Trees</i></p>	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> <li>▪ Establish minimum exterior landscaping requirements that enhance the outdoor visual character of residential neighborhoods, commercial districts, mixed use districts, and industrial areas;</li> <li>▪ Improve pedestrian safety and experience within parking areas and along public rights-of-way;</li> <li>▪ Improve the appearance of off-street vehicular parking areas and loading/unloading areas when adjacent to and visible from an abutting public right-of-way;</li> <li>▪ Establish screening and buffering between conflicting land uses and zoning districts;</li> <li>▪ Encourage the use of pervious materials that absorb stormwater and mitigate flooding, decrease soil erosion, and increase water retention;</li> <li>▪ Protect and support the planting and maintenance of trees; and the retention of existing significant vegetation; and</li> <li>▪ Reduce noise, air pollution, light glare, soil erosion and heating of the environment.</li> </ul>
<p><i>Division 3.5, Outdoor Storage and Display</i></p>	<ul style="list-style-type: none"> <li>▪ [Reserved]</li> </ul>
<p><i>Division 3.6, Signs</i></p>	<ul style="list-style-type: none"> <li>▪ [Reserved]</li> </ul>
<p><i>Division 3.7, Outdoor Lighting</i></p>	<ul style="list-style-type: none"> <li>▪ [Reserved]</li> </ul>

**Table 3.1.1-1, Site Development and Design Purpose Statements**

Division	Purpose Statements
<p>Division 3.8, <i>Streets, Sidewalks, and Access Management</i></p>	<p>The purposes of this Division are to:</p> <ul style="list-style-type: none"> <li>▪ Support the City's goal to create walkable neighborhoods and mixed use districts;</li> <li>▪ Ensure the safe and efficient movement of pedestrians, vehicles, bicycles, on public sidewalks and roadways;</li> <li>▪ Facilitate safe and convenient pedestrian movement and access to and within new and established residential neighborhoods, schools, parks, workplaces, institutions, commercial areas, entertainment destinations, mixed use districts, and other pedestrian generators.</li> <li>▪ Manage the location, design, and operation of access points to public and private streets, and highways;</li> <li>▪ Minimize conflicts between transportation modes and reduce potential crash risks;</li> <li>▪ Preserve roadway capacity and maintain acceptable levels of service;</li> <li>▪ Support land use planning and development through coordinated access decisions; and</li> <li>▪ Protect the functional integrity of transportation corridors through strategic access planning.</li> </ul>

**B. Applicability.**

1. *Generally.* The standards of this article apply to and are required of new development, redevelopment, and expansions of uses, sites, and buildings.
2. *Timing of Compliance.* No Certificate of Occupancy or other permissions to operate shall be issued until all site improvements required in this division are constructed in conformance with the approved application required in Division 5, Subdivision 2 of this article.

## Division 3.2 Building and Site Design

### Sec. 3.2.1 General Provisions




**A. Applicability.**

1. *New Construction.* The building design standards in this Division apply to all new residential housing types, nonresidential principal buildings, accessory structures, and additions unless otherwise specified in Paragraph A.3 in this section.
2. *Major Additions or Renovations.* These standards also apply to multiplexes, multi-unit dwellings and nonresidential principal buildings that may be:
  - a. Expanded by 25 percent or more of its gross floor area; or



- b. Altered in a way that modifies 25 percent or more of its street-facing facade.
  3. *Exemptions.*
    - a. **Minor Additions or Renovations.** Minor additions or renovations that do not exceed thresholds in the Paragraphs 2.a and 2.b. are exempt, unless otherwise specified in [Sec. 3.2.2, Residential Infill in Existing Neighborhoods](#).
    - b. **Single-Unit, Two-Unit Attached Dwellings, Townhomes (≤6 units), and Multiplex** are exempt from this section, with the exception of exterior insulation and finish systems (EIFS) and exposed concrete block construction, which are prohibited for such housing types and unless otherwise specified in [Sec. 3.2.2, Residential Infill in Existing Neighborhoods](#).
    - c. **Manufactured Homes.** The building design standards of this Division do not apply to manufactured homes.
    - d. **Facade Damage.** Damage to the facades of existing buildings due to natural disasters, Acts of God, or other circumstances outside the owner's control are exempt from these building design standards.
  4. *Conflicts with Other Sections.* In the event of conflict between this section and district-specific standards, the more specific or restrictive provision shall apply.
- B. Permitted Exterior Building Materials.**
1. *Material Standards.*
    - a. All buildings shall use high-quality, durable exterior materials.
    - b. Materials visible from public streets or public parks shall comply with [Table 3.2.1-1, Permitted Exterior Building Materials](#).
  2. *Facade Composition.*
    - a. Building facades visible from public rights-of-way, parking areas and interior drives, or amenity spaces shall incorporate at least two distinct exterior finish materials of categories 1 – 4 shown in [Table 3.2.1-1](#);
    - b. The application of these materials shall be proportional and consistent across all visible elevations; and
    - c. Visual variety shall be achieved through one or more of the following:
      - i. Variation in materials and colors;
      - ii. Architectural features (e.g., porches, porticos, dormers, bay windows, shutters, awnings).
  3. *Material Transitions.*
    - a. Where multiple materials are used, transitions shall coincide with architectural elements, changes in plane, or structural edges—not at flat wall surfaces; and
    - b. Vertical changes should occur at inside corners or projections; horizontal transitions shall not occur at outside corners unless part of a design element (e.g., column, pilaster).
  4. *Additions.* Exterior materials used for additions to existing structures shall match the color, style, texture, and quality of the original building.

**Table 3.2.1-1, Permitted Primary (≥ 60% of building elevation) Exterior Building Materials**







<b>1 Masonry</b>		<b>Photo Examples</b>				
1a) Modular Brick	1a)		1b)		1c)	
1b) Modular Stone						
1c) Architectural cast or precast concrete (detailed)						
1d) Architectural reinforced concrete (glass fiber, fiber)	1d)		1e)		1f)	
1e) Cement board siding						
1f) Terra cotta						
1g) Cast stone	1g)		1h)		1i)	
1h) Architectural concrete masonry unit						
1i) Prefabricated brick						
<b>2 Metal</b>		<b>Photo Example</b>				
2a) Metal panels	2a)		2b)		2c)	
2b) Metal accents						
2c) Composite wall panel						
<b>3 Siding</b>		<b>Photo Example</b>				
3a) Wood lap (natural or cement)	3a)		3b)		3c)	
3b) Wood (natural or cement)						
3c) Cement board siding						
<b>4 Stucco</b>		<b>Photo Example</b>				

4a) Authentic (detailed)	2a)	4b)	4c)
4b) Synthetic (scored)			
4c) Synthetic (not scored)			

**5 Glass Photo Example**

5a) Curtain wall	5a)	5b)
		
5b) Glass accent		

**Roofing Material Photo Example**

a) Asphalt shingle	a)	b)	c)
b) Concrete or clay tile			
c) Standing seam metal			
d) Metal shingles	d)	e)	f)
e) Solar Shingles			
f) Vinyl Membrane			

**C. Prohibited Exterior Building Materials.**

1. *Single-Unit and Two-Unit Attached Dwellings.* Exterior insulation and finish systems (EIFS) and exposed concrete block construction are prohibited.
2. *All Primary Buildings and Accessory Dwelling Units.* Exterior materials shall exclude panelized plywood or similar materials lacking durable finishes, architectural trim, or design articulation. Such materials are permitted for sheds and detached garages.
3. *All Buildings (Except Industrial).*
  - a. **Primary Exterior Material.** The primary exterior material on any building elevation, shall not consist of low-cost or industrial materials applied in a utilitarian or unfinished manner. The following materials are prohibited as the primary exterior finish:
    - i. Plain concrete masonry units (CMU) without a decorative finish (for example, split-face, burnished, or integrally colored block).
    - ii. Unfinished or unarticulated concrete, such as plain tilt-up panels or precast walls without decorative formwork, texturing, or detailing.

- iii. Exposed sheet or corrugated metal (e.g., aluminum, iron, or steel), unless part of a finished architectural panel system.
  - iv. Vinyl. If used as a non-primary exterior finish, it must consist of mid-grade quality.
4. *Exceptions.*
- a. Such materials may be used as secondary exterior finish materials if they cover no more than 10 percent of the surface area. Buildings designed for planned expansion may use architectural metal panels on the wall(s) to be removed for expansion of the building.
  - b. The Director may approve high-quality architectural applications of otherwise restricted materials if they are finished to a high standard and clearly contribute to the overall design of the building. Examples include board-formed concrete, textured or articulated metal panels, or other contemporary materials that demonstrate thoughtful detailing and visual interest.
  - c. Glare-Producing Materials. Façade materials shall not produce excessive glare as viewed from public streets or adjacent residential properties.

### **Sec. 3.2.2 Residential Infill in Existing Neighborhoods**

- A. **Purpose.** Some lots within existing residential neighborhoods are undeveloped due to lot dimensions, unique lot shape, are encumbered by easements or utilities, difficult terrain, inability to meet underlying zoning district standards, or other constraints. The purposes of these standards are to enable new investment in these areas while helping to sustain the neighborhoods' character and integrity and ensuring new development conforms to this UDO without requiring variances.
- B. **Applicability.** The standards of this section apply in the RE and RN districts.

**Figure 3.2.2-1, Example of Infill Development in an Existing Neighborhood**

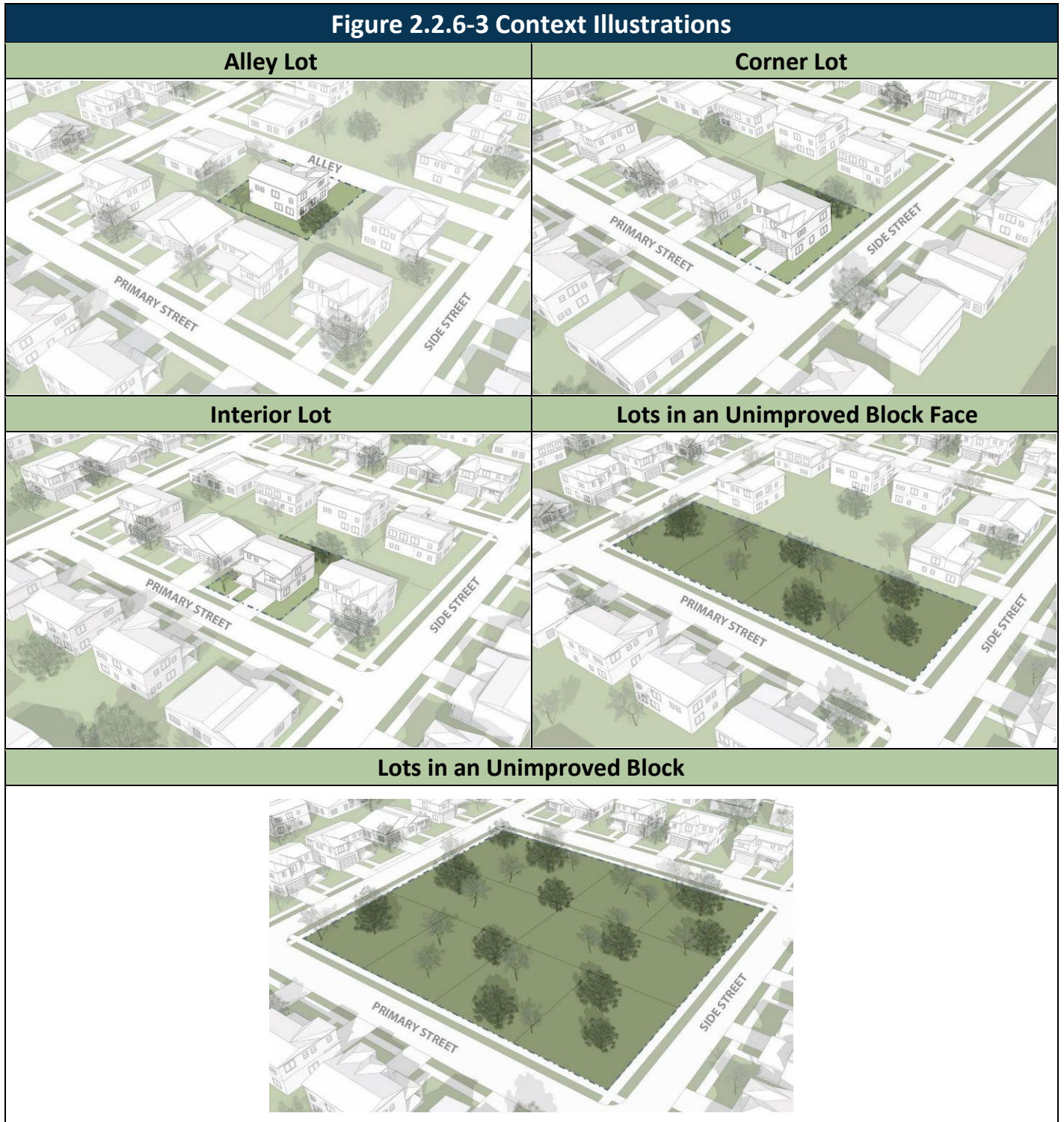


**C. Infill Standards.**

1. *Permitted Dwelling Unit Types by Zoning Districts.* RN zoned parcels may be developed with a single-unit dwelling or two-unit attached dwelling. RE zoned parcels may be developed with a single-unit dwelling.
2. *Parking.* Parking shall comply with applicable standards under [Division 3.3](#).
3. *Drainage.* The proposed development shall not materially alter drainage conditions.
4. *Driveways.* Driveways shall be at least 25 feet in length, as measured from the property line to the building wall or garage door comply with applicable standards under Subsection [3.2.3](#).
5. *Compatible Building Appearance.* New construction shall be compatible in appearance with adjacent existing dwelling units by incorporating at least four of the following substantially similar features:
  - a. Location and style of garage.
  - b. Exterior building color.
  - c. Exterior building materials.
  - d. Front porches or porticos.
  - e. Shape, size, and alignment of windows and doors.
  - f. Roof pitch and overhang.
6. *Reduced Setbacks.*
  - a. *Side Setback:* The following reduced setbacks apply to parcels not meeting the underlying district lot width standard:

- i. Eight-foot setback for two-unit attached abutting a single-unit dwelling.
      - ii. Five-foot setback for single-unit dwellings.
    - b. *Front Setback.* The following reduced setback applies to parcels not meeting the underlying district minimum lot area standard:
      - i. Non-lakefront: The front setback may be reduced to the average existing front setback of abutting dwellings along the same side of the street and directly across the street, but no less than 20 feet.
      - ii. Lakefront: 20 feet
    - c. *Rear Setback.* Non-lakefront is reduced to 30 feet. Lakefront is 40 feet.
  7. *Vacant Parcels.* Is currently undeveloped and has been undeveloped for eight continuous years.
  8. *Abutting Residential Uses.* The infill parcel must abut residential use parcels on two sides.
  9. *Utilities.* All dwelling units shall connect to city water and sewer utilities.
  10. *Director's Discretion.* The Director shall have the discretion to allow an infill development if any above standards cannot be met.
- B. Alternative Standards.** In place of the standards in [Sec. 2.2.2, Residential District Dimensional Standards](#), and other standards of this Code, the applicant may utilize the following alternative standards.
1. *Lot Area and Width.* The minimum lot area may be that of the smallest lot in the context of the development, as defined in Paragraph C, below. The minimum lot width may be that of the narrowest lot in the context of the development.
  2. *Minimum Floor Area.* The minimum floor area may be that of the average floor area in the context of the development.
  3. *Maximum Building Height.* The maximum building height may be that of the tallest building in the context, plus 15 percent of the height.
  4. *Minimum / Maximum Setbacks.*
    - a. The minimum front or street side setback may be that of 80 percent of the average front or street side setbacks in the context of the development.
    - b. The maximum front and street side setback, where applicable, may be that of the average of the front and street side setbacks of the context of the development, plus 10 percent.
    - c. The minimum side and rear setbacks may be that of 80 percent of the average side or rear setbacks in the context of the development.
- C. Development in Context.** This subsection identifies various contexts that inform the allowances provided in Subsection d., Alternative Standards, above, and as depicted in [Figure 3.2.2-2, Context Illustrations](#).
1. *Alley Lot.* If the infill site is an alley lot, then the context consists of other adjacent alley lots and the surrounding lots within the block that includes the infill site.
  2. *Corner Lot.* If the infill site is a corner lot, then the context consists of both block faces that include the infill site and the lots directly across the street from the infill site.
  3. *Interior Lot.* If the infill site is an interior lot, then the context consists of the block face that includes the infill site and the lots directly across the street from the infill site.
  4. *Lots in Unimproved Block Face.* If the infill site is within a block face that does not include other lots improved with buildings, then the context consists of the opposing block faces (being immediately opposite the same street as the project site) and the remaining lots on the block of the infill site.

5. *Lots in Unimproved Blocks.* If the infill site is within a block that does not include other lots improved with buildings, and the block face opposite the given project site does not include other lots improved with buildings, then the context consists of the block faces surrounding the block that includes the infill site.



## Sec. 3.2.3 Residential Buildings and Sites

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#### Division 3.2 Building and Site Design

#### Sec. 3.2.3 Residential Buildings and Sites

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#### Subsec. 3.2.3-C Townhouses

#### Subsec. 3.2.3-D Multiplexes

#### Subsec. 3.2.3-E Multi-Unit Dwellings

#### Subsec. 3.2.3-F Lakefront Lots

#### Subsec. 3.2.3-G Live/Work Accommodations [Reserved]

#### Subsec. 3.2.3-H Upper-Story Residential Dwellings [Reserved]

## Sec. 3.2.3 Residential Buildings and Sites

- A. Compliance with codes: The dwelling unit shall comply with all applicable building, electrical, plumbing, fire energy and other similar codes which are or may be adopted by the city, and with applicable federal or state standards or regulations for construction. Appropriate evidence of compliance with these standards or regulations shall be provided to the building inspector.
- B. Zoning compliance: The dwelling unit shall comply with all restrictions and requirements of this article, including, without limitation, the lot area, lot width, residential floor area, setback, and building height requirements of the district in which it is located.
- C. Foundation: The dwelling unit shall be firmly attached to a permanent continuous foundation which complies with applicable provisions of the building code adopted by the city.
- D. Installation: If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and towing mechanism removed.
- E. Water and sanitary: The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the city.
- F. Roof pitch: All single-unit dwellings that are erected in, constructed in, or moved into any of the zoning districts that allow such a residential use shall have a minimum width and roof pitch equal to that required in districts that allow such a use and a minimum width of 24 feet throughout the entire length as measured between the exterior part of the walls having the greatest length, and a double pitched roof of not less than three feet of rise for each 12 feet of run, unless 20 percent of the dwellings within one-half mile has less pitch, then the roof pitch may equal the average of dwellings in the area. The roof shall be covered by asphalt, cedar shake, or slate shingles or standing seam metal.
- G. Manufactured home community: The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the city according to the provisions of this article except to the extent required by state or federal law.

### Subsec. 3.2.3-A Single-Unit Detached Dwellings

- A. **Applicability.** The standards of this section apply to all new single-unit detached dwellings, as permitted in [Sec. 2.3.1, Principal Use Table](#). Construction or placement of a single-unit dwelling on any lot or parcel shall be permitted only if the dwelling complies with the standards of this section.
- B. **Foundation.** The dwelling unit shall be firmly attached to a permanent continuous foundation that complies with applicable provisions of the building code adopted by the City.
- C. **Water and Sanitary.** The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the County.
- D. **Building Orientation.** Primary entrances shall face a public or private right-of-way to the maximum extent practicable. The Director may approve alternative orientations for primary entrances facing common green spaces or other common areas such as courtyards, plazas, or gathering spaces.
- E. **Fences.** Shall not be taller than six feet and be designed to have the framing face the interior of the property.
- F. **Driveways.** A driveway for non-lakefront property shall meet the following criteria:
  - 1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
  - 2. No more than one driveway shall be provided to an individual parcel.
  - 3. Driveways must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers.
  - 4. For driveway improvements located within the public right-of-way, on streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
  - 5. A driveway shall not exceed an average width of 24 feet from edge to edge in the front yard, except that an average width of 30 feet from edge to edge in the front yard is permitted for lots or parcels of 100 feet in width or more.
  - 6. A driveway shall not occupy more than 50 percent of the area included in the front yard.
  - 7. A driveway must be at least 25 feet in length, as measured from the property line to the garage door, or to the primary building wall if there is no front-facing garage door.
  - 8. Reconstruction of existing driveways must comply with this subsection.
  - 9. For driveways on lakefront lots, see Subsec. 3.2.3-F.
- G. **Garages.**
  - 1. *Garages on Lakefront Lots. (See Subsec. 3.2.3-F, Lakefront Lots.)*



- H. **Manufactured Homes.** If the dwelling unit is a manufactured home, the manufactured home shall be either

5. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile 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; or
  6. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection A. above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
  7. Manufactured homes shall be installed with the wheels and towing mechanism removed.
- I. **Manufactured Home Communities.** The standards of this section shall not apply to a manufactured home located in a manufactured home community licensed by the Michigan Manufactured Home Commission and approved by the City according to the provisions of this article except to the extent required by state or federal law.
- J. **Modular Homes.** Modular or prefabricated single-unit detached dwellings shall be subject to the requirements of this subsection.

### **Subsec. 3.2.3-B Two-Unit Attached Dwellings**

- A. **Applicability.** The standards of this section apply to all new two-unit attached dwellings, as permitted in [Sec. 2.3.1, Principal Use Table](#).
- B. **Building Design Standards.**
1. *Foundation.* The dwelling unit shall be firmly attached to a permanent continuous foundation that complies with applicable provisions of the building code adopted by the City.
  2. *Building Orientation.* Primary entrances shall face a public or private right-of-way to the maximum extent practical and shall be limited to one primary entrance per street frontage. The Director may approve alternative orientations for primary entrances facing common green spaces or other common areas such as courtyards, plazas, or gathering spaces.
- C. **Common Walls.** Dwelling units shall be attached to each other by the following methods:
1. A common party wall which does not have over 80 percent of its area in common with an abutting dwelling wall; or
  2. Through a common party wall in only the garage portion of an abutting structure.
- D. **Compatible Building Appearance.** To ensure newly constructed two-unit attached dwellings are compatible in appearance with adjacent existing dwelling units, the applicant shall be required to incorporate five or more of the following substantially similar features:
1. Location and style of garage and driveways.
  2. Exterior building color.
  3. Exterior building materials.
  4. Front porches or porticos.
  5. Shape, size, and alignment of windows and doors.
  6. Roof pitch, design, and overhang.
  7. Height, size, and scale of the house.
- E. **Driveways.** A driveway for non-lakefront property shall meet the following criteria:
1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
  2. No more than one driveway per dwelling unit shall be provided.

3. Driveway must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers.
  4. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
  5. The driveway shall not exceed an average width of 24 feet from edge to edge in the front yard, except that an average width of 30 feet from edge to edge in the front yard is permitted for lots or parcels of 100 feet in width or more.
  6. The driveway shall not occupy more than 50 percent of the area included in the front yard.
  7. The driveway must be at least 25 feet in length, as measured from the property line to the garage door, or to the primary building wall if there is no front-facing garage door.
  8. Reconstruction of existing driveways must comply with this subsection.
  9. For driveways on lakefront lots, see Subsec. 3.2.3-F.
- F. **Fences.**
1. Fences shall not be taller than six feet.
  2. The framing face of a fence shall face the interior of the property.
- G. **Garages.**
1. *Garages on Lakefront Lots.* (See Subsec. 3.2.3-F.)
- H. **Water and Sanitary.** The dwelling unit shall be connected to public sewer and water supply systems, or to private facilities for potable water and disposal of sewage approved by the County.

### Subsec. 3.2.3-C Townhouses

- A. **General Provisions.**
1. *Location.* If a townhouse development is abutting a principal or minor arterial or major collector street, the townhouses shall face these same streets.
  2. *Number of Units.* The development shall consist of three or more connected units, and all units shall have separate first floor entryways.
- B. **Common Walls.** Dwelling units shall be attached to each other by the following methods:
1. A common party wall which does not have over 80 percent of its area in common with an abutting dwelling wall; or
  2. Through a common party wall in only the garage portion of an abutting structure.
- C. **Side Setback not Required.** Side yard setbacks shall not be required along the common party wall.
- D. **Fences.** Shall not be taller than six feet and be designed to have the framing face the interior of the property.
- E. **Garages.** Front-facing garages for townhouses in any zoning district shall meet the following:
1. Attached garages shall not project more than six feet beyond the main front elevation of the dwelling. An unenclosed or uncovered front porch shall not be considered a main front elevation.
  2. Attached garages shall not consist of more than 60 percent of overall front building width.
- F. **Water and Sewer Required.** The development shall be served by public water supply and public sanitary sewer collection systems.

**G. Landscaping and Screening Standards.**

1. *Landscaping.* On corner lots, building frontage landscaping per Division 3.4 shall apply on the non-front facing elevation side.
2. *Screening.* Screening shall be provided that buffers the development from abutting single-unit detached dwellings meeting requirements Type 1 of [Division 3.4, Landscaping, Screening, and Trees](#).

**H. Driveways.** A driveway for non-lakefront property shall meet the following criteria:

1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
2. No more than one driveway shall be provided to an individual parcel.
3. Driveway must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
4. The driveway shall not exceed an average width of 24 feet from edge to edge in the front yard, except that an average width of 30 feet from edge to edge in the front yard is permitted for lots or parcels of 100 feet in width or more.
5. The driveway shall not occupy more than 50 percent of the area included in the front yard.
6. The driveway must be at least 25 feet in length, as measured from the property line to the garage door, or to the primary building wall if there is no front-facing garage door.
7. Reconstruction of existing driveways must comply with this subsection.
8. For driveways on lakefront lots, see Subsec. [3.2.3-F](#).

**I. Building Exterior Standards.** (See [Sec. 3.2.1](#)).

## **Subsec. 3.2.3-D Multiplexes**

The following building and design standards shall apply to multiplex developments:

- A. [Sec. 3.2.6, Transitional Standards](#).
- B. [Division 3.4, Landscaping, Screening, and Trees](#).
- C. [Division 3.8, Streets, Sidewalks, and Access Management](#).
- D. [Sec. 3.2.1, -B, Permitted Building Exterior Materials](#).
- E. **Driveways.** A driveway shall meet the following criteria:
  1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
  2. Driveway must be comprised of concrete or asphalt. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.

### Subsec. 3.2.3-E Multi-Unit Buildings

The following building and design standards shall apply to multi-unit buildings:

Sec. 3.2.6, *Transitional Standards* shall apply.

- A. Off-street parking areas shall be screened per [Division 3.4, Landscaping, Screening, and Trees](#) when facing a residential building or buildings located on an abutting parcel.
- B. [Division 3.8, Streets, Sidewalks, and Access Management](#).
- C. **Fences.** Shall not be taller than six feet and be designed to have the framing face the interior of the property.
- D. [Sec. 3.2.1-B, Permitted Building Exterior Materials](#).
- E. **Driveways.** A driveway shall meet the following criteria:
  - 1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
  - 2. Driveway must be comprised of concrete or asphalt. For driveway improvements located within the public right-of-way: On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.

### Subsec. 3.2.3-F Lakefront Lots

The following standards shall apply to all development on lakefront lots:

- A. **Rear Yard Faces Waterfront.** The rear yard shall be considered as the portion of the lot facing the waterfront.
- B. **Accessory Structures.** See [Sec. 2.3.4, Accessory Uses, Buildings, and Structures](#) for requirements for accessory buildings on lakefront lots.
- C. **Site Elements.** Pergolas, arbors, trellises, and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.
- D. **Fences.** Fences up to four feet in height shall be permitted in the rear (lakeside) of the house. Permitted fencing materials on lakefront lots include chain link, wire, wrought iron, and split rail. Other similar fence materials and designs may be permitted by the Director.
- E. **Driveways.** A driveway shall meet the following standards:
  - 1. A permit shall be required before any major driveway work, including exact replacement, resizing, relocation, expansion, or installation of a new driveway through the Department of Community Development.
  - 2. No more than one driveway shall be provided to an individual parcel.
  - 3. Driveway must be comprised of the following approved materials: concrete, asphalt, porous pavement, gravel, or pavers.
  - 4. For driveway improvements located within the public right-of-way:
    - a. On streets with curbs and gutters, driveway improvements must be constructed of concrete and must comply with city engineering specifications.

- b. On streets without curbs, driveway improvements within the public right-of-way shall be constructed of either concrete or asphalt.
  - c. The driveway shall not exceed an average maximum width of 30 feet and must comply with the following:
  - d. If the driveway exceeds 50 percent of the front yard area, the property owner must submit a drainage plan prepared, signed, and sealed by a Professional Engineer licensed in the State of Michigan. The plan must demonstrate that runoff from all impervious surface is retained and infiltrated on-site and/or discharged to surface water in accordance with applicable EGLE (Michigan Department of Environment, Great Lakes, and Energy) requirements.
  - e. Reconstruction of existing driveways must comply with this subsection.
- F. **Garages.** Within one year of demolition of an existing residential detached garage which does not meet the front yard setback, it may be rebuilt if it faces the street and is located at least 20 feet away from front property line (ROW) or at least 15 feet from the front property line (ROW) if it does not face the street.
- G. **Artificial Grade.** Artificial raising or lowering of the natural grade for the purpose of increasing building height or altering required setbacks, is prohibited. Minor grading strictly for onsite drainage, utility connections, or code-required access is allowed. Building height for new construction shall be measured from the pre-construction natural grade documented by a sealed topographic survey (date-stamped prior to earth change) rather than any finished or altered grade.
- H. **Riparian access.**
- 1. The requirements of this section are intended to limit the number of users of lake frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the city.
  - 2. The restrictions of this section shall apply to all lake front lots and parcels, as defined in division 2 of this article, regardless of whether access to the lake waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, lease, or similar method.
  - 3. The restrictions of this section shall also be applicable to any planned development or special land use projects or developments approved under the provisions of this article. Where a planned development or special land use project or development is considered, the planning commission and city council shall consider, in addition to the approval standards applicable to the proposed project that the use will not lead to conflicting waterfront use or additional water surface overcrowding.
  - 4. Lakefront lots reserved for the use of owners of riparian rights shall conform, in all respects, to the minimum lot area and width requirements of the districts in which they are located.
  - 5. Use of lakefront lots for the purpose of providing access to such body of water for nonriparian property owners or the occupants/tenants thereof shall not be permitted in any district.
  - 6. In all zoning districts, no lake access, boat ramps, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial purposes, outdoor recreation (or entertainment) facilities, institution or nonresidential uses or purposes unless such use is authorized under the provisions of the zoning district in which such facilities are to be located.
  - 7. In addition to the limitations imposed by this section, the nonriparian access and use of lake front lots is prohibited.

### **Subsec. 3.2.3-G Live/Work Accommodations**

[Reserved.]

### Subsec. 3.2.3-H Upper-Story Residential Dwellings

[Reserved.]

### Sec. 3.2.4 Mixed-Use and Nonresidential

[Reserved.]

### Sec. 3.2.5 Mixed Use Frontage Types

[Reserved.]

### Sec. 3.2.7 Utilities

[Reserved.]

## Division 3.3 Parking, Loading, and Circulation

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Division 3.3 Parking, Loading, and Circulation

Sec 3.3.1 General Provisions

### Sec 3.3.1 General Provisions

- A. **Applicability.** There shall be provided in all districts, at the time of erection or enlargement of a main building or structure, or change in use, designated off-street parking space with adequate access to all spaces.

- B. **Timing.** The off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy.
- C. **Maximum Parking Requirement.** To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, a maximum permissible off-street parking standard shall be imposed on any off-street parking lot or facility for which [Sec. 3.3.2](#), Required Off-Street Parking, indicates 100 or more spaces are required.
  - 1. No parking lot shall have parking spaces totaling 25 percent more than the minimum parking space requirements as set forth in [Sec. 3.3.2](#).
  - 2. The Planning Commission may grant an exception to the maximum parking requirement if the property owner or applicant provides evidence that such parking is necessary to accommodate the use on a typical day.
- D. **Reduction in Parking Requirements.** The minimum parking spaces as required in [Sec. 3.3.2](#), may be reduced in accordance with the standards in [Sec. 3.3.3](#), *Parking Reductions*.
- E. **Off-Site Parking.** Off-street parking may be provided on a different lot than the zoning lot it is intended to serve, under the following conditions:
  - 1. Subject to Director approval, an off-street parking lot may be located on the different zoning lot than it is intended to serve if meets all of the following criteria:
    - a. The parking lot entrance shall be located within 500 feet of the public entrance of the main building it serves.
    - b. A minimum five-foot-wide paved sidewalk from the parking lot entrance to the main building entrance is available for pedestrian use.
    - c. The lot shall not be on the opposite side of a major or minor arterial roadway unless access to a signalized intersection with a crosswalk or refuge island is available for pedestrians. The walking distance from the parking lot to the main building entrance by way of the signalized intersection shall not exceed 750 feet.
    - d. The amount of off-site parking shall be limited to no more than 25 percent of the minimum parking spaces as required in [Sec. 3.3.2](#).
    - e. A parking agreement must be executed between property owners of the affected parcels and recorded with the County.
- F. **Change of Use.** An area once designated as required off-street parking shall not be changed to any other use unless and until equal parking facilities are provided elsewhere.
- G. **Parking Space Size.** The size of off-street parking spaces shall meet [Sec. 3.3.4](#), *Parking Lot and Parking Space Design*.
- H. **Prohibited Activity.**
  - 1. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles in areas designated for off-street parking is prohibited.
  - 2. Off-street parking for a nonresidential use shall not be allowed in a residential district.
- I. **Uses Not Listed.** For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the Director considers similar in type. Should the Director determine that review by the Planning Commission is necessary due to unique or unusual circumstances, the director may, with 10-day written notice to the applicant, refer this matter to the commission. In addition, a person aggrieved by a final decision of the director may file an appeal with the Planning Commission specifying the grounds thereof within 30 days of receiving notice of the director's decision.

- J. **Fractional Requirements.** When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- K. **Definitions Apply.** For the purpose of computing the number of parking spaces required, the definition of floor area, usable (UFA) set forth in Division 10.2, Definitions shall govern.
- L. **Barrier-Free Parking.** Barrier-free parking shall be provided and constructed in accordance with [Sec. 3.3.5, Accessible Parking \(ADA\)](#), and the general rules of the State Construction Code Commission.
- M. **Bicycle Parking.** See [Sec. 3.3.2, Required Off-Street Parking](#), for specific use-based minimum requirements and [Sec. 3.3.8, Bicycle Parking](#), for bicycle parking design standards.
- N. Parking lot design alternatives. May consider such items including rain gardens, bio-swales, pervious pavement, charging stations for electric vehicles, and other green/sustainable techniques.
- O. **Deferred Parking.**
  1. Where an applicant demonstrates that the parking requirements for a particular proposed use would be excessive, a plan may be approved pursuant to Chapter 42, Division 5, Subdivision 2, Site Plan Review designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed upon a finding that the standard parking requirements would be initially excessive.
  2. The approval shall require reserved areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.
  3. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required, based on parking needs, and shall require the submission and approval of an amended site plan, as required by Chapter 42, Division 5, Subdivision 2, Site Plan Review, of this article.

### Sec. 3.3.2 Off-Street Parking and Stacking Spaces

- A. **Applicability.** This section applies to vehicle off-street parking and required vehicle staging spaces for all uses and structures in all zoning districts, with exceptions where noted. In addition to those spaces, bicycle parking is required for some uses - see [Sec. 3.3.8, Bicycle Parking](#), for the required number of bicycle parking spaces for specific uses.
- B. **Number of Parking Spaces Required.**
  1. Table 3.3.2-1, *Off-Street Parking Requirements*, establishes the minimum number of off-street vehicular parking spaces for each listed use in all zoning districts with the exception of the LC, MU, CCMU, and CRMU mixed use zoning districts. All residential uses in those districts shall provide one off-street parking space per dwelling unit and all nonresidential uses in those districts shall provide one off-street parking space per 500 square feet of gross leasable floor area (GLA) or gross usable floor area (UFA).
  2. Where the number of parking spaces required is provided on a per employee basis, the calculation shall be based upon the maximum number of employees per the busiest shift.

**Table 3.3.2-1, Off-Street Parking Requirements**

Use	Minimum # of Spaces
DU = dwelling unit   sq. ft. = square feet   GLA = Gross Leasable Floor Area   UFA = Usable Floor Area -- = No minimum or no maximum / = per	
Residential Uses	
Accessory Dwelling Unit	1/ ADU

**Table 3.3.2-1, Off-Street Parking Requirements**

Use		Minimum # of Spaces
Household Living	Cottage Court Development	1/DU in shared parking areas + 2 visitor spaces per overall development
	Single-unit Detached Dwelling	2/dwelling unit
	Townhouse and Multiplexes	1.5/DU
	Two-unit Detached Dwelling	2/DU
	Manufactured Home	2/site
	Multi-unit Building	1.5/DU up to 49 DU; 1.25/dwelling unit for buildings with 50 or more DU
Group Living	Adult Foster Care, Family Group Home	1/2.5 beds + 1 /employee
	Adult Foster Care, Small Group Home (7-12 residents)	1/2.5 beds + 1 /employee
	Adult Foster Care, Large Group Home (13-20 residents)	1/2.5 beds + 1 /employee
	Assisted Living Facility	1/2 DU for residents + 1 /employee
	Boarding House	1/ bedroom
	Continuing Care Community	1/2 individual DUs + 1/60 beds for custodial or skilled nursing care + 1/employee
	Emergency Shelter	1/6 occupants +1/employee
	Nursing Home	1/3 beds + 1 /employee
	Rehab Center	1/3 beds + 1/employee
<b>Public and Civic Uses</b>		
General	Cultural Institution	1/800 sq. ft. UFA + 0.5/employee
	Hospital	2/bed
	Neighborhood or Community Center	1/800 sq. ft. UFA + 0.5/ employee
	Places of Worship	1/4 seats (or 1 per 6 ft of pew) + 1/employee
Educational Facilities	College or University	--
	School, K-12, Private	1/10 students +1/employee
Parks and Open Space	Cemetery, Columbarium, Mausoleum, or Memorial Park	--
	Public Park	--
	Public Recreational Facility	--
<b>Commercial Uses</b>		
General Commercial	Bed and Breakfast Establishment	1/guest room + 2 for owner
	Day Care Center, Child	1/8 children + 1 per employee
	Day Care - Family Child Care Home (7 or fewer)	N/A
	Day Care - Family Child Care Home 8-14	2 + 1 per nonresident employee (not including 2 spaces for existing house)
	Golf Course	6/hole + 1/employee

**Table 3.3.2-1, Off-Street Parking Requirements**

Use	Minimum # of Spaces
Short-term Rental	2/ DU (whole unit) or 1/bedroom (partial)
Swimming Pool Club, Private Clubs, Lodge Halls	1/3 persons at max. occupancy
<b>Utilities Uses</b>	
Utility and Public Service Buildings	--

C. **Vehicle Stacking Spaces.** [Reserved.]

### Sec. 3.3.3 Parking Reductions

A. **Generally.** An applicant who desires relief from minimum off-street parking requirement shall file a request with the Director specifying the grounds thereof in accordance with this section.

B. **Administrative Review.**

1. The Director may approve up to 10 percent reduction in the number of required parking spaces if the applicant demonstrates that a reduction is appropriate based on the applicant providing a parking study with specific parking demand forecasts for the proposed use and/or on the provision of alternative parking or transportation demand management programs that tend to reduce the demand for parking spaces, provided that:
  - a. The study is prepared by a professional transportation planner or traffic engineer;
  - b. The forecasts are based upon a peak parking analysis of at least five comparable uses; and
  - c. The comparability of the uses is documented in detail, including their location, gross floor area, street access, use types and restrictions, hours of operation, peak parking demand periods, and all other factors that could affect parking demand.
2. *Transportation Professional.* The Director may retain a qualified transportation planner or traffic engineer, at the applicant's expense, to review the parking demand forecast and provide recommendations to the Planning Commission.
3. *Deferred Parking.*
  - a. The balance of the land necessary to meet the parking requirements shall be held in reserve as an undeveloped area, to meet any future needs generated by an expansion of the business, a change in land use, or underestimated parking demand.
  - b. Where an applicant demonstrates that the parking requirements for a particular proposed use would be excessive, a plan may be approved pursuant to Division 5, Subdivision 2, designating portions of required parking spaces and paving reserved for future use. Likewise, a parking deferment may be imposed upon a finding that the standard parking requirements would be initially excessive.
  - c. The approval shall require deferred areas to be maintained in a landscaped appearance and shall include conditions under which the reserved parking areas must be paved.
  - d. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required, based on parking needs, and shall require the submission and approval of an amended site plan, as required by Division 5, Subdivision 2, of this article.

C. **Planning Commission Review.**

1. The Planning Commission may allow for a reduction of up to 25 percent of the off-street parking required per [Sec. 3.3.2](#), Required Off-Street Parking, may be granted, provided the applicant can demonstrate that a reduction would not cause adverse impacts on the site or the surrounding areas when meeting at least two of the following circumstances:
  - a. The use requires fewer ~~less~~ off-street parking spaces than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained [Sec. 3.3.2](#).
  - b. Shared parking by multiple uses shall be allowed where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
  - c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
  - d. Availability of other forms of travel such as the distance from a designated metro transit bus stop and the location of bike routes. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops, or bicycle parking facilities.
  - e. Any other reason which, in the Planning Commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.
2. The Planning Commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.

**D. Supplemental Information.**

1. The Planning Commission may also consider city policies regarding local traffic circulation and other city policies.
2. Before relief is granted by the Planning Commission, the applicant shall demonstrate either of the following:
  - a. The use involved is not specifically included in the minimum parking space requirements [Sec. 3.3.2](#), or
  - b. If the use involved is included in [Sec. 3.3.2](#), then it possesses such specialized and unique characteristics causing it to be substantially different from other uses in the same use category (See Appendix B, Use Categories.)
3. The Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "average peak period parking demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.
4. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the Planning Commission specifying the grounds thereof in accordance with this section. The Planning Commission may decide the request during site plan review or at such other time as determined by the Director or the Planning Commission. The Director shall transmit to the Planning Commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.

5. The Planning Commission shall hold a public hearing to consider an applicant's request for relief to reduce minimum parking requirements.
6. In granting relief under this section, the Planning Commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of city residents as well as the traveling public to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

### Sec. 3.3.4 Parking Lot and Parking Space Design

- A. **Applicability.** All nonresidential developments, and multiplexes, multi-units, townhouses, and cottage courts of five or more shall be constructed to comply with the requirements of this division and shall be designed, arranged, constructed, and maintained in accordance with the standards of this section, [Division 3.8](#), Access Management, and chapter 66 article 3 Access Management.
- B. **Permit Required.** No parking lot shall be constructed unless and until a permit therefore is issued by the Director. An application and construction drawings for such permit shall be submitted to the Department of Community Development showing compliance with this section.
- C. **Layout and Circulation.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:
  1. All spaces shall be provided adequate access by means of maneuvering lanes. Location of spaces resulting in backing directly onto a street is prohibited.
  2. Adequate ingress and egress to and from the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to and from a parking lot shall not be across areas zoned RE or RN.
  3. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
  4. All ingress and egress to and from a parking lot located in an area zoned for other than RE and RN shall be located at least 25 feet away from adjacent property zoned RE or RN.

**Table 3.3.4-1, Parking Space Dimensions**

Parking Pattern (degrees)	Maneuvering Lane Width (ft)	Parking Space (ft)		Total Width - Tier of Spaces Plus Maneuvering Lane (ft)	
		Width	Length	One Tier	Two Tiers
0 (Parallel) Parking	12	8	23	20	28
30 to 53	12	8½	20	32	52
54 to 74	15	8½	20	36½	58
75 to 90	22	9	18	41	60

- D. **Parking Lot Landscaping.** (See [Division 3.4](#), *Landscaping, Screening, and Trees*.)
- E. **Surface Materials.** The entire parking area, 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 director of transportation and utilities. Parking areas shall be surfaced within one year of the date the

permit is issued. All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the department of community development.

- F. **Drainage.** 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 or unless a retention area intended to be shared by more than one site has been designated in accordance with specifications approved by the director of transportation and utilities and appropriate easements prepared and recorded.
- G. **Walls.** In all cases where a wall extends to an alley which is a means of ingress to and egress from an off-street parking area, the wall may be ended not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
- H. **Required Design Elements.** Consistent with the Master Plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:
  1. Pedestrian connections from the public sidewalk to the main building entrance.
  2. Bicycle parking, which meets the requirements of [Sec. 3.3.8, Bicycle Parking](#).

### Sec. 3.3.5 Accessible Parking (ADA)

- A. **Generally.** Accessible parking spaces shall be provided in accordance with this Section, as required by the Americans with Disabilities Act (ADA) for all uses that are served by a parking lot.
- B. **Relationship to Required Number of Parking Spaces.** Accessible off-street parking spaces required by this Section shall count toward fulfilling the total off-street parking requirements.
- C. **Location of Accessible Spaces.** Accessible parking spaces shall be located as close as possible to an entrance, which allows such persons to enter and leave the parking area and building without assistance. If possible, the spaces shall be located so that the accessible route from the accessible spaces to the accessible entrance should not cross a driving aisle or road.
- D. **Number of Required Spaces.**
  1. Generally. Parking for disabled persons shall be provided as set out in Table 3.3.5-1, *Accessible Parking Requirements*, or as required by the Americans with Disabilities Act (ADA) Standards for Accessible Design and ADA Accessibility Guidelines for Buildings and Facilities published by the United States Access Board. If any of the standards within this Section and the United States Access Board are in conflict then whichever requires more spaces shall be used. Required accessible parking spaces are included in the total number of required parking spaces per Section 3.3.2, *Off-Street Parking Requirements*.
  2. Multi-Unit Residential Development. In multi-family residential development, one accessible parking space shall be provided for each unit that is designed for occupancy by a person with disabilities.

**Table 3.3.5-1, Off-Street Accessible Parking Spaces Required**

Total Number of Parking Spaces Provided	Minimum Number of Accessible Parking Spaces <sup>1</sup>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6

**Table 3.3.5-1, Off-Street Accessible Parking Spaces Required**

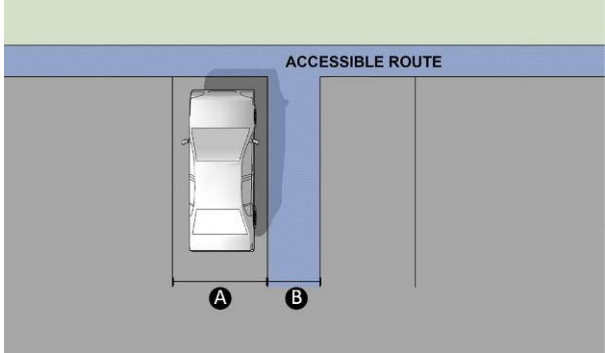
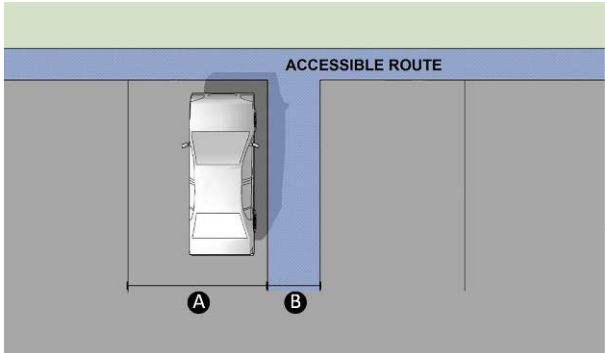
Total Number of Parking Spaces Provided	Minimum Number of Accessible Parking Spaces <sup>1</sup>
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total parking
1,001 and more	20 plus 1 for each 100 above 1,000
Special Parking Conditions for Specific Uses Minimum Number of Accessible Parking Spaces <sup>1</sup>	
Hospital Outpatient Facilities	10% of patient and visitor parking
Rehabilitation Facilities	20% of patient and visitor parking
Outpatient Physical Therapy Facilities	20% of patient and visitor parking

**Table Notes:**

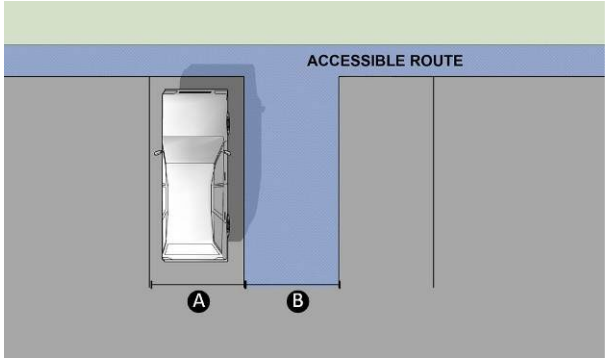
1. At least one out of six accessible spaces, rounded up, shall be van-accessible.

E. **Parking Space Size Specifications.** Table 3.3.5-2, *Accessible Parking Space Dimensions*, details the specific size requirements for both standard automobile and van-accessible ADA-accessible parking spaces.

**Table 3.3.5-2, Accessible Parking Space Dimensions**

Accessible Space Type	(A) Parking Space Width (min.)	(B) Access Aisle Width (min.)	Illustration
Car Accessible Space	8 ft.	5 ft.	
Van Accessible Space	Option 1: 11 ft.	5 ft.	

**Table 3.3.5-2, Accessible Parking Space Dimensions**

Accessible Space Type		(A) Parking Space Width (min.)	(B) Access Aisle Width (min.)	Illustration
Option 2:		8 ft.	8 ft.	

### Sec. 3.3.6 Off-Street Loading

- A. **Generally.** On any premises containing a building, structure, or portion thereof used for receiving or distributing vehicles, materials, or merchandise, adequate space for standing, loading, and unloading shall be provided and maintained on the lot. Such space shall be sufficient to prevent interference with public use of dedicated rights-of-way and shall comply with the requirements of this section.
- B. **Loading Area Location.**
- Off-street loading spaces shall be provided in nonresidential districts and in multi-unit developments per Table 3.3.6-1 and shall be provided in addition to any required off-street parking.
  - Off-street loading spaces consisting of a ramp, loading bay, garage door or other similar elements shall be located in an area not visible from a public street or ROW, and screened from abutting residential use per Sec 3.4 Landscaping, Screening, and Trees.
  - Off-street loading spaces shall be separate from fire lanes, maneuvering lanes and parking areas, and does not obstruct the flow of traffic in the parking area.
- C. **Required Loading Spaces.** The ratio of loading spaces required per square footage of nonresidential and multi-unit development are provided in Table 3.3.6-1.

**Table 3.3.6-1, Loading Spaces**

Use Grouping	Gross Floor Area (sq. ft.)	Loading Spaces Required
Nonresidential (Commercial Industrial)	[Reserved]	[Reserved]
Residential (Multi-unit Dwellings Only)	N/A	1 space if dwelling units on site exceed 100 units + 1 space for each additional 100 units

- E. **Loading Space Dimensions.** All spaces shall be laid out in the dimensions of at least ten feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with pavement having a smooth asphalt or concrete surface. The Director may approve a smaller

dimension based on the nature and character of the use, submittal of loading vehicle use in comparable developments, design of overall parking lot and circulation, and other relevant material.

**F. Deferred Loading Areas.**

1. Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive, a plan may be approved by the Director designating portions of required loading spaces and paving reserved for future use must be submitted in accordance with Division 5, Subdivision 2.
2. Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required, based on loading needs, and shall require the submission and approval of an amended site plan, as required by Division 5, Subdivision 2.

**Sec. 3.3.7 On-Site Circulation**

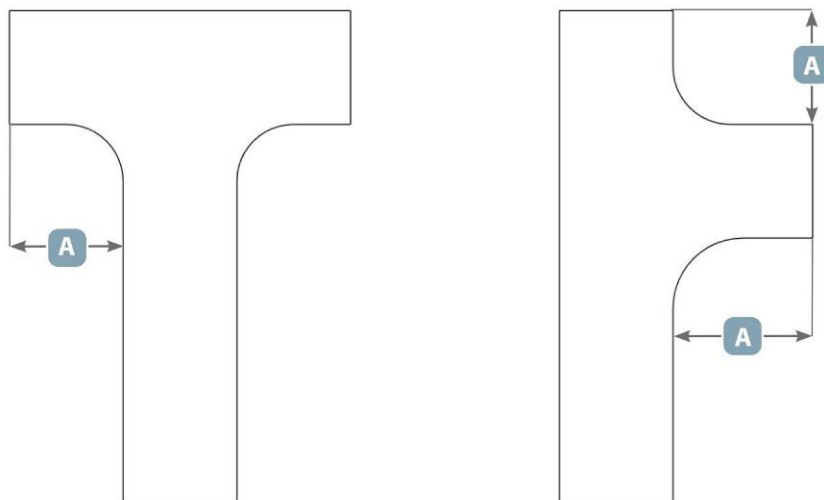
**A. Off-Street Parking Access.** All off-street parking shall have direct access to a public right-of-way through an alley, driveway, or permanent access easement.

**B. Street Classification.** Access to developed property shall be placed along a street in conformance with the type listed for the subject zoning district in [Division 2.3, Land Use Standards](#), unless otherwise stated in this Section.

**C. Vehicle Circulation.**

1. *Vehicles Spaces.* Except for a conventional detached residential dwelling, patio home, or duplex, or where valet or tandem parking is utilized, all required parking shall be designed so that vehicles enter or leave a parking space without having to move any other vehicle.
2. *Turn-Arounds.* Any parking row that does not provide two means of vehicular egress must provide a space designated as a turn-around area. This space shall be located at the end of a parking row, be designed with the minimum dimensions as shown in Figure 3.3.7-1, *Vehicle Parking Turnaround Configuration*, or another configuration deemed acceptable by the City Engineer, and include a “No Parking” sign.

**Figure 3.3.7-1, Vehicle Parking Turnaround Configuration**



**Figure Notes:**

A = 24 ft.

**D. Walkways.**

1. For developments with over 25,000 square feet of gross floor area, raised walkways a minimum of six feet in width shall link residential and commercial developments, common areas, and parking areas to the building. If a proposed development includes multiple buildings in the site design, then an overall connectivity plan shall be provided for the development, including crosswalks and other safety features designed to encourage walking as an alternative to vehicular transportation. Walkways shall be a minimum of five feet wide and shall have a minimum six-foot landscaped buffer area between the road or access way and the walkway itself. Walkways shall remain as unobstructed as possible by items such as plantings or trash receptacles.
2. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the buildings. This may be achieved in smaller lots by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking areas should channel pedestrians from the car to the perimeter of the lot. A paving material that is different in color and/or texture from that of vehicular areas shall delineate these pedestrian travel ways and shall be clearly marked. Small posts or bollards incorporating lights may also serve the same purpose.

**E. Pedestrian and Bicycle Access.**

1. *Generally.* All development subject to this Article shall be served by an internal pedestrian and bicycle circulation system of walkways and bikeways (including sidewalks, pedestrian and bicycle paths, and/or trails) that permit safe, convenient, efficient, and orderly movement of pedestrians and bicycles within the development. Walkways and bikeways shall also be provided between the internal pedestrian and bicycle circulation system, the adjoining existing or planned city-wide trail and greenway system, as applicable, and any adjoining parks, schools, and civic uses. Sidewalks shall connect to:
  - a. The primary entrance(s) of principal buildings;
  - b. Off-street vehicle and bicycle parking areas;
  - c. Existing or planned public transit stations or stops located on-site or on an adjacent street; and
  - d. Recreation facilities, common use areas, and amenities.
2. *Sidewalks Required.* All development subject to this Subsection shall install internal sidewalks or approved pedestrian paths in accordance with the provisions of this Code. All sidewalks within public rights-of-way or associated with private streets shall be installed in accordance with a subdivision improvement agreement or the requirements established by the City Engineer.
3. *Pedestrian Connectivity.* All new multi-family, non-residential, and mixed-use development shall comply with the following standards:
  - a. The internal pedestrian circulation system shall be designed to allow for pedestrian cross-access between buildings and parking areas and those on adjoining lots, or to the boundary of adjoining vacant land zoned to allow multi-family, non-residential, or mixed-use development.
  - b. The Director may waive or modify the requirement for pedestrian cross-access on determining that such cross-access is impractical or undesirable due to the presence of natural features, safety factors, or unusual lot configuration.
  - c. Prior to the issuance of a building permit, easements allowing cross-access shall be platted or recorded by a separate instrument in the office of the County Clerk and Recorder.
4. *Bicycle Connections.* All development subject to this Subsection shall provide bicycle access routes between public bikeways and on-site bicycle parking areas. Sites shall be designed to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements.
5. *Layout and Design.* The minimum widths of improvements are as follows:
  - a. Private Property.

- i. Bikeways or shared use paths: 10 feet wide or as follows the Michigan Department of Transportation Multi-Modal Development and Delivery Guidebook (M2D2); and
  - ii. Sidewalks:
    - (1) Eight feet in an RM, LC, MU, CC, and CR districts; or
    - (2) Five feet in all other districts;
  - b. Public Rights-of-Way: Per City Engineer requirements.
  - c. Be clearly distinguishable from vehicular traffic lanes by painted markings, raised paving height, decorative bollards, change in pavement material or color, and/or flashing caution signals;
  - d. Have adequate lighting for security and safety; and
  - e. Meet the current Americans with Disabilities Act (ADA) Standards for Accessible Design.
- F. **Cross Access.** To encourage shared parking and minimize access points along roads, new multi-unit, non-residential, and mixed-use development shall comply with the following standards:
1. As displayed in Figure 3.3.7-1, *Cross Access*, the internal vehicular circulation system shall be designed to allow for vehicular cross access between the development's parking and vehicular use areas and those on adjoining lots containing, or adjoining vacant land zoned to allow multi-family, non-residential, or mixed-use development.
  2. Cross-accessways shall provide for two-way vehicular traffic between the vehicular use areas on the adjoining lots through the use of a single access or drive aisle that is at least 24 feet wide or through two one-way accessways or aisles that are each at least 12 feet wide.
  3. The Director may waive or modify the requirement for vehicular cross access on determining that such cross access is impractical or undesirable due to the presence of natural features or vehicular safety factors, or other relevant considerations.
  4. Where such are required, easements allowing cross access to and from properties, along with agreements defining maintenance responsibilities of property owners, shall be recorded with the City Clerk before issuance of a building permit or certificate of occupancy.

### Figure 3.3.7-1, Cross Access

- G. **Emergency Access.** The applicant shall provide emergency access lanes where necessary to provide adequate protection for a structure.
1. Dimensions. Dimensions for emergency access lanes and turnarounds, including width and clearance, shall comply with the requirements of the Fire Code. Any emergency access lane shall either connect at each end to a dedicated public street or be provided with a turnaround established in the Fire Code, with an additional distance of 10 feet on all sides clear of permanent structures. The driving surface within emergency access lanes shall be designed and constructed according to standards established for local public streets.
  2. Location. All structures shall be located within 150 feet of an emergency access lane or public street.

## Sec. 3.3.8 Bicycle Parking

### A. Applicability.

1. Bicycle parking is required for all new multi-unit and multi-plex buildings containing four or more dwelling units, and mixed-use buildings containing any dwelling units.
2. Bicycle parking is required for expansion or renovation of buildings resulting in four or more dwelling units.

**B. Exemptions.**

1. Detached single-family dwellings, two-unit attached dwellings, and townhouses.
2. Temporary uses;
3. Vehicle sales and service uses;
4. Short-term rental accommodations;
5. Self-Service storage uses; and
6. Any other development requiring fewer than 10 vehicle parking spaces.

**C. Number of Bicycle Parking Spaces Required.**

1. Table 3.3.8-1, *Bicycle Parking Requirements*, indicates the minimum number of parking spaces required by use. The Director has the discretion to require bicycle parking for uses not listed in the table.
2. Where the number of bicycle parking spaces required is provided on a per employee basis in Table 3.3.8-1, the calculation shall be based upon the maximum number of employees per the busiest shift.

**Table 3.3.8-1, Bicycle Parking Requirements**

Use		# Spaces Required
DU = dwelling unit    sq. ft. = square feet    GFA = Gross Floor Area -- = No minimum or no maximum (as applicable)    / = per		
<b>Residential Uses</b>		
Household Living	Cottage Court Development	2 spaces + 0.5/DU over 10 units
	Single-unit Detached Dwelling	--
	Townhouses	--
	Two-unit Attached Dwelling	--
	Manufactured Home	--
	Multiplex	2 spaces + 1/4 DU
	Multi-unit Building	2 spaces + 0.5 /DU over 10 units
Group Living	Adult Foster Care, Family Group Home	
	Adult Foster Care, Small Group Home (7-12 residents)	1/2 beds + 1/employee
	Adult Foster Care, Large Group Home (13-20 residents)	
	Boarding House	
	Assisted Living Facility	
	Continuing Care Community	
	Emergency Shelter	
	Nursing Home	
Rehab Center	2 spaces or 1/10 employees whichever is greater	
<b>Public and Civic Uses</b>		

**Table 3.3.8-1, Bicycle Parking Requirements**

Use		# Spaces Required	
General	Cultural Institution	1/5,000 sq. ft.; minimum = 4	
	Neighborhood or Community Center		
	Places of Worship		
Educational Facilities	College or University		
	School, K-12, Private		
Parks and Open Space	Public Park		
	Public Recreational Facility		
<b>Commercial Uses</b>			
	Bed and Breakfast Establishment		1/2 guest room
	Day Care Center, Child		1/employee
	Personal Services Establishment	1/20 vehicle spaces; minimum = 2	
	Swimming Pool Club	1/10 persons at occupancy + 1/employee	
<b>Utilities Uses</b>			
	Utility and Public Service Buildings	--	
<b>Industrial Uses</b>			
	[Reserved]	[Reserved]	
<b>Other Uses</b>			
	Reserved.		

**Table Notes:** Reserved.

**D. Bicycle Parking Design Standards.**

1. *Generally.* All bicycle parking spaces shall be constructed in accordance with the latest version of the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines.
2. *Location.* Wherever possible, bicycle racks should be located within 50 feet of a building entrance and be visible from the building entrance and its approaches. If necessary, signs should be posted that indicate the location of bicycle parking.
3. *Visibility.* Bicycle parking facilities shall be easy to recognize, attractive, and functional and shall not impede pedestrian or vehicular circulation.
4. *Surface.* The bicycle parking area shall be an impervious smooth surface to avoid mud and dust.
5. *Anchoring.* Bicycle racks shall be anchored to a hard surface to prevent easy removal.
6. *Signs.* Fixed objects that are intended to serve as bicycle racks, but due to design or appearance are not easily identified as such, shall be labeled as available for bicycles.
7. *Coating.* The bicycle racks shall be coated in a material that will not damage the bicycle's painted surfaces.
8. *Prohibited Racks.* Trees, fences, light poles, branches, or other outdoor furnishings shall not be used as designated bicycle parking facilities.
9. *Separation.* Bicycle parking racks shall have a minimum separation from one another of 18 inches.

## Division 3.4 Landscaping, Screening, and Trees

### Contents:

#### Article 3 Development Standards

#### Division 3.4 Landscaping, Screening, and Trees

##### Sec. 3.4.1 General Provisions

##### Sec. 3.4.2 Site Landscaping

##### Sec. 3.4.3 Screening of Conflicting Land Uses

##### Sec. 3.4.4 Installation and Maintenance

##### Sec. 3.4.5 Trees

### Contents:

#### Division 3.4 Landscaping, Screening, and Trees

##### Sec. 3.4.1 General Provisions

## Sec. 3.4.1 General Provisions

- A. Existing features which would add value to residential development or to the City as a whole, such as trees, natural groves, watercourses, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. The preservation of drainage and natural stream channels must be considered by the proprietor, and provision of adequate barriers, where appropriate, shall be required.
- B. **Purpose.** Landscaping and screening shall be required to provide higher aesthetic value to properties and street network within neighborhoods and community, increased canopy cover for stormwater and temperature benefits, and provide environments suitable for nature; and establish physical separation that reduces the impacts of noise, traffic, visual, and other incompatibilities between different zoning districts, land uses, parking areas and streets, and buildings and streets as provided in Sec 3.4.2, *Site Landscaping* and Sec. 3.4.3, *Screening of Conflicting Land Uses*.
- C. **Landscaping Plan.**
1. As part of the site plan required by Division 5, Subdivision 2, a landscaping plan shall be submitted to the Department of Community Development showing the location, type, and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms to this subdivision. If it conforms to the requirements of this section, it shall be approved by the Director.
  2. Rearrangement of landscaping may be allowed to prevent traffic hazards, vision obstructions or other dangers to public safety.
  3. The landscaping plan may be made part of the site plan.
- D. **Location.**
1. *Extent.* All required screening types shall be located on the parcel proposed for development.
  2. *Encroachment.* No part of any required screening types shall encroach into the public right-of-way nor shall it be used for structures, parking, storage, loading, locating refuse containers, or any similar activity which may create a nuisance.

3. *Access Breaks.* Breaks for pedestrian, bicycle, and vehicle access are permitted on the condition that access shall be designed to cross a screening type area at as near a perpendicular angle as practical

**E. General Requirements.**

1. Existing vegetation on the property may be used to meet the requirements of this section if it meets the size, species, and opacity requirements.
2. When determining the required number of plantings results in a fractional number, any fraction shall be rounded to the nearest whole number.
3. Turf or other vegetative groundcovers shall not exceed 18 inches in height.
4. Organic mulch, stone, or aggregate or a combination thereof may be used in and around planting beds. Grass or other live ground cover shall be planted and maintained so as to present a finished landscaped appearance within one growing season.
5. Building frontage landscaping shall be provided within a 10-foot-wide greenstrip and located between the main building and abutting the ROW.
6. Parking Perimeter landscaping shall be provided within a 10-foot-wide greenstrip abutting outside edge of parking pavement or curb, except when the abutting side of abutting property meets this standard.
7. No artificial plants or trees may be used. All plant material shall be maintained in a healthy and growing condition. Diseased, dying, dead and/or damaged materials must be replaced.
8. All plants shall be A-Grade or No. 1 Grade quality or better, free of any defects, and shall be of normal health, height, leaf density, and spread appropriate to the species as set forth by the American Standard of Nursery Stock.

**F. Berms.**

1. Berms shall have slopes no greater than one vertical foot for each three horizontal feet, shall have at least two feet of flat area on top, and shall have adequate protection to prevent erosion.
2. Berms may vary and undulate to accommodate drainage and to provide a more natural appearance.
3. **Trees** and shrubs shall be required on top of berm, and groundcover required on slopes of the berm.

**G. Fence and Walls Materials, Opacity, and Maintenance.**

1. All walls and fences required under this section except between residential uses shall be fully opaque with a footing depth as required by the building code.
2. Fences, walls, or similar when consisting of full opaque design and located in the front yard shall not exceed three feet in height.
3. If concrete blocks are used for walls, they must be decorative or faced with brick.
4. Vertical and horizontal fixtures that support a fence shall be concealed within the fence or be exposed only to the interior of the property.
5. All fences and walls shall be maintained to ensure the intended structure remains in place and no gaps or missing segments remain open.
6. Fences and walls shall be of a consistent design for the entirety of the development.
7. Barbed or concertina wire shall not be used except in Industrial districts or elsewhere when approved by the Director.

**H. Plant Materials.**

1. *Plant Variety and Quality.* All plant materials shall be living vegetation, true to name and type of species or variety, and shall be of the type and species appropriate for the climate of Portage.
2. *Natives.* The use of trees, shrubs, grasses, and groundcovers that are native to southern Michigan is encouraged.

3. *Monoculture Restrictions.* Use of a single species of trees or shrubs shall be discouraged to minimize significant spreading of disease or pests.
  4. *Plants at Installation.* Shrubs, groundcovers, and vines may be planted as bare root, balled and burlapped, or from containers.
  5. Shrubs and bushes are interchangeable terms for the purposes of this UDO.
- I. **Permitted, Prohibited Tree List.** Permitted trees include Norway maples, oaks, lindens, ashes, London planes, honey locusts, beeches, certain evergreen trees, and also other types of trees with City approval. Prohibited trees include catalpas, elms, horse chestnuts, silver maples, poplars, willows or box elders or others deemed by the City.
- J. **Plant Size.**
1. *Shrubs.*
    - a. A minimum 3-gallon-size container or equivalent shall be required for shrubs at the time of planting.
    - b. Height at Planting. The minimum height of all shrubs at time of planting shall be three feet.
  2. *Trees.*
    - a. Size. Standards for tree sizes are provided in Table 3.4.1-1, *Tree Sizing & Clearance* and the following:
      - i. When planted, the minimum trunk diameter of a deciduous tree shall be measured 4.5 feet above grade and shall have a clear stem of at least four feet.
      - ii. When planted, evergreen trees shall have a burlap ball size of at least 10 times the trunk size.
    - b. Clearance. To accommodate tree heights and spread at maturity, trees shall be planted at the distances shown in Table 3.4.1-1 from buildings, structures, and fences, as measured from the tree trunk at the time of installation.

**Table 3.4.1-1 Tree Sizing & Clearance**

Tree Type	Minimum Trunk Diameter or Height	Height/Width of canopy at Maturity	Trunk Distance from Fence	Distance from Building or Structure
Ornamental	2 in. diameter	>10 ft./<20 ft.	5 -10 ft.	5 ft. 10 ft.
Deciduous	2.5 in. diameter	>40 ft./>15 ft.	20 ft.	20 ft.
Evergreen	6 ft. in height	>20 ft./<20 ft.	10 ft.	10 ft.

- K. **Mulching.** All trees shall be mulched around the base of the trunk with a minimum diameter of three feet and a height not to exceed six inches.
- L. **Non-Plant Groundcovers.** In required planting beds, xeriscape ground covers such as rocks, gravel, decorative pavers, or stamped or dyed concrete may be allowed in the first one and one-half feet of a parking island (from the back of the curb) to allow persons to access their vehicle without stepping on landscaping.
- M. **Prohibited Groundcover.** Concrete, asphalt, and other impervious surface materials are prohibited in all screening and site landscaping areas.
- N. **Turf Grass.** Kentucky Bluegrass, Tall Fescue, Perennial Ryegrass, a mix of all three, or other grass species recognized as hardy and non-invasive by the Michigan State University Extension shall be permitted in landscaped areas and screening areas that are used to meet the requirements of this section. Grass sod shall be clean and free of weeds and noxious pests or diseases.

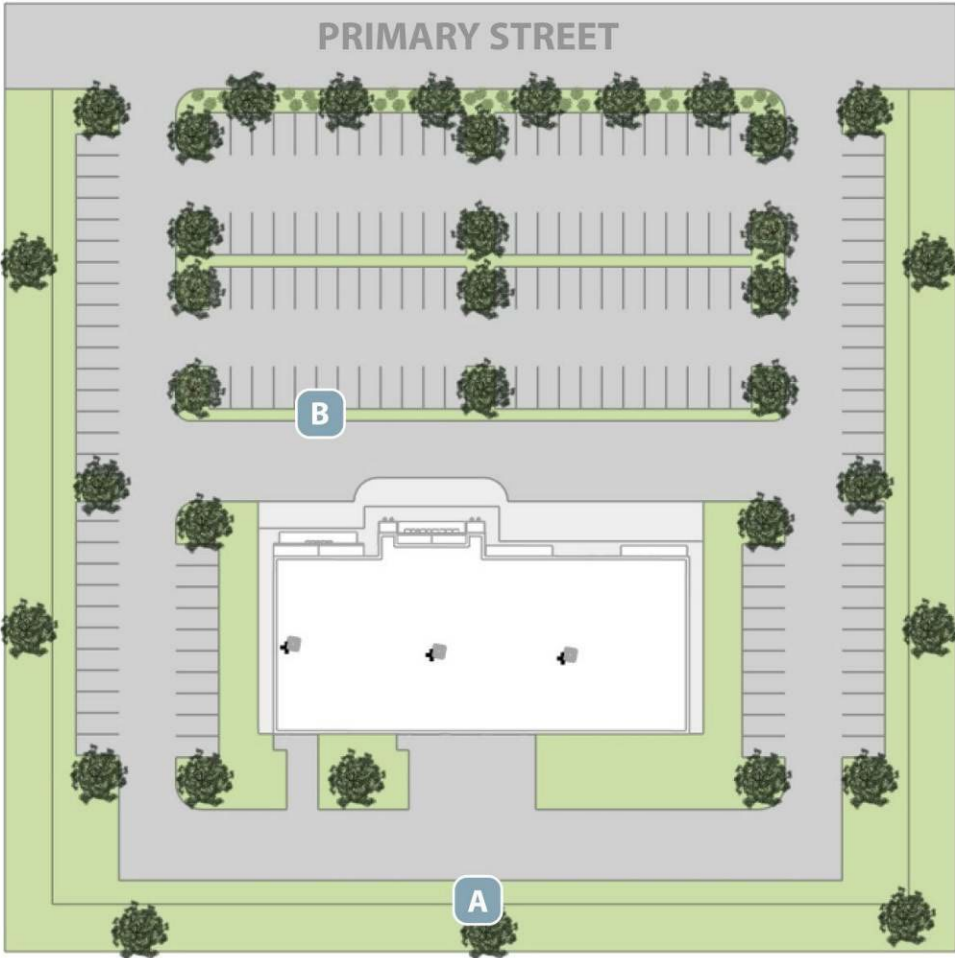
- O. **Exceeding Minimum Requirements.** When screening and site landscaping are required within same area of property, the more restrictive requirement shall be provided as reviewed by the Director.
- P. **Street Trees.** The Director may maintain an approved street tree list that identifies specific [trees](#) that may be planted within the public right-of-way. Specific [trees](#) not on the list may be submitted for consideration.
- Q. **Tree Wells.**
1. *Soil Volume and Depth.*
    - a. Each tree well shall provide a minimum uncompacted soil depth of approximately three feet.
    - b. The surface opening shall be large enough to support long-term tree health and infiltration, and may be enlarged or combined into continuous trenches or planting zones to achieve recommended soil volumes for canopy trees.
  2. *Surface Treatment and Drainage.*
    - a. Surfaces within the tree well area shall consist of permeable materials such as mulch, planting, or ADA-compliant grates or pavers installed flush with adjacent sidewalks.
    - b. Tree wells shall be graded to prevent standing water while allowing stormwater infiltration where feasible.
  3. *Location and Conflicts.*
    - a. Tree wells shall be located to avoid conflicts with utilities, driveways, and sight distance.
    - b. Tree wells shall conform to any applicable urban forestry or right-of-way standards referenced in this UDO.
- R. **Groundcover Required.** All unpaved or otherwise unimproved areas, including the public right-of-way, or public use areas, or remainder of the site, shall be graded and seeded for grass or consist of landscape mulch or stones in an approved manner.
- S. **Visibility Triangle.** The following requirements apply to landscaping that is installed in screening areas and site landscaping, as described in this section and are in addition to the requirements of [Division 2.4, Measurements and Allowances](#).
1. Deciduous [trees](#) may be permitted to encroach into the visibility triangle provided that the lowest branch of any such tree shall be at least six feet from grade.
  2. Street [trees](#) shall be placed a minimum of eight feet away from the corners of alleys and driveways, and ten feet away from intersections.
  3. The Director, at their discretion, may require the applicant to demonstrate that appropriate sight distance for both approach and departure is maintained at drives or intersections. Refer to AASHTO's "A Policy on Geometric Design of Highways and Streets" (Greenbook, current edition) for requirements of clear sight triangles for different contexts (Section 9.5 Intersection Sight Distance in the 7th Edition, 2018).
- T. **Required Installation.**
1. All required screening elements shall be installed by the developer of the higher intensity development at the time of construction. In the case where a higher-intensity development exists prior to a future abutting lower- intensity development without required screening per this section, the lower intensity development shall then provide screening per [Sec. 3.4.3](#).
  2. **Landscape Materials.** The required landscape materials may be evenly spaced to create a more formal arrangement or in small clusters at varying intervals to create a natural appearance.
- U. **Alternative Landscaping.** In lieu of requirements of Div. 3.4, the following may be used to meet those purposes when meeting the following standards:

1. The Planning Commission on approving the use of existing topographical characteristics of the land or existing and/or planted vegetation may condition such approval on the planting of new vegetation in the number, size and type.
  2. The Planning Commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors that may impact upon abutting development.
  3. The Planning Commission may approve screening or site landscaping consisting of existing vegetation, planted vegetation, or topographic characteristics of the land.
- V. **Additional Landscaping.**
1. The Planning Commission may increase the height of the separation screening and/or require additional landscaping as part of the site plan review under [Article 4](#), Division 5, Subdivision 2. Site Plan Review and [Article 4, Subdivision and Site Condominiums](#), if the minimum requirements of [Sec. 3.4.3](#) would not adequately protect existing or future abutting residential uses.
  2. In deciding whether the requirements of [Sec. 3.4.3](#) in this section protect abutting residential uses, the Planning Commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.
- W. **Low Impact Development.** Low impact development and other similar stormwater management features may be permitted in a required screening type as approved by the Director.

## Sec. 3.4.2 Site Landscaping

- A. **Required Site Landscaping.** The site landscaping provisions for new development and for modifications to existing development are provided in Table 3.4.2-1, *Required Site Landscaping Types*, and illustrated in Figure 3.4.2-1, *Site Landscape Types*. Site landscaping includes the following: Building frontage; parking lot interior landscaping; and parking lot perimeter landscaping.

**Figure 3.4.2-1, Required Site Landscaping Types**



**TABLE NOTES:**  
A =Parking Lot Perimeter Landscaping | B = Parking Lot Interior Landscaping

**Figure 3.4.2-2, Required Site Landscaping Types**



**TABLE NOTES:**

A = Building Frontage | B =Parking Lot Perimeter Landscaping | C = Parking Lot Interior Landscaping

**Table 3.4.2-1, Summary of Required Site Landscaping**

Land Use or Site Modification	Parking Lot Perimeter <sup>1</sup>	Parking Lot Interior <sup>4</sup>	Building Frontage
<b>New Development:</b>			
▪ Single Unit Detached, Two-Unit Attached	Not Required	Not Required	N/A <sup>5</sup>
▪ Townhouses	Required	Required	N/A <sup>5</sup>
▪ Multiplexes, Multi-unit Buildings	Required	Required	Required
▪ Nonresidential uses	Required	Required	Required
<b>Existing Development:</b>			
▪ Building renovation, addition, or repair <sup>2</sup>	Not Required	Not Required	Required
▪ Use or occupancy changes	Required	Required	Required

**Table 3.4.2-1, Summary of Required Site Landscaping**

Land Use or Site Modification	Parking Lot Perimeter <sup>1</sup>	Parking Lot Interior <sup>4</sup>	Building Frontage
<ul style="list-style-type: none"> <li>▪ Parking lot expansion or replacement,<sup>3</sup> new parking lot</li> </ul>	Required	Required	Required

**Table Notes:**

1. Applies to parking lots with 10 or more spaces.
2. Required when construction expenses are estimated to be 25% or more than the appraised replacement cost of the entire building or structure, exclusive of the foundation, as determined by the Director.
3. Required when the number of off-street parking spaces is increased by 25% or more or when a minimum of 25% of the parking lot is replaced. Any new landscaping required under such circumstances shall be located within 10 feet of the right of way or in interior parking lot landscaping, including islands.
4. Applies to parking lots having a minimum of 10,000 sq ft area.
5. Street trees shall be provided per Sec 4.2.7.

**Table 3.4.2-2 Site Landscaping Elements**

Landscaping Element	Location and Design Requirements
<b>Building Frontage Landscaping</b>	
1 deciduous tree or 3 ornamental trees, plus 4 shrubs per 30 feet linear ft. of building front	<ul style="list-style-type: none"> <li>▪ See Figure 3.4.2-1, <i>Site Landscaping Types</i></li> </ul>
<b>Parking Lot Interior</b>	
<ul style="list-style-type: none"> <li>▪ 1 sq. ft. landscaped area per 15 sq. ft. parking lot area, except paved area within 20' of parking lot perimeter</li> <li>▪ Min. 150 sq. ft. minimum landscape island size</li> <li>▪ Min. 1 deciduous tree per landscaped island</li> <li>▪ Min. 75 sq. ft. open area required per tree</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parking space rows of 15 spaces maximum between landscaped islands, endcaps, or corner landscaping</li> <li>▪ Endcap landscaped islands shall be a minimum of 9' wide and span length of both abutting spaces.</li> <li>▪ All plants installed on endcaps and/or adjacent to drive aisle intersections shall provide clear visibility between 3 to 6 feet above ground level</li> </ul>
<ul style="list-style-type: none"> <li>▪ 1 deciduous or 2 ornamental trees, plus 5 shrubs per 200 sq. ft. minimum corner area</li> </ul>	<ul style="list-style-type: none"> <li>▪ Corner area shall be required in addition to perimeter parking but plant materials and groundcovers are permitted to blend between the two areas.</li> </ul>
If provided, medians with ornamental grasses, shrubs, or planters	<ul style="list-style-type: none"> <li>▪ A minimum, along the entire centerline of alternating double parking rows</li> <li>▪ Each median shall be a minimum of 6' wide</li> <li>▪ All vegetation use provides for clear visibility between two to six feet above ground level</li> </ul>
<b>Parking Lot Perimeter<sup>3, 4</sup></b>	

**Table 3.4.2-2 Site Landscaping Elements**

Landscaping Element	Location and Design Requirements
<p>Perimeter landscaping shall consist of trees and shrubs, as provided below.</p> <ul style="list-style-type: none"> <li>▪ Trees: One deciduous tree for every 30 feet or fraction thereof of the parking lot. Arrangement of trees in clusters or groupings is permitted, but in no case shall trees be more than 75 feet apart.</li> <li>▪ Shrubs, Wall, or Berm: A berm, wall or shrub combination thereof forming a continuous screen between trees at least 36 inches in height above the parking lot. Arrangement of shrubs in clusters or groupings is permitted, but in no case shall the clusters or groupings be more than ten feet apart. Buildings may also be used to screen a parking lot.</li> </ul>	<ul style="list-style-type: none"> <li>▪ All perimeter landscaping shall be planted in a minimum 10 ft. wide greenstrip<sup>2</sup> with grass, groundcover or other live material.</li> <li>▪ Perimeter plantings may count toward any required abutting screening.</li> <li>▪ Shrubs are not required to face street where parking lots situated at an elevation of 36 or more inches below street grade and with a greenstrip that has vertical slope no greater than three to one (or retaining wall).</li> <li>▪ All plants installed at ingress/egress points and internal drive aisle intersections shall provide clear visibility between three feet and six feet above ground level.</li> </ul>

**Table Notes:**

1. Relocation of the hedge, berm, wall or combination thereof may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers.
2. The Director may reduce the 10' wide greenstrip where public sidewalk is provided on private property while meeting the intent of the above landscaping standards.

**Contents:**

Article 3 Development Standards

Division 3.4 Landscaping, Screening, and Trees

Sec. 3.4.3 Screening of Conflicting Land Uses

### Sec. 3.4.3 Screening of Conflicting Land Uses

- A. **Generally.** The screening required in this section provide transition and physical barriers between differing land uses to reduce the effects of sight, sound, and other incompatibilities. The required buffering vary according to the amount of visual and noise screening is appropriate to mitigate incompatibilities.
- B. **Purpose.** The purpose of this section is to protect neighboring residential and park properties from any adverse external effects and negative impacts of nonresidential development and arterials. The screen and buffer required by this section is intended to limit visual contact between uses and to create a strong impression of spatial separation.
- C. **Screening Materials.**
  1. Screening materials shall consist of trees and shrubs, walls, fences and berms or a combination thereof.

2. Screening fences shall not be constructed of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.
3. Other creative options, such as changes in elevation, existing vegetation, or plant materials within a buffer area, are encouraged, but the applicant must demonstrate that comparable or superior screening will be provided.

**D. Street Screening for Residential Developments.**

1. Where a single-unit detached, two-unit attached, or townhouse (or combination thereof) housing development of five acres or more in the PUD, RE, or RN districts front an arterial ROW, the developer shall preserve natural elements within 20 ft from the arterial ROW to achieve general screening of street externalities. The use of additional landscaping or berms should be incorporated to achieve effective screening where necessary per the Director.

- E. Conflicting Land Use Screening Options.** Required screening elements and a greenstrip are provided in Table 3.4.3-1, *Conflicting Land Use Screening Options*. Location of required screening is provided under Table 3.4.3-2 *Screening Types for Adjacent Land Uses*. Figure 3.4.3-1, *Illustrative Screening Types*, contains examples of the composition and appearance of the six types.

**Table 3.4.3-1, Conflicting Land Use Screening Options**

Screening Type	Minimum Greenstrip Width (A)	Required Plantings per 30 Linear Feet (B)		Required Berm, Wall, or Fence Height (C)
		Shade or Evergreen Trees	Shrubs	
<b>Type 1</b>				
Natural	10ft.	1	8 <sup>3</sup>	
Structural	8 ft.	1	0	6 ft. fence/wall <sup>1</sup>
<b>Type 2</b>				
Natural	15ft	table note <sup>2</sup>	0	6 ft. tall tree <sup>2</sup>
Structural	10 ft.	1	0	6 ft. fence/wall <sup>1</sup>
<b>Type 3</b>				
Natural	25 ft.	table note <sup>2</sup>	0	8 ft. tall tree <sup>2</sup>
Berm	N/A	1	5	6 ft. berm
Structural	15 ft.	1	0	8 ft. fence/ wall <sup>1</sup>

**TABLE NOTES:**

1. Plant material, including large trees, must be installed on the outside of the wall or fence facing the street within the required greenstrip.
2. Two rows of staggered evergreen trees within the required greenstrip having a minimum growth height of 25 feet (or 15' for non-industrial districts) planted to form continuous opaque screening. Minimum tree height at time of planting.
3. Bushes shall be planted between trees.

**Table 3.4.3-2, Screening Types For Abutting Land Uses**

Use of Parcel Proposed for Development	City Park or Low-Density Residential <sup>1</sup>	City Park or High-Density Residential <sup>2</sup>	Nonresidential (Commercial or Institutional)	Industrial
City Park or Low-Density Residential <sup>1</sup>	--	Type 1	Type 2	Type 3
City Park or High-Density Residential <sup>2</sup>	Type 1	--	Type 2	Type 3
Nonresidential (Commercial or Institutional <sup>3</sup> )	Type 2	Type 2	--	Type 1
Industrial	Type 3	Type 3	Type 1	--

Foot Notes

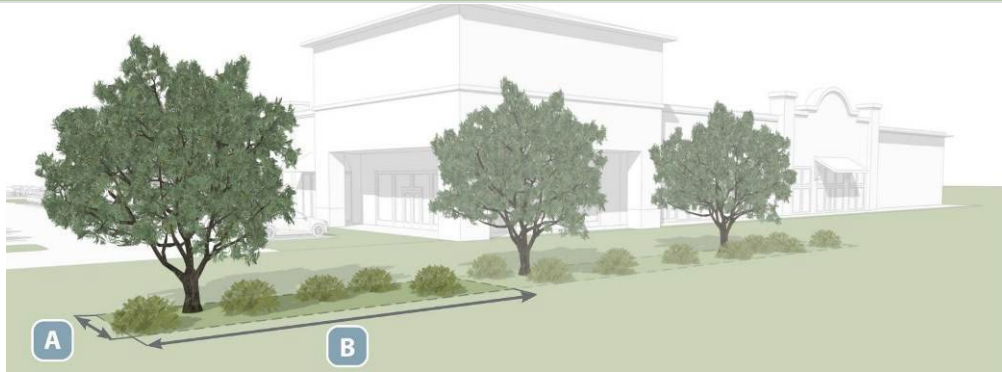
1. Single-unit detached and Two-unit attached dwellings.
2. Multi-Units, Multiplex, Townhouses, and Mixed use development containing any number of dwelling units shall be consider as High Density Residential.
3. Institutional uses shall include General Public and Civic Uses and Educational Facilities Uses as established in [Sec. 2.3.1, Land Use Table](#).

**Figure 3.4.3-1, Illustrative Screening Methods**

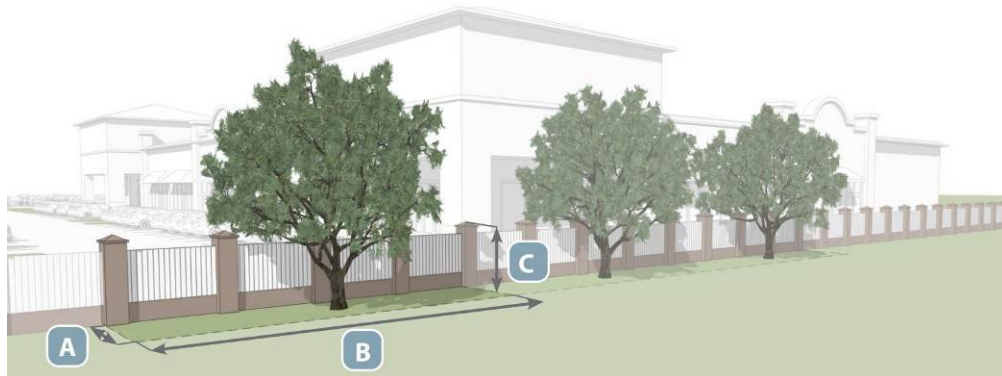
**Type 1**

**Screening Methods**

Natural



Structural

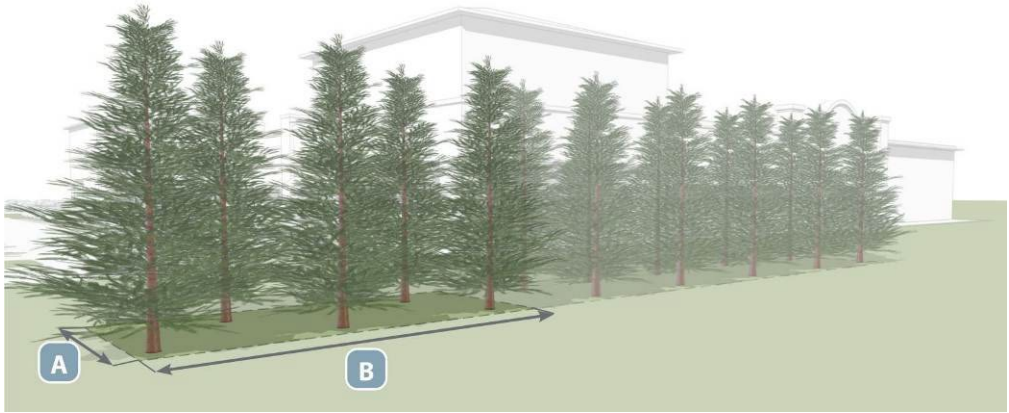


**Type 2**

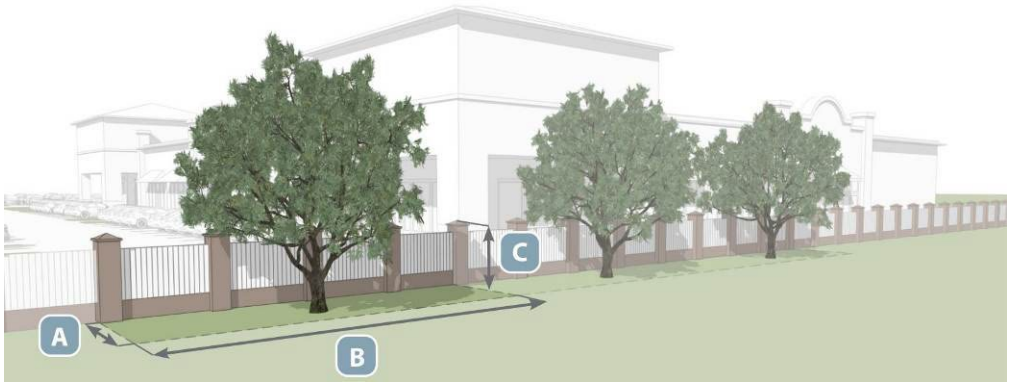
**Screening Methods**

**Figure 3.4.3-1, Illustrative Screening Types**

Natural



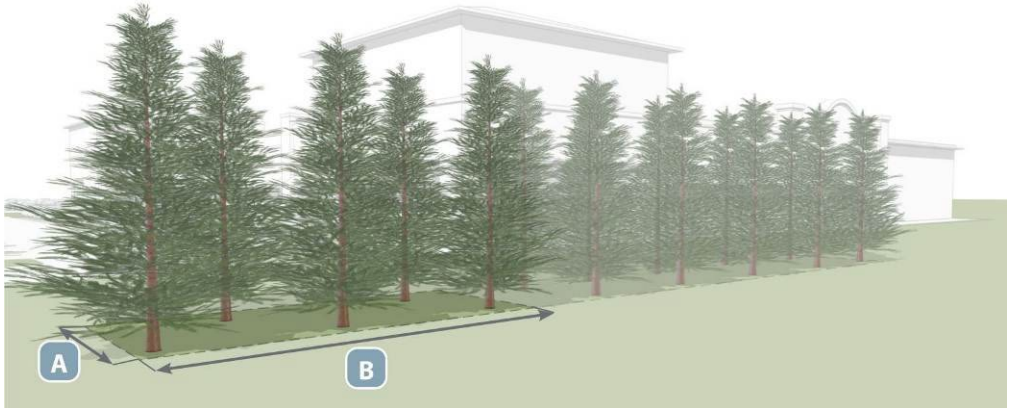
Structural



**Type 3**

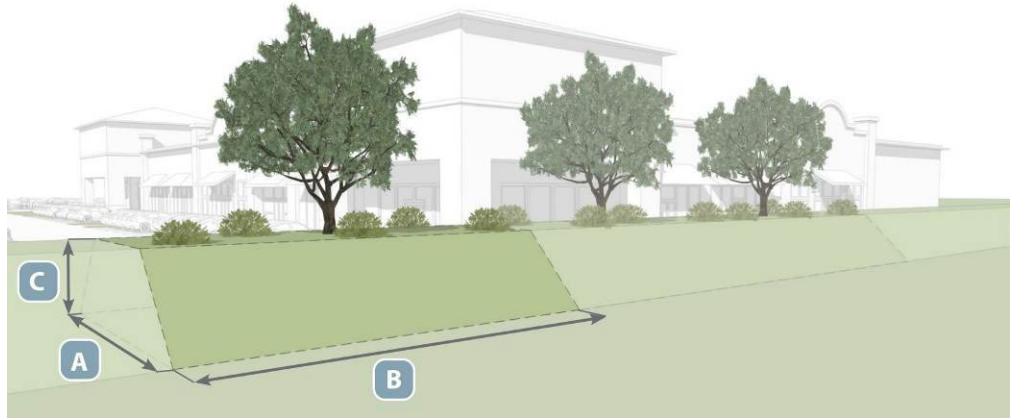
**Screening Methods**

Natural

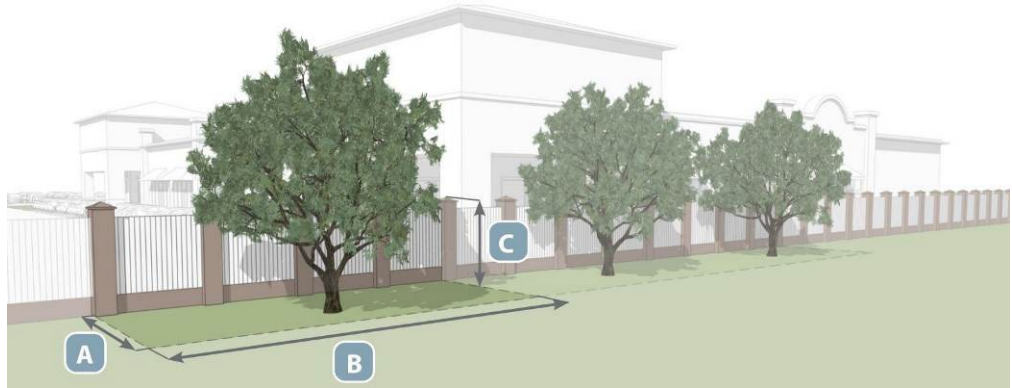


**Figure 3.4.3-1, Illustrative Screening Types**

Berm



Structural



**Graphic Note:** All graphics in the figure are illustrative and provide general intent and guidance for meeting the requirements of Table 3.4.3-1, *Conflicting Land Use Screening Options*. The specific trees shown may not demonstrate full compliance with the requirements of this section.

**F. Fence and Wall Standards.**

1. *Placement.* The wall or fence shall be installed within one foot of the property line, except where natural features prevent the use of the property line or where underground utilities interfere as approved by the Director.

**Sec. 3.4.4 Installation and Maintenance**

**A. Installation Standards.**

1. *Silting and Erosion Prevention.* All applicants who are required to install landscaping in accordance with this code shall take necessary steps to prevent silting and erosion during construction.
2. *Installation Timeline.* All new residential lots with new structures or any new commercial or industrial development shall have an appropriate cover of undisturbed existing vegetation, seed and straw, fresh-cut sod, or spot sod at the date of the zoning compliance inspection or complete in such instance where no inspection is required.

**B. Maintenance Standards.**

1. *Nursey Industry Standards.* All landscaping materials shall be installed and maintained according to accepted nursery industry procedures including being free of disease and insects and in conformance with the American Standard for Nursery Stock.
  2. *Owner's Responsibilities.* The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance, free from refuse, debris, and weeds at all times.
  3. *Replacement of Dead Plant Material.* All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first.
  4. *Violations.* Violation of these installation and maintenance provisions shall be grounds for the Director to require replacement of the landscape material, or institute proceedings to enforce the provisions of this UDO in accordance with Sec. 42-653, Enforcement and Sec. 42-654, Violations and Penalties.
  5. **Maintenance.** All landscaping elements shall be maintained by the property owner or home/business-owners' association, as applicable.
- C. **Performance Guarantees.** If a temporary certificate of occupancy is requested before completion of the landscape improvements, the performance guarantee requirements specified in Sec. 42-655, Performance guarantees.
- D. **Easements, Rights-of-Way, Setbacks, and Sight Clearance.**
1. Required landscaping may be placed wholly or partially in utility or other easements, providing all requirements can be fulfilled and approval is granted by the holder of the easements. Trees shall not be placed in public utility easements.
  2. The species of trees that will be planted below utility lines should be selected based on the height of the tree at maturity to ensure that only a minimal amount of trimming will be necessary to prevent interference with utilities.
  3. In no case shall landscaping and screening be established so as to block the sight distance at street or driveway intersections as established in [Division 2.4, Measurements and Allowances](#) (See Sight Triangle).
  4. Grass or groundcover shall be planted on all portions of the easements not occupied by other landscaped material.

## Sec. 3.4.5 Trees

- A. **Street Trees.**
1. Installation of street trees shall be required for all residential subdivisions, condominium developments, site condominiums, and single-deed developments per Sec 4.2.7.
  2. Property owners are permitted to replace a street tree and provided they adhere to the City's Street Tree Planting Guidelines.
- B. **Adverse Impacts.** If compliance with [Division 3.8, Streets, Sidewalks, and Access Management](#) adversely impacts significant natural features, including but not limited to trees, topography or natural habitat, the provisions of that division may be modified by the City Council. The modification shall not be granted by the City Council unless the proprietor shows that:
1. Significant natural features will be adversely impacted; and
  2. The modifications will not adversely impact the public health, safety and welfare.
- C. **Tree Wells.** [Reserved.]

## Division 3.5 Outdoor Storage and Display

### Sec. 3.5.1 Purpose and Applicability

[Reserved.]

### Sec. 3.5.2 Exemptions and Prohibitions

[Reserved.]

### Sec. 3.5.3 Light Fixture Standards

[Reserved.]

### Sec. 3.5.4 Outdoor Retail and Display

[Reserved.]

## Division 3.6 Signs

[Reserved.]

## Division 3.7 Outdoor Lighting

[Reserved.]

## Division 3.8 Streets, Sidewalks, and Access Management

### Sec. 3.8.1 Streets and Alleys

#### A. General Provisions.

1. All streets and appurtenances shall be constructed in accordance with details and specifications contained in this Division, in accordance with the City construction standards, and as otherwise approved by the City Council.
2. Streets shall be provided with asphalt or concrete surfacing and shall be in accordance with specifications approved by the City Council.
3. Alternative street designs may be allowed by Planning Commission approval during a public hearing if the design results in greater conformance with the Master Plan, increased traffic calming or connectivity for all users, or other neighborhood benefits.

B. **Roadway Types.** All roadways (i.e., streets) in the City are classified according to a national system used by the Federal Highway Administration (FHWA). The classifications correspond with annual average daily numbers of vehicles that use the roadway. Alleys, internal streets within multi-unit developments, and emergency access

lanes are part of the network in the City, but are not considered roadways. For the purposes of this UDO, there are six roadway types (Minor Collector and Local types follow the same design and dimensional standards):

1. Principal Arterial.
  2. Minor Arterial.
  3. Major Collector.
  4. Minor Collector.
  5. Local.
  6. Cul-de-sacs.
  7. Alley/Emergency Access Route.
- C. **Private Streets.** Private streets shall be permitted in limited circumstances and are subject to site plan review and approval. Private street design and construction shall adhere to the standards of public streets.
- D. **Location and Arrangement of Streets.**
8. *Conformance with Master Plan.* A proposed subdivision shall conform to the goals, policies, and objectives of the Master Plan, including being considered in relation to existing and planned major highways, arterials, and collector streets, and such parts shall be platted and the location and width indicated on such plan. Whenever an area to be subdivided is to use existing street frontage, such a street shall be suitably improved per this article.
  9. *Topographical Considerations.* Local streets shall be laid out so as to conform as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
  10. *Continuity.* The street layout shall provide for the continuation of collector streets in the adjoining subdivision or for the proper projection of streets when adjoining property is not subdivided. It shall further conform to any neighborhood, special area, corridor, or other sub area plan that has been adopted by the Planning Commission.
  11. *Relationship to Arterial Streets.* If a proposed subdivision borders or includes an existing or planned arterial street, the use of marginal access streets, reverse frontage, or other appropriate measures may be required to adequately protect residential properties and reduce traffic hazards.
  12. *Relationship to Limited Access Rights-of-Way.* If a proposed subdivision borders on or contains a railroad, expressway, or other limited access highway right-of-way, the Planning Commission may require the location of streets approximately parallel to and on each side of such right-of-way, at distances suitable for the development of an appropriate use of the intervening land, such as for parks or open space in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
  13. *Half Streets.* Half streets are prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this article, and where the Planning Commission finds that it is practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists, adjacent to the to be subdivided, a dedicated or platted and recorded half street, the other half shall be platted.
- E. **Pavement Width.** Standard for pavement widths (not including the gutter pan) by street type are contained in Table 3.8.1-1.

**Table 3.8.1-1, Pavement Widths by Street Type**

Street Type	Min. Pavement Width
Principal or Minor Arterial	44 ft.
Major or Minor Collector	44 ft.
Local residential -- On-street parking allowed on one side/ no street parking	24 ft.
Local residential -- On-street parking allowed on both sides	28 ft.
Cul-de-sac (residential)	40 ft. (radius)
Alley or Emergency Access Lane	20 ft.

- F. **Grades.** For adequate drainage, the minimum street grade shall be not less than one-half percent. The maximum street grade shall be six percent.
- G. **Geometrics.** Standards for maximum vertical and horizontal street curves and sight distances are as follows:
1. The radius of the minimum horizontal centerline curvature shall be 475 feet for arterial streets, 300 feet for collector streets and 200 feet for local streets. These minimums may be revised at the discretion of the Director of Transportation and Utilities based on specific context of the proposed curve in accordance with the current edition of AASHTO's *Policy on Geometric Design of Highways and Streets* (commonly referred to as the Green Book). Where a horizontal curve is proposed in a residential subdivision that results in the adjacent tangent sections of roadway being perpendicular to each other, with no other intersecting streets, the minimum centerline radius may be reduced to 60 feet.
  2. Vertical curves shall be provided when grade breaks exceed one-half percent for major and collector streets and one percent for local streets. The minimum length for vertical curves shall be 100 feet.
  3. Sight distance on horizontal curves shall be in accordance with the current edition of AASHTO's *Policy on Geometric Design of Highways and Streets* (commonly referred to as the Green Book) but shall not be less than 300 feet for arterials, 200 feet for collectors, and 100 feet for local streets.
  4. Sight distance on vertical curves shall be in accordance with the current edition of AASHTO's *Policy on Geometric Design of Highways and Streets* (commonly referred to as the Green Book), using an eye height of 3.5 feet and object height of 0.5 feet, but shall not be less than 500 feet for arterials, 300 feet for collectors, and 200 feet for local streets. The minimum tangent distance for reverse curves on major and collector streets shall be 100 feet.
  5. The centerline of pavement shall coincide with the centerline of the right-of-way, except for irregular right-of-way widths.
- H. **Intersections.**
1. Streets shall be laid out so as to intersect as nearly as possible at 90 degrees. Curved local streets, when intersecting major and collector streets, shall do so with a tangent section of centerline at least 50 feet in length, measured from the right-of-way line of the major collector street.
  2. Where a local street intersects with an existing major or collector street, a widening shall be required between approaches if the distance between the centerlines is less than 250 feet. A widening on the opposite side of the major or collector street shall be required if the conditions so necessitate.
  3. Where a local or collector street intersects a major street, the local or collector street shall be widened as may be required to accommodate turning movements for a minimum distance of 100 feet, measured from the right-of-way line of the major street.
- I. **Rights-of-Way Widths.** The required widths of street rights-of-way shall conform to the minimum requirements contained in Table 3.8.1-2.

**Table 3.8.1-2, Rights-of-Way Widths**

Street Type	Right-of-Way Width
Principal and Minor Arterial	100 to 140 ft.
Major and Minor Collector	70 to 90 ft.
Local (residential)	60 ft.
Cul-de-sac (residential)	75 feet (radius)
Alley or Emergency Access Lane	20 ft.

- J. **Curbs and Gutters.** Curbs and gutters shall be provided by the applicant on all streets; roll-over/ mountable curbs prohibited.
- K. **Curb Radius.** The minimum curb radius at the intersection of two local residential streets shall be 25 feet. The minimum curb radius at an intersection that includes a collector street shall be 35 feet.
- L. **Cul-de-Sacs.**
1. *Generally.* Permanent cul-de-sac streets are discouraged and should only be used where necessary due to topography, configuration of land, or other special circumstances.
  2. *Maximum Street Length.* The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30 units. Cul-de-sacs shall not exceed 500 feet in length, unless allowed by the planning commission if certain transportation improvements are provided to adjacent neighborhoods, uses, or transportation network. The length of the cul-de-sac shall be measured along the centerline of the cul-de-sac street from a point beginning at the intersection of the cul-de-sac street and the intersecting street to its furthest curbline in the turnaround.
  3. *Sidewalks.* A five-foot concrete sidewalk shall be provided on both sides of the full length of a cul-de-sac and around the bulb of the cul-de-sac.
  4. *Islands or Planters.* Unpaved islands at the center of the cul-de-sac turnaround may be allowed, provided that:
    - a. The radii of both the right-of-way and pavement shall be increased 10 feet to accommodate the island;
    - b. The island shall be surrounded by a mountable curb;
    - c. The surface of the island shall be landscaped or covered with decorative pavers;
    - d. Landscaping or other elements located in the island shall not interfere with the sight triangle established in [Division 2.4, Measurements and Allowances](#);
    - e. The island shall have a minimum radius of six feet and a maximum radius of 10 feet measured to the back of the curb; and
    - f. The island shall be owned and maintained by a homeowners' or property owners' association.
- M. **Stub Streets.**
1. *Future Street Extensions.* Stub streets shall be installed to permit future street extensions into adjoining tracts, as determined by the City. A subdivision or an extension of an existing subdivision shall be platted so as to provide sufficient access streets to future phases.
  2. *Barricades.* Barricades shall be installed at the end of stub streets and signage may be provided indicating a future street connection.
  3. *Maximum Length.* Stub streets shall not exceed 150 feet in length. Where required a temporary connection to another street, or a temporary turnaround, shall be provided by the developer.

4. *Maximum Size.* The size of the turn-around shall not be less than 60 feet in diameter.
  5. *Temporary Turnarounds.* Where a stub street is fronted by two or more lots and ends at a subdivision line for future extension, it shall be provided with a temporary paved turnaround until such extension is completed.
  6. *Dead-end Streets.* Dead-end streets shall be prohibited, except as stub streets.
- N. **Nonresidential Cul-de-Sacs.** [Reserved.]
- O. **Alleys.**
1. *Access and Use.* Alleys are primarily intended to provide secondary access to the side or rear of properties.
  2. *Residential Areas.* Alleys may be included in the design of residential subdivisions where garages are located at or near the rear lot line. Private alleys located at the rear of commercial or industrial uses are also permitted.
  3. *Minimum Width.* (See Table 3.8.1-1, *Rights-of-Way Widths* and Table 3.8.1-2, *Pavement Widths.*)
  4. *Utilities.* Alley designs must make adequate provision for public water, sanitary sewer, storm drainage, and other utilities, all in accordance with specifications prescribed by the Department of Transportation and Utilities.
  5. *Improvements.* Alley improvements (drainage, grading, and pavement) must meet city design standards, which are on file with the Department of Transportation and Utilities.
- P. **Traffic Control Devices.**
1. *Signs.* The location of all signs shall be indicated on a street layout plan and shall be approved by the Department of Transportation and Utilities. At a minimum, the sign types required are regulatory signs, street name signs, and warning signs warning of change in alignment and terminations. All signs must conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.
  2. *Pavement Markings.* All arterial and collector streets shall, and interior residential collector, local industrial and multifamily streets may, have pavement markings placed on the pavement. All pavement marking locations shall be indicated on the street layout plans and be approved by the Department of Transportation and Utilities. Pavement markings shall include lane lines, centerlines, crosswalks and stop bars. All markings must conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.
  3. *Traffic Control Orders.* For traffic control devices requiring a city traffic control order, such order shall be prepared by the Department of Transportation and Utilities and be approved by the council. A temporary traffic order must be approved prior to the placement of the traffic control devices.
  4. *Time of installation.* All traffic control devices required to be placed according to the approved plan shall be so placed at the time of street construction.

## Sec. 3.8.2 Driveways

- A. **Driveways in Residential Areas.** Standards for improved driveways for all housing types are contained in [Division 3.2, Building and Site Design](#).
- B. **Driveways in Nonresidential Areas.** [Reserved.]
- C. Other driveway standards per Chapter 66, Article 3. shall apply.

### Sec. 3.8.3 Sidewalks and Accessibility

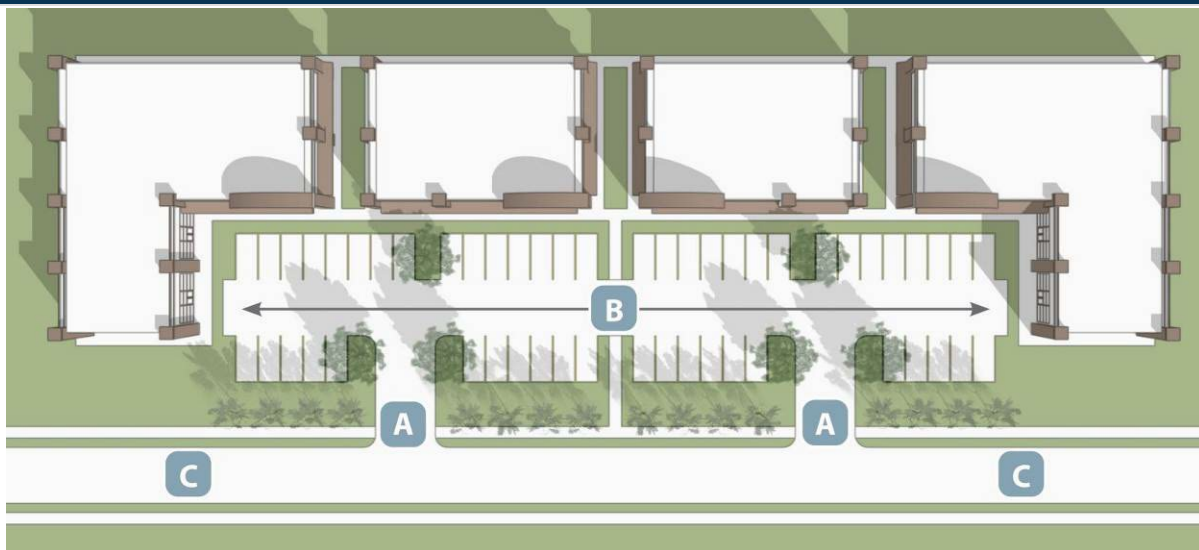
- A. **Applicability.** The section is intended to ensure that sidewalks and ramps are provided per City standards as part of all new residential and nonresidential development or expansion of existing development that requires site plan approval.
- B. **Timing.** Sidewalks shall be installed in accordance with this section and the construction standards established by the Department of Transportation and Utilities. The applicant shall install sidewalks to and along streets prior to acceptance of subdivision improvements or certification of occupancy. This requirement applies to all land uses and street classifications, except as modified in this Section.
- C. **Location and Width.**
1. A concrete sidewalk at least five feet in width shall be provided on both sides of all local streets, including the full length of a cul-de-sac and around the bulb of the cul-de-sac.
  2. Should a proposed subdivision border principal arterial, minor arterial, or major collector (which is also identified as an element of the walkway plan component of the Master Plan) sidewalks shall be installed in accordance with the guidelines in the Master Plan.
  3. Sidewalks shall be installed one foot from the property line. However, sidewalks may deviate from the normal roadway alignment in order to have separation away from curb, preserve existing vegetation, or to provide for the most functional connection to other pedestrian ways and pedestrian destinations, subject to the approval of the director of Transportation and Utilities.
  4. A fence and other improvements may be required between the curb and the sidewalk if it is determined that they are necessary to protect pedestrians or adjacent properties.
- D. **Accessibility.**
1. All sidewalks shall be built to conform to the current accessibility standards of the Americans with Disabilities Act (ADA) or Public Right-of-Way Accessibility Guidelines (PROWAG) established by U.S. Access Board, as applicable.
  2. The applicant shall install all common area sidewalks and all ADA ramps at the required locations.
- E. **Alignment and Connectivity.**
1. Sidewalks shall be connected and aligned horizontally and vertically with existing sidewalks on adjacent properties or streets. The Director may modify this requirement if existing adjacent sidewalks are not constructed in conformance with the standards of this section.
  2. Sidewalks shall connect to adjacent pathways or trails.
- F. **Modification to Requirements.** The Director may modify these requirements in consideration of the location of utilities, existing landscaping, or other site improvements.

### Sec. 3.8.4 Cross Access and Shared Access Easements

- A. **Applicability.** As depicted in Figure 3.8.4-1, *Cross-Access and Shared Access*, the applicant shall provide shared access (A in the Figure below) and cross-access (B in the Figure below) easements, for multi-unit residential, nonresidential, and mixed-use developments that front on locally maintained arterial or collector streets, subject to the following standards. Driveway separation and width on locally maintained collector and arterial streets shall comply with [Sec. 3.8.1, Streets and Alleys](#).
- B. **Separate Ownership.** Where adjacent properties are separately owned and not part of the same development, the City may require shared access or internal cross-access easements, or both, as the properties are divided or developed. As such, Director may grant a applicant temporary individual access (C in the Figure below) if:

1. The applicant demonstrates that the adjacent landowner refused a reasonable offer with regard to cross-access;
  2. The applicant demonstrates that the proposed temporary access will not materially affect the safe and efficient flow of traffic; and
  3. The applicant records a covenant to ensure that the connection will be provided and access will be consolidated upon the earlier of:
    - a. Approval of a plat or division of the adjacent property, if providing such connection is a requirement of the approval for the adjacent property; or
    - b. The subject parcel and the adjacent parcel coming under common ownership.
- C. **Common Ownership or Phased Subdivisions.** Phased subdivisions, subdivisions under the same ownership, or parcels that are consolidated for the purposes of development and comprised of more than one building shall provide cross-access and shared access easements as follows.
1. The property proposed for development shall include cross-access easements with connections to abutting cross-access points or, if the abutting property is undeveloped or without cross-access points, stub-outs at locations on the property that allow for a connection in the future. In addition, if the abutting property is undeveloped or is without a driveway suitable for sharing, the property proposed for development shall include a shared access easement on its perimeter, in a location suitable for sharing access to the street with the abutting property in the future.
  2. The subdivider shall record a covenant to allow for future connection of shared access and cross-access stub-out easements to comparable facilities on abutting parcels when they develop or are redeveloped.
  3. Cross-access easements shall be a minimum of 20 feet in width.

**Figure 3.8.4-1, Cross-Access and Shared Access**



**Figure Notes:** OTES: A = Shared Access B = Cross Access C = Primary Street

## Sec. 3.8.5 Access Management

[Reserved.]

Ch. 66, Art. 3 Access Management.

## Division 3.9 Stormwater Retention or Detention Facility

### Sec. 3.9.1 Stormwater Retention or Detention Facilities

A. **Location.**

1. **Prohibited Location.** Stormwater basins shall not abut any arterial streets.
2. **Collector, Local Streets.** A stormwater retention or detention facility located on any collector or local street shall be designed as an attractive site amenity that incorporates landscaping.

B. **Planting Plan.** The applicant shall submit a landscape plan that indicates the proposed planting design and plant selection for the facility.

C. **Maintenance.** A stormwater maintenance agreement signed by the applicant or his or her designee shall outline the regular maintenance activities required to maintain the planted areas in the facility in an attractive appearance.

D. **Fencing.** Fencing may be required pursuant to the City Storm Water Design Criteria Manual.

E. **Gate.** When fencing is required or installed as an option, a gate shall be installed to enable access by maintenance vehicles.

# ARTICLE 4 SUBDIVISION AND CONDOMINIUM PROJECT STANDARDS

## Division 4.1 General Provisions

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Sec. 4.1.2 Compliance

Sec. 4.1.3 Applicability

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## Division 4.2 Subdivision Design Standards

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## Division 4.3 Nonresidential Subdivisions

Sec. 4.3.1 Nonresidential Subdivisions

## Division 4.4 Public Improvements Dedication and Acceptance

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## Division 4.5 Land Division Procedure

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Sec. 4.5.7 Approval of Land Divisions Not Meeting Lot or Access Requirements

Sec. 4.5.8 Taxation Date for New Land Divisions

## Division 4.1 General Provisions

### Sec. 4.1.1 Purpose

The purpose of this article is to protect and provide for the public health, safety, and general welfare of the City and its people, and specifically to:

- A. Implement the Master Plan;
- B. Provide for the orderly subdivision of land, and to ensure proper legal descriptions and monumentation of subdivided land;
- C. Provide for the orderly growth and harmonious development of the community with balancing natural resources throughout the city;
- D. Secure that adequate public infrastructure, facilities, and services are available concurrent with development, such as water supply, drainage and sanitary sewer and other health requirements;
- E. Secure adequate traffic circulation through a coordinated and connected street system with relation to major thoroughfares, adjoining subdivisions, and public facilities;
- F. Secure adequate provisions for recreational areas, school sites and other public facilities.
- G. Ensure that new subdivisions will contribute toward an attractive, orderly, stable, livable, and safe community; and
- H. Establish standard requirements, conditions, for the design and review of subdivisions and condominium projects.

### Sec. 4.1.2 Compliance

The approvals required under this Article shall be obtained prior to the installation of any subdivision, condominium project, or project improvement in the City in public streets, alleys, rights-of-way and easements and/or under the ultimate jurisdiction of the City. All subdivisions, condominiums, or project improvements in the City installed in public streets, alleys, rights-of-way or easements and/or under the ultimate jurisdiction of the City shall comply with all the provisions and requirements of this article.

### Sec. 4.1.3 Applicability

- A. **Generally.** This Article applies to all plats and all divisions of land within the corporate limits of the City pursuant to Chapter 560 of the Michigan Compiled Laws (MCL), and to all condominium projects within the City pursuant to the authority conferred by Section 141 of the Condominium Act (MCL 559.241, MSA

26.50(241)). This article is not intended to regulate condominium projects which will not include single-unit detached dwellings.

- B. **Applicability of Subdivision Requirements to Condominium Projects.** The requirements, standards and procedures of Article 4, Division 4.2 of this article pertaining to subdivisions, shall apply to condominium projects developed within the city. When applying Article 4, Division 4.2, in addition to the definitions in Article 10, the following shall apply:
1. Condominiums shall use Unit instead of Lot
  2. "Subdivision shall be equivalent to the term "condominium project."
  3. Land division regulations shall be equivalent to the term "condominium regulations."
- C. **Effective Date.** This article shall apply to all land divisions (including subdivisions and condominium projects) approved before the effective date of the ordinance codified in this article and all land divisions submitted to the City for approval after such effective date, except that those land divisions which have met Sec 42-745, Sec 42-772, and Sec 42-883 and are currently under formal review previous to such effective date may continue to develop under the ordinances in effect at the time final approval was granted. Further, such final approval given to a subdivision shall not extend to other phases or parts of the subdivision not given preliminary plat approval.
- D. **Exemptions.** A parcel proposed for subdivision through a recorded plat pursuant to Division 3, Required Improvements and Design Standards and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
1. A lot in a recorded plat proposed to be divided in accordance with Division 3, Required Improvements and Design Standards of this article and Article 2, Zoning and Article 4, Condominium Projects of this chapter and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
  2. An exempt split where all resulting parcels are accessible as defined in this article. State law reference(s)—Similar provisions, MCL 560.103(1), MSA 26.430(103), (1).
  3. An exempt split or other partitioning or division of a parcel or tract that only results in parcels of 20 acres or more in size where the parcel or tract is not accessible and either of the following applies:
    - a. The parcel or tract was in existence on March 31, 1997.
    - b. The parcel or tract resulted from an exempt split or other partitioning or splitting under section 109b of the act (MCL 560.109b, MSA 26.430(109b)). (State law reference(s)—Similar provisions, MCL 560.109b, MSA 26.430(109b).)

## Sec. 4.1.4 Fees, Charges, and Assessments

Subdivision, Land Division, and Condominium project review fees, engineering fees, attorneys' fees, water and connection charges and other municipal fees shall be paid to the City's Finance department, Treasurer Division, by the applicant as follows:

- A. **Fees.** Fees shall be established by resolution of the City Council.
- B. **Attorneys' fees.** Special attorneys' fees shall be charged if needed.
- C. **Water and Sewer Connection Charges.** Charges for water and sewer connection shall be charged as established by ordinance.
- D. **Assessments.** All assessments required or established under other provisions of this UDO, including special assessments, deferred assessments and extension district assessments, for existing public improvements which lie within or serve lots within a proposed condominium project shall be fully paid prior to approval and acceptance of dedicated improvements by the City Council.

- E. All taxes and installments of special assessments pertaining to the land proposed to be divided shall be paid to date prior to approval of the land division.

## Division 4.2 Subdivision and Condominium Project Design Standards

### Sec. 4.2.1 General Improvement Standards

- A. **General.** The subdivision and condominium project design standards set forth under this article are to be considered as the minimum acceptable standards. All those improvements for which construction and design standards are not specifically set forth shall have standards set by City Council. All improvements shall meet the approval of the City Council. All subdivision plans must be reviewed and approved by the Council.
- B. **Street, Sidewalks, and Access Management Standards.** Minimum standards for the location and design of streets that serve subdivisions, condominiums, and other applicable development are in [Division 3.8, Streets, Sidewalks, and Access Management](#).
- C. **Land Division Limitations.** A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- D. **Development Standards for Land Divisions.** Residential, commercial, or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and Article 4, Subdivision Design, of this chapter, shall be subject the following conditions:
1. Proposals for developments under this section shall be subject to review by the Planning Commission, and shall be subject, further, to review and approval by the City Council. All improvements must meet the approval of the City Council.
  2. Water, sanitary sewers and all other improvements shall be provided as required by the City Council and shall be in accordance with at least the minimum standards as set forth by ordinances of the City Council.

### Sec. 4.2.2 Parcels and Blocks

- A. **Parcels.** Parcels in subdivisions and site condominiums shall conform to the following standards:
1. *Size and Shape.*
    - a. The parcel size, width, depth and shape in a subdivision proposed for residential use shall be appropriate for the location and the type of development contemplated.
    - b. Parcel areas and widths shall conform to at least the minimum requirements of Article 4 and [Sec. 2.2.2](#) for the district in which the subdivision is proposed.
    - c. Building setback lines shall conform to at least the minimum requirements of Article 4 of this chapter and [Sec. 2.2.2](#).
    - d. Corner Parcels shall be sized at least 20 feet wider than the minimum width and depth dimensions of the district.
    - e. Excessive parcel depth in relation to width shall be avoided. Exceeding a depth-to-width ratio of four to one shall be prohibited.
  2. *Arrangement.*
    - a. Every parcel shall have not less than 50 feet of frontage on a public street.

- b. Side parcel lines shall be as nearly as possible at right angles or radial to the street lines.
  - c. Residential parcels abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be platted with reverse frontage parcels or with side parcel lines parallel to these streets. Parcels that back or side into such features as freeways, arterial or collector streets, shopping centers and industrial properties shall incorporate in the parcel depth or width, for buffering purposes, an additional 20 feet.
  - d. Parcels shall have a front-to-front relationship across all streets where possible.
3. *Cul-de-Sacs*. The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30 units. Cul-de-sacs shall not exceed 500 feet in length, unless allowed by the planning commission if certain transportation improvements are provided to adjacent neighborhoods, uses, or transportation network. The length of the cul-de-sac shall be measured along the centerline of the cul-de-sac street from a point beginning at the intersection of the cul-de-sac street and the intersecting street to its furthest curblin in the turnaround.

**B. Street Frontage Requirements.**

1. *Minimum Frontage*. Any parcel of land which is to be occupied by a use or building shall maintain a minimum of 50 feet of public street frontage.
2. *Panhandle Parcels*.
  - a. Parcels with less than the required 50 feet of public frontage shall be known as panhandle parcels. Such lots are prohibited in areas served by public water and/ or sewer.
  - b. A parcel that is not served by public water and sewer may be divided into four or fewer parcels without the required frontage on a public street provided that an asphalt or concrete driving surface and overlaid access and utility easement are established as described in the following.
    - i. The easement shall be designed to accommodate required driveway width, as established below, as measured at the front setback or building setback line, whichever is greater, and be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property.
    - ii. The driving surface shall be designed a minimum 22' width and constructed capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.
    - iii. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
    - iv. Each parcel shall be required to meet the parcel width and setback requirements for the zoning district in which it is located.

**C. Blocks.** Blocks in subdivisions shall conform to the following standards:

1. *Size*.
  - a. The minimum length for a block is 600 feet. The maximum length for a block is 1,200 feet, except when an alternative is approved by the Planning Commission provided the purpose of this Article is met.
  - b. Generally, a block shall be so designed as to provide two tiers of parcels.

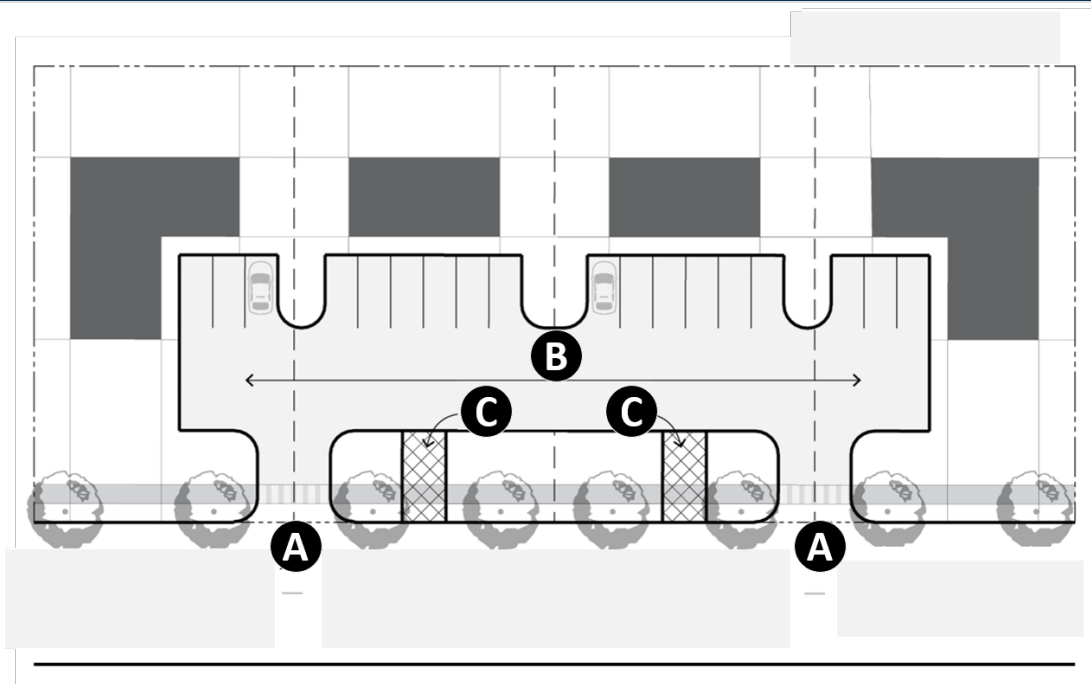
2. *Public Walkways.*
  - a. Public walkways or crosswalks may be required by the Director to obtain satisfactory pedestrian access to public or private facilities such as, but not limited to, trails, schools, and parks.
  - b. Public walkways shall be at least 10 feet wide and shall be in 20 ft easement for general rights-of-way and utility purposes.
3. *Easements.*(See [Sec. 4.2.3, Easements.](#))

## Sec. 4.2.3 Easements

- A. **Generally.** The specific standards for acceptance of easements shall be subject to the technical design standards of this UDO and any other adopted policy or manual of the City.
- B. **Compliance.** All easements shall be in full compliance with this UDO prior to acceptance.
- C. **Types of Easements.** During development review, a development review body may require a variety of easements. These easements may be for purposes including, but not limited to:
  1. Utilities;
  2. Emergency access;
  3. Stream and drainage channels;
  4. Cross access and shared access;
  5. Pedestrian access; and
  6. Conservation.
- D. **Utility Easements.**
  1. *Required.* Utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park, or public ground. Such easements shall be a minimum of 20 feet wide and no more than 10 linear feet from each parcel.
  2. *Public Utilities.* Recommendations on the proposed layout of telephone and electric company easements shall be sought from all of the utility companies serving the area. The applicant shall submit copies of the approved preliminary plat to all appropriate utilities. A minimum of 10 feet shall be provided for private utility easements outside of the public right of way.
  3. *Streetlight Dropouts.* A three-foot-wide easement shall be provided, where needed, alongside lot lines to provide for streetlight dropouts. Prior to the approval of the final plat for a proposed subdivision, a statement shall be obtained from the appropriate utility indicating that easements have been provided along specific lots. A notation shall be made on the final plat indicating the following: "The side lot lines between lots [indicate lot numbers] are subject to streetlight dropout rights granted to the [utility company name]." (Ord. No. 98-16, § 1226.05, 8-4-1998) State law reference(s)—Public utility easements, MCL 560.190, MSA 26.430(190).)
  4. *Underground Utilities.* The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout a subdivided area, except for major thoroughfare rights-of-way. Conduit or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public. All underground public utility lines, wires, cables, conduits, vaults, laterals, pipes, mains, valves, and other similar distributing equipment shall be placed within easements or dedicated public ways in such a manner so as not to conflict with any other underground service previously installed.

5. *Transformers.* All transformer boxes and similar devices shall be located so as not to be unsightly or hazardous to the public.
  6. *Overhead Lines.* Overhead lines may be permitted only upon written recommendation of the Director of Transportation and Utilities, the Director of Community Development, and the Planning Commission and upon the approval of the City Council at the time of final approval of the preliminary plat, where it is determined that overhead lines will not constitute a detriment to health, safety, general welfare, plat design and character of the subdivision. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission.
- E. **Emergency Access Easements.** [Reserved.]
- F. **Streams and Drainage Channel Easements.** Easements of adequate width shall be provided for all streams and drainage channels, as determined by the City Engineer.
- G. **Cross Access and Shared Access Easements.**

**Figure 4.2.3-1, Cross-Access and Shared Access**

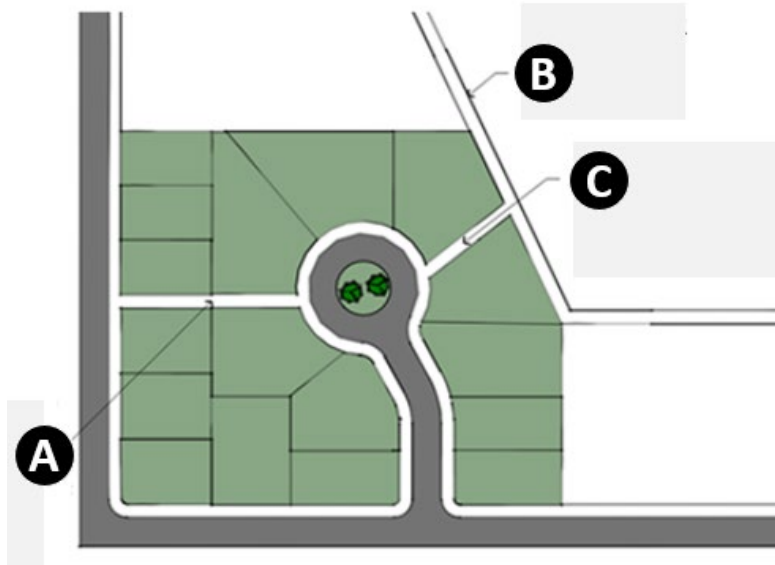


**FIGURE NOTES:** A = Shared Access B = Cross Access C = Closed Temporary Individual Access

- i. **Pedestrian Access Easements.** Except platted subdivisions where all lots are greater than five acres, the subdivider shall provide the following pedestrian access easements. A pedestrian access easement shall be a minimum of 10 feet in width and shall include an all-weather surface with a minimum width of five feet.
  7. *Mid-block Pedestrian Connections.* The subdivider shall provide a pedestrian access easement (A in Figure 4.2.3-2, *Pedestrian Connections*, below) to bisect blocks greater than 800 feet in length, where such blocks abut an arterial or collector street. In addition, the subdivider shall provide such connections to establish linkages to common facilities, such as parks, open areas, and institutional and civic uses (B in the Figure below).

8. *Cul-de-Sac Turnaround Pedestrian Connections.* The subdivider shall provide a pedestrian access easement that connects the cul-de-sac turnaround to existing or proposed sidewalks, trails, and common facilities, as depicted in (C in the Figure below).

**Figure 4.2.3-2, Pedestrian Connections**



**FIGURE NOTES:** A = Mid-Block Pedestrian Access    B = Pedestrian Access to Common Facility (Sidewalk or Trail)    C = Cul-de-Sac Pedestrian Access

**J. Conservation Easements.**

9. *Permanent Preservation.* Conservation easements may be required in order to permanently preserve common green space, natural area, and/or open space required or permitted by this UDO and to protect natural resources that are required to be protected.
10. *No Disturbance.* Once a conservation easement has been established by the owner, it may not be used, disturbed, or altered for any purpose unless otherwise permitted by the City.
11. *No Destructive Encroachment.* Other easements that may result in the disturbance of land shall not be permitted to encroach into a conservation easement, except that pedestrian access easements and non-destructive utility and drainage easements are permitted within areas protected by conservation easements.
12. *Responsible Party.* Conservation easements shall provide for permanent management and maintenance of the property by a responsible party other than the City, such as a nonprofit land trust or a homeowners or property owners association.

## Sec. 4.2.4 Public Water Supply Systems

A public water supply system, including water mains, fire hydrants, and required water system appurtenances, shall be provided by the applicant. The system shall be constructed to adequately serve all lots shown on the plat for domestic use and fire protection in accordance with this article and as otherwise approved by the City Council.

- A. **Water Main Specifications.** Water mains shall be at least eight inches in diameter, with a minimum depth of cover of five feet, and a maximum depth of cover of 6 feet. Larger sizes may be required in certain locations to account for future development, or to address recommendations identified in the City's water reliability study.

Larger sizes may also be required to achieve needed fire flows. Where the applicant is required to install a larger water main than would be required to serve the development, the City may reimburse the applicant for the increase in cost for materials and installation based on annual bids received by the City.

- B. **Curb Box.** A 1¼-inch diameter copper service lead with a curb box shall be provided for each parcel. The curb box shall be installed a minimum of five feet from any paved surface or as approved by the Department of Transportation and Utilities. All services shall be continuous Type K copper tubing through the water meter, with no buried joints or splices between fittings.
- C. **Water Services.** All water services shall be installed in a continuous straight line perpendicular from the public water main to the water meter location. Water services shall not be installed under drives or pavement outside of the rights-of-way. Deflections or deviations in service alignment from the curb stop to the point of building penetration greater than two feet either side of the curb stop will not be permitted. Services shall not pass under any portion of a structure (e.g. garage, porch, retaining wall, etc.) prior to penetrating the occupied space of the home. Failure to meet these requirements will require the installation of a meter pit near the public right of way. Refer to applicable city standard details for additional dimensional requirements.
- D. **Looped System.** The water main system shall be looped by connecting it to at least two outside sources with the maximum separation between points of connection. If only one source is available, adequate provisions shall be made for future looping connections.
- E. **Fire Hydrants.**
  - 1. Fire hydrants in residential subdivisions shall be located not more than 500 feet apart and situated such that all portions of buildings are within 250 feet of any fire hydrant.
  - 2. The applicant shall install hydrant signs behind (opposite the street side) all hydrants on ground-installed signposts with three feet of clearance around the hydrant.
  - 3. Where local high points in the water main are unavoidable, a hydrant assembly shall be provided for air relief. Air relief valves/structures are not permitted without the approval of the Director of Transportation and Utilities.
- F. **Valve Placement.** Valves shall be placed at all intersections such that not more than 30 dwelling units may be isolated. Valve spacing shall not exceed 800 feet.
- G. **Dead-end Water Mains.** Water mains serving cul-de-sacs and other short street designs shall not serve more than a maximum of 30 parcels or as otherwise required by the City Council.
- H. **Tests Required.** No connections to existing water mains shall be made until pressure and bacteriological tests of the new main have been successfully completed and approved by the City.
- I. **Required Note.** A note must be included on the plans stating that all work shall be in accordance with City construction standards.
- J. **State Permitting Requirements.** Design of public water mains and appurtenances shall conform the permitting requirements of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) and the current edition of Recommended Standards for Water Works published by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers ("10-State Standards"). A basis of design, as required by EGLE, shall be provided by the applicants engineer, including their professional seal and signature.

## Sec. 4.2.5 Public Wastewater System

The applicant shall provide the subdivision with a complete public sanitary sewer system to provide basement gravity service to all parcels, including all appurtenances, as required by this article and as otherwise approved by the City Council.

- A. **Gravity Service.** Where gravity service to basements is not feasible, basement grades shall be shown for existing and proposed houses, or a note stating that no basements will be served, or a description of the method of serving basements, shall be included on the plans. In no case shall more than 20 percent of proposed lots in a development phase be without basement gravity service unless otherwise approved by the Director of Transportation and Utilities.
- B. **Sanitary Sewers.** Sanitary sewers shall be at least eight inches in diameter. Larger sizes may be required at certain locations. Consideration shall be given to adjacent, undeveloped land, and future land use of developed land when determining the size of new sanitary sewers.
1. If sanitary sewers exist, all appropriate fees shall be paid prior to Final Plat approval.
  2. A six-inch-diameter service lead shall be provided for each lot. Each lead shall be extended to the lot line, or to the interior easement line in case an easement is adjacent to the street right-of-way and shall be installed in accordance with the City construction standards. The lead shall be a minimum of 10 feet deep at the property line.
  3. Six-inch-diameter property line service lead risers shall be installed to within a depth of three feet of the elevation of the adjoining street.
  4. Maximum manhole spacing shall be 400 feet or as approved by the Department of Transportation and Utilities.
  5. Manholes shall be placed at the end of every run receiving two or more connections, at intersections, at deflections in the sewer, at grade changes and at terminal ends of the sewer. Dead-end sewers shall be designated on permit plans as follows: "To facilitate future construction only; no house leads allowed until a terminus manhole is constructed."
  6. An easement shall be designated on the plan for each run of public sewer not in a public right-of-way. The minimum easement width shall be 20 feet. Additional easement width may be required where sewer depth is more than 15 feet.
  7. At utility crossings, a minimum clearance of 18 inches, measured from the outside of the pipe to the outside of the pipe, is required.
  8. When the sanitary sewer is parallel to a water main, a minimum horizontal clearance of 10 feet, measured from the outside of the pipe to the outside of the pipe, is required.
  9. Connection to an existing sanitary sewer will be permitted only after all required sanitary sewer tests have been successfully completed and approved by the city.
  10. A note must be included on the plans stating that all work shall be in accordance with City construction standards.
  11. Design of public sanitary sewers and appurtenances shall conform to the permitting requirements of as required by Michigan Department of Environment, Great Lakes, and Energy (EGLE) and/or by Kalamazoo County.

## **Sec. 4.2.6 Storm Drainage**

- A. **Generally.** Drainage for all new development, including proposed roadways shall also be in accordance with the standards of this section.
- B. **Storm Drainage Plan.** A Storm Drainage Plan shall be provided by the applicant in accordance with this Article and as otherwise approved by the City Council.

1. The storm drainage system presented in the Storm Drainage Plan shall be in accordance with the City Storm Water Design Criteria Manual, as amended, and shall address necessary retention facilities, storm sewers, catch basins, manholes, treatment\_culverts, bridges, and other appurtenances.
  2. The applicant shall submit hydrologic and hydraulic calculations, along with a topographic map in accordance with the Design Criteria Manual, to support the proposed storm drainage system plan. A suitable site grading plan with adjacent offsite grades, surface feature grades, and floor elevations shall also be submitted.
- C. **Storm Drainage Standards.** The Storm Drainage Plan shall demonstrate compliance with the following standards:
1. The storm drainage system shall be designed to retain and infiltrate runoff within the development. Sufficient capacity shall be provided in the storm sewer system for upstream drainage. Discharge to offsite drains or watercourses is subject to permission from the authority having jurisdiction.
  2. Stormwater retention areas shall be designed to minimize the impact on adjacent existing and proposed development. Insofar as practical, the retention basin shall be internally located within the plat proposed for development. Retention areas shall be fenced and screened from neighboring development and adjacent thoroughfares with landscaping that meets the standards of Division 3.4, *Landscaping, Buffering, and Trees*.
  3. All storm drainage structures shall be four feet in diameter or larger as may be necessary. Where appropriate, two-foot diameter catch basins may be allowed opposite four-foot structures.
  4. If a County Drain is involved, the applicant shall obtain the written approval of the County Drain Commissioner for the detailed design of those improvements under the Commissioner's jurisdiction.
  5. Flood computations shall be provided as may be required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The boundaries of flood hazard areas are defined in FEMA flood insurance rate maps.
  6. Storm sewers shall be at least 12 inches in diameter.
  7. Catch basins shall be located as follows:
    - a. At or within five feet of the end of a radius;
    - b. At all low points; and
    - c. At intermediate points so that surface drainage flow will not exceed 600 feet. Not more than 800 feet of street drainage shall drain into one basin (from two directions).
  8. Not more than 150 feet of street drainage shall be allowed to flow around a corner.
  9. A relief basin shall be required at the highest end of a radius where drainage is required to cross an intersection longitudinally.
  10. Manholes shall be required at all junctions, deflections and grade changes, opposite catch basins for storm sewers 42 inches or smaller, and as otherwise required by the city.
  11. All storm sewers shall be placed within road or street rights-of-way where possible. Easements shall be provided for off-site storm drainage systems.
  12. If off-site storm sewers are a part of the development, work shall commence at the outlet and work within the site shall not start until the off-site storm system has been installed to within the site.
  13. Adequate soil erosion and sedimentation control measures shall be provided in accordance with article 7 of this chapter.
  14. A note shall be included on the plans stating that all work shall be in accordance with City construction standards.
  15. Additional stormwater facilities standards are provided in Div. 3.9.

## Sec. 4.2.7 Street Trees, Lighting; Natural Features; Screening

- A. **Applicability.** The preservation of natural features shall be prioritized and installation of street trees, street lighting shall be required for all residential subdivisions, condominium developments, single-deed developments, and site condominiums.
- B. **Existing Natural Features.** Existing features which would add value to residential development or to the City as a whole, such as trees, natural groves, watercourses, beaches, historic spots and similar assets, are encouraged to be preserved in the design of the subdivision. The preservation of drainage and natural stream channels should be considered by the applicant, and provision of adequate barriers, where appropriate, shall be required.
- C. **Street Tree Installation.** The applicant is required to install, in the right-of-way, one street tree per street frontage for each residential lot, in accordance with the street tree planting guidelines approved by the City. The required trees shall have a minimum 2.5-inch caliper and shall fulfill the requirements of Division 3.4, *Landscaping, Screening, and Trees* for shade trees. Existing trees located in the right-of-way may fulfill this requirement, subject to the review of the City. Additionally, the applicant is encouraged to provide landscaping, trees and shrubbery on individual lots within the proposed subdivision.
- D. **Screening.** Where necessary to provide an adequate buffer from adjacent business or industrial land uses and adjacent arterials, tree planting, berming, and similar natural screening and barrier requirements may be required per Div. 3.4.
- E. **Adverse Impacts.** If compliance with [Sec. 3.8.1, Streets, Driveways, and Alleys](#), adversely impacts significant natural features including but not limited to such as trees, topography or natural habitat, the provisions of Sec. 4.2.2 may be modified by the City Council when the applicant can demonstrate the following:
1. Significant natural features will be adversely impacted; and
  2. The modifications will not adversely impact the public health, safety and welfare.
- F. **Street lighting.**
1. Decorative street lighting poles of steel or concrete are required at all intersections, curves, cul-de-sacs and dead-end streets.
  2. A street lighting plan approved by the appropriate utility supplying electricity must be submitted for the Site Plan or detailed engineering plan.
  3. The developer shall deposit with the city sufficient funds to cover cost estimates provided by the appropriate utilities supplying electricity for the actual installation of the system in accordance with the provisions of the site plan.

## Sec. 4.2.8 Markers and Monuments

- A. **State Requirements.** Monuments shall be set in accordance with Michigan Public Act 288 of 1967, as amended (the Land Division Act), and the rules of the State of Michigan. If any monument or lot marker is removed during construction the responsible party shall secure the services of a professional surveyor to replace the monument or lot marker.
- B. **Materials for Marking.** All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- C. **Location Standards.** Monuments shall be located in the ground in compliance with the following standards:
1. At all angles in the boundaries of the subdivision;
  2. At the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the plat and at the intersection of alleys with the boundaries of the subdivision;

3. 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; and at all angles of an intermediate traverse line.
  4. If the required location of monument is in 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 plat and referenced to the true point.
  5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
  6. All parcel corners shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter, or other approved markers.
- D. **Applicant Requirement.** Monuments and markers shall be provided by the applicant and so placed that the center point shall coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.
- E. **Temporary Waiver.**
1. City may waive the placing of any of the required monuments and markers for up to one year, on condition that the applicant deposits a fee with the City of Portage City Clerk. The fee may be paid in cash, credit card, certified check, or by an irrevocable bank letter of credit running to the municipality, whichever the proprietor selects, in an amount set by resolution of the City Council. A schedule of all City fees is available in the City Clerk's office.
  2. The fee shall be returned to the applicant upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City shall require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposit and shall pay the surveyor.

## Division 4.3 Nonresidential Subdivisions [reserved]

### Sec. 4.3.1 Nonresidential Subdivisions [reserved]

## Division 4.4 Public Improvements Dedication and Acceptance

### Sec. 4.4.1 Dedication of Improvements

- A. **Certifications Required.** The City Council shall not accept the dedication of the required improvements and release or reduce the guaranty or surety until the applicant has certified, in a manner approved by the City Attorney, that the improvements have been completed and are free and clear of any and all liens and encumbrances; until the applicant's engineer has certified to the Director of Transportation and Utilities that the required improvements have been satisfactorily completed; and until the applicant's engineer has certified to the Director of Transportation and Utilities, through submission of detailed, reproducible as-built plans and a certification statement, that the layout and design of the improvements are in accordance with approved construction plans for the subdivision. Upon such approval and recommendation, the City Council may accept the improvements for dedication in accordance with the established procedure.
- B. **Reduction of Surety.** The surety shall be reduced upon actual completion of the improvements, but only to the ratio that the completed improvements bear to the total improvements for the subdivision. In no event

shall the surety be reduced below ten percent of the principal amount before final acceptance of all improvements by the City Council.

## Sec. 4.4.2 Installations and Guarantees

- A. **Completion of Improvements.** Before the approval of the final plat by the City Council, the applicant shall complete all the street, sanitary and other improvements, including lot improvements on individual lots of the subdivision as required in this article, as specified in the final plat and as approved by the City Council. The applicant shall also dedicate such improvements to the City free and clear of all liens and encumbrances on the property and public improvements thus dedicated. (State law reference(s)—Authority to require improvements as prerequisite to plat approval, MCL 560.182, 560.188(3), MSA 26.430(182), 26.430(188), (3).)
- B. **Deposit in Lieu of Completion.** In lieu of completion of all improvements and with the specific consent of the City Council, Final Plat approval may be authorized pursuant to Chapter 42-831, Completion of Improvements. As a condition of approval, prior to the undertaking of any improvement, the applicant shall deposit with the City a true copy of an acceptable agreement showing that the applicant has deposited, with a bank or other agent acceptable to the City, cash, a certified check, an irrevocable bank letter of credit, or a surety bond, in an amount estimated by the Director of Transportation and Utilities as sufficient to secure to the City the satisfactory construction, installation, and dedication of the required improvements. The amount of deposit shall also secure all lot improvements on the individual lots of the subdivision as required in this article. The amount of the deposit shall represent 125 percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in this article. (State law reference(s)—Authority to require assurances for completion of required improvements, MCL 560.182(2), 560.188(3), MSA 26.430(182), (2), 26.430(188).)
- C. **Temporary Improvements.** The applicant shall build and pay for all costs of temporary improvements required by the City Council and shall maintain the temporary improvements for the period specified by the City Council.
- (c) **Improvements at Applicant's Expense.** All required improvements shall be made by the applicant at his or her expense without reimbursement by the City.
- (d) **Extent of Improvements.** All required improvements shall be constructed to the boundaries of the subdivision, unless otherwise approved by the Director of Transportation and Utilities.
- (e) **Timing and Default.** If the required improvements are not completed within the time period specified by the City Council, the City may declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time the guaranty or surety is declared to be in default.

## Sec. 4.4.3 Inspection and Acceptance

- A. **Responsibility of Inspecting Engineer; Defects.** A licensed professional engineer retained by the applicant shall be responsible for the inspection of the construction of all improvements and shall certify that such construction has been satisfactorily completed in accordance with the approved plans and City construction standards. If the Director of Transportation and Utilities finds upon inspection that any of the required improvements have not been constructed in accordance with the Final Plat, the City construction standards or the requirements of the City Council, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a guaranty or surety, the applicant and the bank, bond company, or other agent shall be severally and jointly liable for completing the improvements according to specifications.
- B. **Prerequisites for Issuance of Building Permits and Certificates of Occupancy.**

1. No building permit shall be issued for the final 10 percent of lots in a subdivision, or, if 10 percent is less than two, for the final two parcels in the subdivision, until all public improvements required by the City Council have been fully completed and dedicated to the City and accepted by the City Council.
  2. No Certificate of Occupancy for any building in a subdivision shall be issued prior to the completion of the improvements, dedication of the improvements to the City and acceptance of the improvements by the City Council, except as provided in [Sec. 7.3.3, Certificate of Occupancy](#).
- C. **Seasonal Delay of Improvements.** The Director of Community Development may issue a Certificate of Occupancy, provided there is no danger to health, safety or general welfare, whenever any lot improvement required by this Article cannot be completed because of seasonal weather and conditions that require construction to be postponed or rescheduled.
- D. **Cash Deposit Required.** A Certificate of Occupancy shall be issued upon acceptance by the City of a cash deposit in an amount to be determined by the Director of Transportation and Utilities for the cost of such improvement. The surety covering such lot improvement shall remain in full force and effect until all unfinished work is completed to the specifications of the Director of Transportation and Utilities.
- E. **Time Limit.** All required improvements for which a deposit has been accepted by the Director and received by the City at the time of issuance of the Certificate of Occupancy shall be installed by the applicant within one year. If the improvement has not been properly installed at the end of such time period, the Director shall give two weeks written notice to the applicant requiring installation of the improvement. If the improvement is not installed within such two-week period, the Director may then request the City Council to authorize the City to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit.
- F. **Notarized Statement Required.** At the time of issuance of the Certificate of Occupancy for which a deposit was made with the Director, the applicant shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the improvement at the end of the one year if the improvement has not been duly installed by the applicant.

#### **Sec. 4.4.4 Maintenance of Improvements**

- A. The applicant or contractor retained by the applicant shall file a maintenance bond with the City prior to dedication, in an amount equal to 25 percent of the construction cost of the required improvements, as estimated by the applicant's engineer and approved by the Director of Transportation and Utilities, and in a form satisfactory to the City Attorney, in order to ensure the condition and operation of such improvements, including all improvements on the individual lots, for a period of two years after the date of their acceptance by the City Council.
- B. The applicant shall maintain all improvements within the subdivision until acceptance of such improvements by the City Council.

### **Division 4.5 Land Division Procedure**

#### **Sec. 4.5.1 Land Division Approval**

- A. **General Provisions.** Land within the City shall only be divided after review and approval of the Director in accordance with this article and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

#### **Sec. 4.5.2 Noncompliance with Land Division Procedure**

- A. Any division of land in violation of the provisions of this article shall not be recognized as a land division on the City tax roll or assessment roll until the assessing officer refers the suspected violation or potential nonconformity to the county prosecuting attorney and gives written notice to the person requesting the division and the person suspected of the violation or potential nonconformity of such referral to the prosecuting attorney.
- B. Any division of land in violation of this article shall, further, not be eligible for any building permits or zoning approval, such as special land use approval, site plan approval, conditional use approval, variances or other approvals.
- C. A violation of this article further subjects the violator to the penalties provided in Section 42-715, Violations; Penalties.

### Sec. 4.5.3 Application Requirements

All land division applications shall be submitted to the Director in the Department of Community Development. A proposed division shall not be considered filed with the article nor shall the time period stated in Sec. 42-746, Approval or Denial or Application, commence unless all of the requirements for an application for land division approval have been satisfied. An application must include the following materials:

- A. **State Form.** A completed application form shall be submitted as provided by the article and the state department of treasury, Form L-4260a, "Notice to Assessor of Transfer of the Right to Make a Division of Land."
- B. **Proof of Ownership.** The application shall include proof of fee ownership of the land proposed to be divided or, if the applicant is not the property owner, a letter from the owner indicating knowledge and approval of applicant to submit the land division application.
- C. **Tentative Parcel Map.** The application shall include three copies of a tentative parcel map showing the parent parcel or parent tract which is the subject of the application and the area, parcel lines and public utility easements and the manner of proposed access for each resulting parcel. The tentative parcel map, including the resulting parcels, shall be accurately and clearly drawn to a scale of not less than one inch equals 20 feet and no more than one inch equals 200 feet. The tentative parcel map shall include the following information:
  - 1. Date, north arrow, scale and the name of the person responsible for the preparation of the tentative parcel map;
  - 2. Proposed boundary lines and the dimensions of each parcel;
  - 3. An adequate and accurate legal description of each resulting parcel;
  - 4. A drawing or written description of all previous land divisions from the same parent parcel or parent tract, identifying the number, area and date of such divisions;
  - 5. The location, dimensions and nature of proposed ingress to and egress from any existing public or private streets;
  - 6. The location of any public or private street, driveway or utility easement located or to be located within any parcel. Copies of the instruments described in granting such easement shall be submitted with the application; and
  - 7. Any existing structures and/or other land improvements.
- D. **Parcel or Parent Tract History.** The application shall include the history, specifications and a drawing of any previous land divisions from the same parent parcel or parent tract and a land title search, abstract of title, or other evidence of land title acceptable to the article planner sufficient to establish that the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the act.
- E. **Proof of Taxes Paid.** The application shall include proof that all taxes and/or installments of special assessments pertaining to the land proposed to be divided are paid in full.

- F. **Transfer of Division Rights.** If transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer shall be included, including a copy of each deed or other instrument of conveyance which contains the statement required by section 109(3) of the act (MCL 560.109(3), MSA 430(109), (3)) concerning the right to make further divisions.
- G. **Street Frontage Requirements.** The application shall include proof that all divisions shall result in buildable parcels containing at least one of the following street frontage requirements:
1. *Minimum Frontage.* Maintain a minimum of 50 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
  2. *Easements.* For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20-foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
  3. *Four-Parcel Maximum.* A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the parcel width and setback requirements for the zoning district in which it is located.
  4. *Sufficient Buildable Area.* The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.
  5. *Other Information.* The application shall include any other information reasonably required by the Director in order to determine that the proposed land division qualifies for approval.
  6. *Fees.* The application shall include the fee as established by the resolution of City Council for land division reviews pursuant to this article to cover the cost of review of the application and administration of this article and the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

## Sec. 4.5.4 Preliminary Investigation

- A. **Informal Meeting.** Prior to filing an application for a land division, the applicant may wish to meet with the Director to understand the procedures and the standards of the city with reference to this article, the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and local ordinance requirements.
- (a) **Applicants' Responsibilities.** It is the responsibility of the applicant for a land division to:
- (1) Investigate the proposed land division with respect to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.).
  - (2) Investigate the proposed land division with respect to the requirements of this article and Article 4, Zoning and Article 6, Condominium Projects of Ch. 42.

- (3) Investigate the proposed land division in relation to access requirements.

## **Sec. 4.5.5 Review of Application; Criteria for Approval**

- A. **Review.** Complete land division applications will be reviewed in the order received. The Director shall review the land division application in conjunction with the City Assessor, or other designated official, and the application shall be approved if all of the following requirements are met:
  1. The applicant has filed a complete application pursuant to the requirements of this article.
  2. The parcel or tract can be split in accordance with section 108 of the act (MCL 560.108, MSA 26.430(108)), pertaining to the maximum allowable number of land divisions.
  3. The parcel or tract can be split with regard to section 109(3) of the act (MCL 560.109(3), MSA 26.430(109), (3)), pertaining to the conveyance or non-conveyance from a parcel or tract, to a split parcel, of the right to make further splits.
  4. Each resulting parcel has a depth not more than four times the width, except that this requirement shall not apply to parcels added to contiguous parcels which result in compliance with such ratio, parcels larger than ten acres, or the remainder of the parent parcel or parent tract retained by the proprietor. The width and depth of the resulting parcel shall be measured in the same manner provided by article 4 of this chapter for the measuring of the minimum width and maximum depth of parcels.
- B. **Street Frontage Requirements.** Each resulting parcel shall meet at least one of the following street frontage requirements:
  1. Maintain a minimum of 50 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
  2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the director simultaneously with the register of deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20-foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
- C. **Four Parcel Limit.** A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
  1. Each resulting parcel fulfills the requirements of the zoning district in which it is located, including but not limited to lot area, lot width, frontage on a public street, and minimum setbacks for existing buildings/structures.
  2. Each resulting parcel that is a development site has easements for public utilities from the resulting parcel to existing public utility facilities.
  3. Each resulting parcel complies with all other applicable requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.), this article and other ordinances of the city.

- D. **Public Infrastructure Requirement.** Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and article 4, subdivision and land division requirements, of this chapter, shall be subject to subsection C of this section and to the following conditions:
1. Proposals for developments under this section shall be subject to review by the planning commission, and shall be subject, further, to review and approval by the council. All improvements must meet the approval of the council.
  2. Streets shall be provided with asphalt or concrete surfacing and shall be in accordance with specifications approved by the council. Drainage for the proposed roadway shall also be in accordance with specifications approved by the council.
  3. Water, sanitary sewers and all other improvements shall be provided as required by the council and shall be in accordance with at least the minimum standards as set forth by ordinances of the council.

### Sec. 4.5.6 Approval or Denial of Application

- A. **City Assessor's Review.** The City Assessor shall complete the review under subsections 42-745(2) and (3) and notify the Director in writing regarding whether the proposed division is in compliance with the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and this Code. State law reference(s)—Approval standards, MCL 560.109(1), (5), MSA 26.430(109), (1), (5).
- B. **Written Notification.** Based on the review by the Director, the City Assessor, or other designated official, the Director shall provide written notification to the applicant of approval or disapproval of the proposed land division application. If disapproved, the Director shall provide the applicant with a description of the reasons for disapproving. This notification shall be made not later than 45 days from the receipt of the completed land division application. State law reference(s)—Approval deadline, MCL 560.109(1), MSA 26.430(109), (1).
- C. **Appeals.** Any person aggrieved by the decision of the Director on an application for a land division may appeal the Director's determination to the Planning Commission by filing a written appeal with the Director not later than 21 days after the date notice of the Director's determination was mailed or personally delivered to the applicant. At least seven days' written notice of the date, time and place of the Planning Commission meeting at which the appeal will be considered shall be given to the applicant (and the appellant where other than the applicant) by personal delivery or regular first class mail directed to the address of the applicant/appellant as shown on the application or in the written appeal. The Planning Commission shall affirm or reverse the determination of the Director in whole or in part pursuant to requirements for approval of a land division set forth in this article and in the act (MCL 560.101 et seq., MSA 26.430(101) et seq.). The decision of the city Planning Commission on such an appeal shall be a final decision of the city for purposes of such judicial review as may be provided by law.
- D. **Approval Time Limit.** A decision of the Director, or of the Planning Commission if an appeal is taken, approving a land division is effective for 90 days, after which it shall be considered revoked unless the appropriate document is recorded with the county register of deeds, and subsequently filed with the City Assessor, officially recording the approved land division or transfer. This time period may be extended in writing by the Director upon good cause shown.
- E. **Official Record.** The City Assessor shall maintain an official record of all approved and recorded land divisions or transfers and mark the date of approval of the proposed land division on all deeds, other recordable instruments of conveyance, and surveys which are in conformity with the approved tentative parcel map and which otherwise comply with the requirements of this article.
- F. **Limitation of Approval.** The approval of an application for a land division is only a determination that the land division complies with the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and is not

a determination that the resulting parcels comply with other applicable ordinances or regulations pertaining to the use or development of the parcels.

- G. **Parcels Less Than One Acre.** Any notice of approval for a resulting parcel of less than one acre in size shall contain a statement that the City and its officers and employees are not liable if a building permit is not issued for the parcel for the reason that the parcel fails to satisfy the requirements of section 109a of the act (MCL 560.109a, MSA 26.430(109a)).

### **Sec. 4.5.7 Approval of Land Divisions Not Meeting Lot or Access Requirements**

Notwithstanding disqualification from approval pursuant to this article, a proposed land division which does not fully comply with the applicable lot, yard, accessibility and area requirements in this division or other requirements of this UDO may be approved in any of the following circumstances:

- A. Where the Zoning Board of Appeals has, previous to the effective date of the ordinance codified in this article, granted a variance from the lot, yard, coverage ratio, frontage and/or area requirements with which the parcel fails to comply.
- B. Where the proposed land division involves only the minor adjustment of a common boundary line or involves a conveyance between adjoining properties which does not result in either parcel violating this UDO. (MCL 560.101 et seq., MSA 26.430(101) et seq.).

### **Sec. 4.5.8 Taxation Date for New Land Divisions**

All approved land divisions will become effective after meeting all the requirements of the approval for property tax purposes the following assessment year.

# ARTICLE 10 WORD USAGE

## Contents:

### Division 10.1 Rules of Construction, Acronyms, and Abbreviations

#### Sec. 10.1.1 Rules of Construction

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### Division 10.2 Definitions

#### Definitions

## Division 10.1 Rules of Construction, Acronyms, and Abbreviations

### Sec. 10.1.1 Rules of Construction

- A. **Generally.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning. Terms not defined in this article shall have the meaning customarily assigned to them.
- B. **Rules of Construction.** The following rules of construction apply to this UDO:
1. The particular shall control the general. For terms used in this article, the use of a general term shall not be taken to be the same as the use of any other specific term. For example, a "dry cleaning retail establishment," as used in this article, shall not be interpreted to be the same as a "retail business supplying commodities on the premises," since each is listed as a separate and distinct use.
  2. In case of any difference of meaning or implication between the text of this article and any caption or illustration, the text shall control.
  3. A building or structure includes any part thereof.
  4. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
  5. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
  6. "And" indicates that the connected items, conditions, provisions or events apply.
  7. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  8. "Either . . . or" indicates that the connected items, conditions, provisions or events apply singly but not in combination.

### Sec. 10.1.2 Acronyms and Abbreviations

**Table 10.1.2-1, Meaning of Acronyms and Abbreviations**

Abbreviation or Acronym	Meaning
--	When used in a table, means "prohibited"
AASHTO	American Association of State and Highway Transportation Officials
AC. or ac.	Acres
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
A.S.T.M.D.	American Society for Testing Materials
BFE	Base Flood Elevation
BMP	Best Management Practice
CCMU	City Centre Mixed Use zoning district
C.F.R.	Code of Federal Regulations
CI	Consumer Industrial Zoning District
dBA	A-weighted decibel
DU	Dwelling Unit
DU/AC	Dwelling Units Per Acre
RE	Residential Estate Zoning District
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
ft.	Feet
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
GC	General Commercial Zoning District
GFA	Gross Floor Area
HI	Heavy Industrial Zoning District
HOA	Homeowners Association
In.	Inches
LC	Lake Center Mixed Use zoning district
LI	Light Industrial zoning district
MCL	Michigan Compiled Laws
MHC	Manufactured Home Community
MDP	Master Development Plan
Max.	Maximum
Min.	Minimum
MU	Mixed Use zoning district
n/a or NA	Not Applicable

**Table 10.1.2-1, Meaning of Acronyms and Abbreviations**

Abbreviation or Acronym	Meaning
NAD 83	North American Datum of 1983
NFIP	National Flood Insurance Program
PUD	Planned Unit Development
PC	Planning Commission
RE	Residential Estate zoning district
RM	Residential Mixed zoning district
RN	Residential Neighborhood zoning district
ROW	Right-of-Way
RTK	Real-Time Kinetic
SF or sq. ft.	Square Feet
SLU	Special Land Use
SWECS	Small Wind Energy Conversion System
UDO	Unified Development Ordinance
VUA	Vehicle Use Area
ZBA	Zoning Board of Appeals

## Division 10.2 Definitions

### DEFINITIONS

#### A

**Abandonment**, in the context of wireless transmission facilities and towers means to cease operation for a period of 90 or more consecutive days; to reduce the effective radiated power of an antenna by 75 percent for 60 or more consecutive days; or to reduce the number of transmissions from an antenna by 75 percent for 60 or more consecutive days.

**Abut** means the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement or street.

**Accessible**, in reference to a parcel, means that the parcel meets one or both of the following requirements and all applicable local ordinances:

1. It has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road Commission under Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the City, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
2. It is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road Commission under

Public Act No. 200 of 1969 (MCL 247.321 et seq.) and of the City, or can be served by a proposed easement that will provide vehicular access to an existing road or street that will meet all such applicable location standards.

**Accessory Building or Structure** means a building or structure with full-roof coverage that is clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related. When an accessory building is attached to the main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building for setback purposes.

**Accessory Dwelling Unit** (See Dwelling Unit, Accessory.)

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

**Adjacent Lot** means a zoning lot which borders upon or abuts the subject lot at any point or a zoning lot which is separated from the subject zoning lot by a street, alley, or other public or private easement even if its property line does not abut or touch the subject zoning lot.

**Adult Foster Care** means, in general, licensed residential settings that provide 24-hour personal care, protection, and supervision for individuals who are developmentally disabled, mentally ill, physically handicapped or aged who cannot live alone but who do not need continuous nursing care.

**Adult Foster Care Family Group Home** means a private residence with the approved capacity to receive not more than six adults who are provided with foster care for five or more days a week and for two or more consecutive weeks.

**Adult Foster Care Large Group Home** means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

**Adult Foster Care Small Group Home** means an adult foster care facility with the approved capacity to receive not more than 12 adults who are provided with foster care.

**Age-Restricted Housing** means a building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

**Agriculture, General** means the use of land for the growing and/or production of field crops, livestock and livestock products for the production of income, together with the dwelling used by the owner or person employed thereon, but excluding specialized agriculture and industrial agriculture.

**Agriculture, Industrial** means the use of land for mushroom production or the confined keeping of livestock or other animals, including fowl, for food, fur, resale or training purposes, in yards, pens, lots, buildings or other areas not normally used for pasture or crops and in which abnormal amounts of manure or related other animal wastes may originate by reason of keeping of animals and which uses emit noise, odors or other characteristics that may negatively influence adjacent land uses.

**Agriculture, Specialized** means the use of land for bedding plant greenhouses, orchards and fruit production, vineyards and similar activities, including cricket and worm production and buildings, together with the dwelling used by the owner or a person employed thereon, but excluding industrial agriculture.

**Specialized Agriculture** means the use of land for bedding plant greenhouses, orchards and fruit production, vineyards and similar activities, including cricket and worm production and buildings, together with the dwelling used by the owner or a person employed thereon, but excluding industrial agriculture.

**Airport or Heliport** means any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized.

**Alley** means a dedicated public way affording a secondary means of access to abutting property, not intended for general traffic circulation.

**Alteration** means any change, addition or modification in construction or type of occupancy or any change 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 in this article as "altered" or "reconstructed."

**Alternative Tower Structure (ATS) or Stealth Tower** means manmade trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Ambient** means the sound pressure level exceeded 90 percent of the time or L 90.

**Ancillary Facilities** means 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.

**Anemometer** means an instrument used to measure wind speed, usually measured either from the rotation of wind-driven cups or from wind pressure through a tube pointed into the wind.

**Anemometer Tower** means a freestanding tower containing instrumentation such as anemometers that is used to conduct a wind site assessment for possible installation of a small on-site wind energy system.

**Animal, Domestic** means animal normally and customarily kept for pleasure and companionship, that has adapted to human interaction, typically resides within a dwelling and is commonly considered to be domesticated. This category includes those animals typically kept as household pets exclusively by the person(s) occupying the premises. Examples include a dog, cat, rabbit, small domesticated rodent such as hamster, gerbil, ferret and chinchilla, guinea pig, caged bird, non-venomous reptile, amphibian and common aquarium fish, excluding however, exotic animals, farm animals (whether kept for commercial profit or for pleasure and companionship) and animal ferae naturae.

**Animal, exotic** means animal that may be dangerous or vicious or that is not customarily kept, confined or cultivated by humans as a domestic animal, or farm animal, but may be used for display with appropriate permits. Examples include marsupials such as kangaroos and opossums, non-human primates such as monkeys and gorillas, canines and felines (not including domestic dogs and cats), poisonous reptiles and amphibians, and the like.

**Animal, Farm or Livestock** means any animal that is commonly raised or kept in an agricultural setting, for commercial profit and primarily utilized for the production of food or fiber products. This category includes those animals typically referred to as livestock but not including a domestic animal. Examples include cattle, sheep, goats, pigs, donkeys, mules, poultry and other fowl.

**Animal Shelter** means a facility that is owned, operated, or maintained by a public body, an established humane society, or other private or nonprofit organization used to house and care for stray, homeless, abandoned, or neglected animals.

**Antenna** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals, including, but not limited to, directional antenna or panel antenna, omni-directional antenna, or whip antenna.

**Antenna Structure or Support** means any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

**Applicant** means a natural person, firm, association, partnership, corporation or combination thereof which holds any ownership interest in land, whether recorded or not. The term "applicant" includes the proprietor for a proposed subdivision or other zoning-related permissions.

**Arbor** means a freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

**Arterial Street** means a roadway used to move large volumes of through traffic between activity centers, rather than providing direct access to individual properties.

- A. **Principal Arterial** means a roadway that provides a high degree of vehicle mobility in a metropolitan area or rural area.
- B. **Minor Arterial** means a roadway that offers connectivity to **Principal Arterial** roadways, provides for vehicle trips of moderate length, serves geographic areas that are smaller than those served by a Principal Arterial, and that interconnects and augments the **Principal Arterial** network through intra-community continuity and as a carrier for local bus routes.

**As-built plans** means plans showing construction measurements as constructed in the field.

**Assisted Living Facility** means a combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.

**Auto Collision or Body Shop** means a business that provides for the repair, replacement, and painting of automobile interiors, exteriors, glass, body frames, and fenders. Activities defined as Auto Repair may also take place as part of this use.

**Auto Repair** means a business that offers repairs, services, and replacement of automobile electronics, glass, exhaust systems, brakes, transmissions, and other vehicle systems and parts.

**Auto Sales, Leasing, or Rental** means any premises on which three or more used or new automobiles, trailers, boats, RVs, ATV or similar vehicles are offered for sale, rental, or lease during any calendar year.

**Average Grade** means the ground elevation established for the purpose of regulating the height of the building. 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 average grade shall be determined by averaging the elevation of the ground for each face of the building. ("Average grade" shall also include "grade.")

## B

**Backhaul Network** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

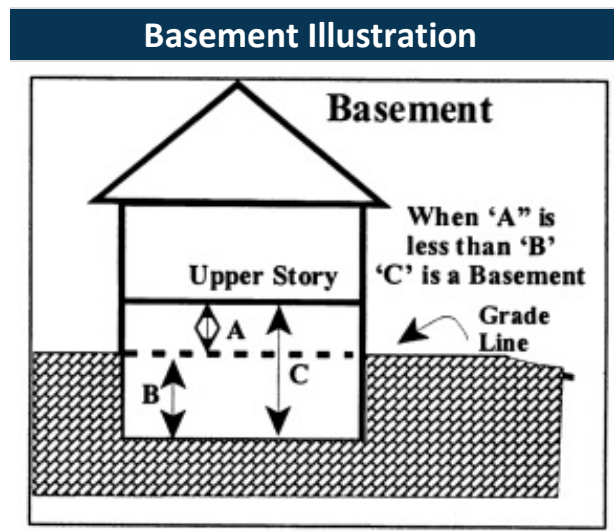
**Bank or Financial Institution** means an establishment federally chartered or state chartered that provides financial services. This definition does not include check checking or payday loan businesses.

**Banner** means any cloth, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on all corners and/or sides. Banners do not include flags.

**Banquet Hall** (see Conference Center.)

**Barrier-Free Entrance** means a building entrance designed without physical obstacles, allowing easy, independent access for everyone, including people with mobility aids (wheelchairs, strollers), sensory or cognitive impairments, ensuring equal opportunity to enter and use facilities. This involves adding features like ramps, wide doorways, automatic doors, level thresholds, and clear paths and removing or providing accessible alternatives to steps, turnstiles, or revolving doors that create a hindrance.

**Basement** means that portion of a building between floor and ceiling which is partly below and partly above ground level but so located that the vertical distance from outside average grade to the lowest floor below is greater than the vertical distance from outside average grade to the lowest floor ceiling above. A basement shall not be counted as a story.



**Bed and Breakfast Establishment** means a use which is subordinate to the main use of the dwelling unit as a single-family residence which offers sleeping accommodations to transient tenants in ten or fewer rooms for rent, at the innkeeper's primary residence while renting the rooms to transient tenants, and which serves breakfast to its transient tenants.

**Block** means property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

**Block Perimeter** means linear distance around a block measured along the right-of-way line or road easement.

**Boarding House** means a multifamily residential use providing room and board, common eating, and sanitary facilities for five or more persons, but not exceeding 20 persons, with two or more rooms that are rented or intended to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units.

**Boathouse** means a structure for sheltering one or more boats.

**Boulevard** means a street developed to two, or more, lanes with one-way pavements separated by a median.

**Brewpub, Microbrewery, Winery, or Distillery** means an establishment primarily engaged in brewing beer and making wine and other spirits, and may include the retail sale of prepared food for consumption.

**Buffer** means an area of land, including landscaping, walls, and fences located between land uses of different characters and which is intended to mitigate negative impacts of the more intense land use on the less intense land use.

**Build-to Area** means an area at the front of the lot in which a front building facade must be located.

**Building** means a structure which is permanently affixed to the land; has one or more floors, a roof, and is enclosed by walls; and is bounded by either open area or the lot line of a zoning lot. "Building" does not include structures such as billboards, fences or radio towers or structures with interior surfaces not normally accessible for human use, such as gas holders, tanks, smokestacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

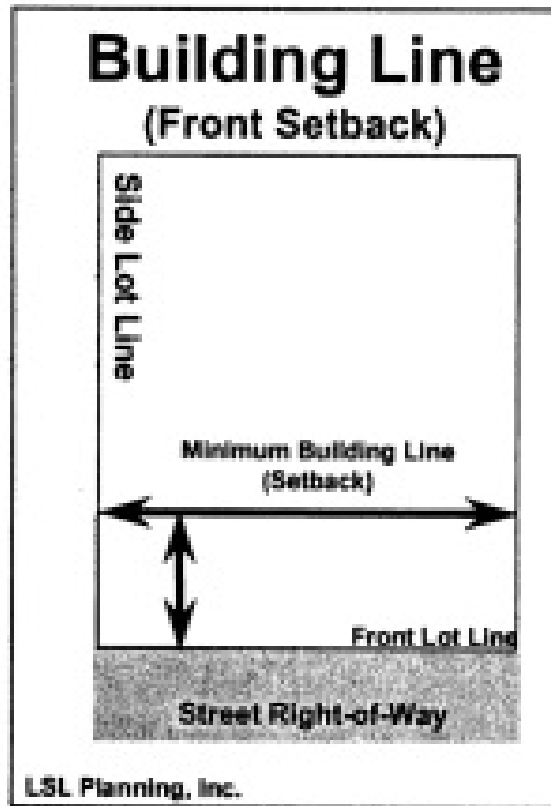
**Building Coverage** means the proportion, expressed as a percentage, of the area of a lot covered by buildings (principal and accessory) or roofed areas, as measured along the outside wall at ground level, and including all projections, other than fire escapes, canopies, and the first two feet of a roof overhang.

**Building Height** means the vertical distance measured from the average 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 the highest 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 grade. Height calculations shall disregard any fill or construction which the director finds to have no significant purpose other than elevating the grade. In reaching such finding, the director shall consider only those architectural, structural, safety, aesthetic, access or other purposes claimed by the developer and supported by reasonable evidence.

**Building Inspector** means the Director of Community Development or designee.

**Building Line** means an imaginary line measured between the side lot lines at a distance from the front lot line as required by the district in which the lot is located. For the purposes of this chapter, a building line is the same as a front setback line.

## Building Line Illustration



**Bus Passenger Station** means any land, structure, or building which serves as a point of arrival or departure for passengers of commercial busses, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and retail sales accessory thereto. Bus Passenger Stations shall not include the storage, cleaning, or repair of busses.

**Business Owner or Employee** means a person with a legal ownership interest in the commercial use or who has a right to receive a W-2 tax form from the commercial use and who participates in the operation of the commercial use on-site a minimum of 20 hours per week.

## C

**Canopy Structure** means any overhead protective structure, which is constructed in a manner to allow pedestrians and vehicles to pass under.

**Carwash, Automatic or Self Service** means a facility for the washing or cleaning of vehicles. A car wash may be:

1. A single unit type with a single bay or a group of single bays that each accommodate one vehicle where a person uses a high-pressure hose to wash the vehicle by hand;
2. An automated single unit that has a single bay to accommodate one vehicle at a time;
3. A tunnel unit that allows washing of multiple vehicles at a time while moving through the structure; or
4. Additional outdoor bays or lanes that contain self-service vacuums.

**Caretaker's Residence** means a permanent accessory dwelling for purposes of housing a caretaker associated with a use in an industrial use type.

**Carport** means a freestanding structure supported by columns or posts with more than 75% covered by roof. A carport shall be considered an accessory building.

**Cat Cafe** means a restaurant or café, which also houses adoptable or therapeutic cats for clientele to interact with, and which may incorporate cat adoption services in addition to the restaurant services.

**Cemetery, Columbarium, Mausoleum, or Memorial Park** means land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums, columbarium, mausoleums, and other buildings where funeral services may be held.

**City** means the City of Portage.

**City Engineer** means the Director of Transportation and Utilities or designee.

**City Planner** means the Director of Community Development or designee.

**Clinic** means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals.

**Club or Lodge** (See Private Club, Lodge, Recreational Field or Facility)

**Collocation** means the placement of an antenna or other equipment for more than one provider on an existing transmission tower, building, light or utility pole or other similar facility where the antenna and all supports are located on the existing structure.

**Collector Street** means a street used primarily to carry traffic from local streets to major arterial streets and may include principal entrance streets to residential developments and interior collector streets.

1. **Major Collector**, relative to a Minor Collector, means a longer street that is spaced at greater intervals and that has a lower density of connecting driveways, a higher speed limit, higher annual average traffic volume, and may have more travel lanes.
2. **Minor Collector**, relative to a Major Collector, means a street that provides access and traffic circulation in low-density residential, commercial, and industrial areas, with a lower speed limit and a lower annual average traffic volume.

**College or University** means an educational institution that is authorized by the State of Michigan or other nationally recognized accrediting entity to award associate's or higher degrees.

**Commercial Recreation – Indoor** means a private indoor (entirely within an enclosed structure) use providing for sport and recreation activities. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor)

**Commission** means the Planning Commission of the City of Portage.

**Community Center** (see Neighborhood or Community Center.)

**Comprehensive or Master Plan** means the comprehensive plan for the City of Portage, including appropriate graphic and written materials regarding the physical development of the City. The term "comprehensive plan" includes "master plan" and any unit or part of the plan and any amendment to the plan or parts thereof.

**Conceptual Plan** means a document which can be recorded with the county register of deeds that contains at a minimum all those items required by section 42-414 B.4.

**Condominium Project** means a plan or project consisting of not less than two single-unit detached dwellings or condominium units.

**Condominium Subdivision Plan** means the drawings and information prepared pursuant to the requirements of Sec. 42-883.

**Condominium Unit** means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed. To ensure that the condominium unit, as described in the master deed, is consistent with minimum lot requirements of Article 4 of this chapter, a minimum required lot area shall be assigned for each condominium unit and such assignment shall be shown on the condominium subdivision plan.

**Conference Center or Banquet Hall** means a facility that may hold an event, such as a ceremony, exhibit, or other similar functions.

**Congregate Care Facility** means a semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, caregiving and organized social/recreational activities.

**Construction of an ATS** means the erection, installation or modification of an alternative tower structure or the attachment of an antenna to an existing alternative-design mounting structure.

**Continuing Care Facility** means a development under unified operation that provides a variety of accommodation options offering a continuum of care and services. A continuing care facility must be developed as an integrated continuum of accommodation types and service features that allows for the ability to move between levels of support as an individual's care needs change. At a minimum, a continuing care facility must offer or provide care and services to include the on-site provision of meals, general housekeeping, facilitation of transportation, recreation, health- or hygiene-related care, assistance with activities of daily living, and other services integral to the personal, health, and therapeutic care of persons. This facility may include combination of independent living, assisted living, skilled nursing, or full-time care.

**Contractor's Equipment and Supply Storage** means the space, facility, or designated area used by the Contractor to store equipment (tools, machinery, vehicles, etc.) and supplies (materials, consumables, parts) needed for performance of the Work (or Services) under the contract. It covers both the equipment/supplies themselves and the storage location or system for them.

**Contractor's Showroom or Workshop** means a building, primarily for showcasing products for sale which are constructed at an off-site location.

**Convent or Monastery** means a building used as group living quarters for a religious order, including a group kitchen facility to serve all residents.

**Council or City Council** means the City Council of the City of Portage.

**Cul-de-Sac** means a street having one end open for vehicular or pedestrian access and the other terminated by a vehicular turnaround.

**Cultural Institution** means public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include theaters.

## D

**Day Care, Family Child Care Home** means a private home that is licensed or has received a certificate of registration by the state in which one but not more 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. The term "family childcare home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

**Day Care, Group Child Care Home** means a private home that is licensed or has received a certificate of registration by the state in which more than seven but not more than 14 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. The term "group childcare home" includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

**Day Care, Pet** means a facility or service whereby pets are admitted for temporary daytime care (but not overnight boarding) for the purpose of supervised socialization, exercise and play, in a controlled environment with other pets and under staff supervision. The term includes all associated services, equipment, enclosures and premises necessary to deliver such daytime care.

**Day Care Center, Adult** means a facility that has a primary purpose of providing care for functionally impaired adults of age 18 and over and/ or those age 60 and over through a comprehensive program consisting of health, social, and related support services. Enrolled adults shall be cared for periods of less than 24 hours a day and must not be institutionalized.

**Day Care Center, Child** means a facility, other than a private residence, that is licensed or has received a certificate of registration by the state receiving one or more preschool or school age children for care for periods of less than 24 hours a day and for not less than two consecutive weeks and where the parents or guardians are not immediately available to the child.

**Day Care Center, Pet** means a business that provides for the temporary boarding and care of common household pets, sometimes referred to as "doggy day care." Pet day care generally occurs during daytime hours but may include overnight stays. A pet day care center may provide related services such as retail sales, grooming, or training, but breeding and sales of animals would not be permitted.

**dB(A)** means the sound pressure level in decibels. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

**Decibel** means the unit of measure used to express the magnitude of sound pressure and sound intensity.

**Developer** means a person, or entity, engaged in the business of developing a project.

**Development** means the construction of a new building or other structure on a lot, the relocation of an existing building on another lot or the use of open land for a new use.

**Development site** means any parcel or lot on which exists or which is intended for building development other than the following:

- (1) Agricultural use involving the production of plants and animals useful to humans, including forages and sod crops, grains, feed crops and field crops, dairies and dairy products, poultry and poultry products, livestock, including breeding and grazing cattle, swine and similar animals, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.
- (2) Forestry use involving the planting, management or harvesting of timber.

**Director** means the Director of Community Development or designee.

**Division** means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent and that satisfies the requirements of sections 108 and 109 of the act (MCL 560.108, 560.109, MSA 26.430(108), 26.430(109)). The term "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

**Drive-In Establishment** means a food, retail or service business that is dependent on serving products to patrons while parked in a motor vehicle.

**Drive-Thru Establishment** means a food, retail or service business that is primarily dependent on providing the service or product to patrons while in motor vehicles where consumption or use by the patron principally occurs off-premise. Examples of drive-through establishments include financial institutions, restaurants, dry cleaners, and pharmacies but do not include auto repair uses, carwash uses, open air businesses, open front stores and similar uses.

**Driveway, Residential** means private access which provides ingress and egress from a curb cut to a garage, carport or accessory parking space.

**Dry Cleaning, Retail** means an establishment where the public can drop off and pick up laundry for washing or dry cleaning where the actual washing or dry cleaning of the laundry takes place off-site.

**Dry Cleaning Plant or Facility** means an establishment that dry cleans and launders clothing for multiple Dry Cleaning, Retail establishments.

**Dwelling Unit** means a building, or portion thereof, designed for occupancy by one family for residential purposes providing areas for living, cooking, bathing, and sleeping.

**Dwelling Unit, Accessory (ADU)** means is an attached or detached separate dwelling unit independent from but located on the same parcel or zoning lot as a principal residence. The ADU provides for living, sleeping, cooking, and bathroom facilities.

**Dwelling, Duplex** see "Dwelling, Two-Unit Attached."

**Dwelling, Multi-Unit** means a residential use that is divided into seven or more separate dwelling units on a single parcel. This definition does not include duplexes, townhouses, or multiplexes.

**Dwelling, Multiplex** means a residential use divided into three to six dwelling units. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, or over-under. This definition does not include duplexes, townhouses, or multi-unit dwellings.

**Dwelling, Single-Unit Detached** means a dwelling designed and constructed as a free-standing structure for occupancy by one household and located on a separately platted lot and having no physical connection to a building located on any other lot or tract.

**Dwelling, Townhouse** means three or more independent dwelling units horizontally attached to each other.

**Dwelling, Two-Unit Attached** means either two independent dwelling units attached to each other that are on the same lot (typically call a duplex) which may be configured side-by-side or stacked, or two independent dwelling units attached to each other that are on separate lots.

**Dwelling, Upper-Story** means a dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level.

## E

**Easement** means a grant by the owner of the use of a strip of land by the public, a corporation or persons, for specific uses and purposes, to be designated as a public or private easement depending on the nature of the use.

**Electric Vehicle Charging Station (EVCS)** means equipment for plug-in power transfer including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, personal protection system, and all other fittings, devices, power outlets or apparatus installed specifically to transfer energy between the premises wiring and the electric vehicle.

**Electric Vehicle Charging Station, DC Fast Charger** means electric vehicle charging infrastructure, also referred to as Level 3 EV charging station, that provides high-power (typically 400 volts DC or higher) charging, enabling rapid charging at commercial and public locations.

**Electric Vehicle Charging Station, Level 1** means electric vehicle charging infrastructure that provides low-power (typically 120 volts AC) charging generally suitable for overnight charging at residential locations.

**Electric Vehicle Charging Station, Level 2** means electric vehicle charging infrastructure that provides medium-power (typically 240 volts AC) charging generally suitable for both residential and commercial settings. It allows faster charging compared to Level 1.

**Electrical Substation** means a set of equipment that reduces the high voltage of electrical power transmission to that suitable for supply to consumers.

**Electronic Message Display** means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. The definitions below (a) through (c) are used in conjunction with an electronic message display ("EMD"):

1. Floodlight means a fixture designed to "flood" a well-defined area with light.
2. Foot-candle (fc) means a unit of illumination produced on a surface all points of which are one foot from a uniform point source equivalent to one candle in brightness of illumination.
3. Frame means complete, static display screen on an electronic message display.
4. Frame Effect means a visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
5. Transition means a visual effect used on an electronic message display to change from one message to another.
6. Erected means anything built, constructed, altered, reconstructed or moved upon, or any physical operation on the premises, which is required for construction. Excavation, fill, drainage, and similar activities are considered parts of erection.

**Emergency Access Lane** means a concrete-pavement or asphalt surface that is available for use by emergency vehicles including but not limited to, fire trucks, ambulances, and police vehicles.

**Emergency Shelter** means a temporary residential facility, which provides overnight accommodations and incidental services on a short-term basis for persons and/or families experiencing homelessness.

**Erected:** Anything built, constructed, altered, reconstructed or moved upon, or any physical operation on the premises, which is required for construction. Excavation, fill, drainage, and similar activities are considered parts of erection.

**Essential Services** means the erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, or of collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Wireless communications towers and antennas are not considered essential services.

**Excavation** means any breaking of ground, except common household gardening and ground care.

**Exempt Split** means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

## F

**FAA** means the Federal Aviation Administration.

**Family** means:

1. One or more persons related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single nonprofit housekeeping unit; or a collective number of individuals living together in one dwelling unit, having a relationship which is functionally equivalent to a family.
2. The relationship must be of a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.
3. This functional family shall not include any society, club, fraternity, sorority, association, lodge, organization, coterie, combine, federation, organization which is not a recognized religious order, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary and/or of resort-seasonal character in nature.
4. The term "family" does not include any adult foster care facility licensed under Public Act No. 218 of 1979 (MCL 400.701 et seq., MSA 16.610(51) et seq.) except an adult foster care family home as defined in section 3 of that act (MCL 400.703, MSA 16.610(53)).

**Farm** means land, buildings and machinery used in the commercial production of farm products, including field crops, livestock and livestock products, together with the dwelling used by the owner or a person employed thereon.

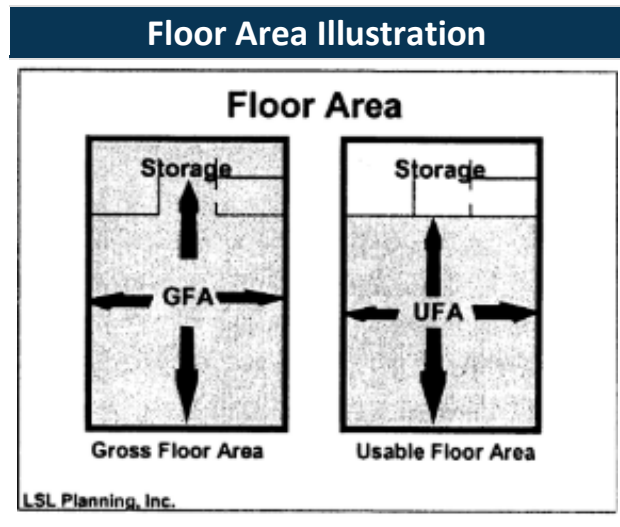
**FCC** means the Federal Communications Commission.

**Fence** means a permanent partition, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

**Final Plan** means the plan for development of a planned unit development or divisible geographic section thereof, approved subsequent to the approval of the tentative plan by the Planning Commission and City Council under this article.

**Flag**, for the purposes of [Division 3.6, Signs](#), means a sign printed or painted on cloth, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff affixed to the ground or a building and anchored along only one edge or supported or anchored at only two corners. Flags do not include banners.

**Floor Area** means areas including basement space, elevator shafts or stairwells, floor space for mechanical equipment, penthouses, balconies, mezzanines, enclosed porches and accessory buildings and attic floor space, whether or not floor has been laid, providing structural headroom of seven feet, six inches. The term "floor area" does not include elevator or stair bulkheads, accessory water tanks or cooling towers, uncovered steps, attic space less than seven feet, six inches, and terraces, breezeways or open porches, provided that not more than 50 percent of the perimeter of any such terrace, breezeway or open porch is enclosed.



**Floor Area, Gross (GFA)** means the sum of the gross horizontal areas of the several floors of a building measured from the exterior walls or from the centerline of walls separating two buildings. (See illustration in the definition of Floor Area).

**Floor Area, Gross Leasable (GLA)** means the total floor area designed for an individual tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet measured from the centerline of the joint partitions and from outside wall faces. Multiple tenant spaces within a single building shall be counted collectively for the purposes of computing GLA.

**Floor Area, Residential** means, 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 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 basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

**Floor Area, Usable (UFA)** means, for the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the 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. (See Floor Area, Usable illustration in the definition of Floor Area.)

**Forty acres or equivalent** means 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot not containing less than 30 acres.

**Front Yard** means open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Frontage** means the total length of the front lot line being the horizontal distance between the side lot lines, as measured at the front lot line.

**Frontage Lot Line** (or Front Lot Line) means the lot line that coincides with the public right-of-way or edge of a space dedicated for public use. Building facades parallel to frontage lines define public space and are therefore subject to a higher level of regulation than the elevations that face other lot lines.

**Funeral Home or Mortuary** means a building that is used principally for the following human funeral services; embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other tests or surgical procedures on human remains. In addition to the above functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions. Funeral homes do not include crematories or the cremation of human or pet remains.

## G

**Garage, Private** means an accessory building, detached from or attached to a main building, designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory. This does not include self-storage garages.

**Gas Regulator Station** means (includes with service yard but storage yard not permitted)

**Glare** means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on factors such as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

**Golf Course** means a tract of land designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a country club or other clubhouse, a driving range, putting greens, and shelters as accessory uses. This term excludes stand-alone driving ranges or miniature golf facilities.

## H

**Habitable Space** means building space that involves human presence with a direct view of the streets or public or private open space. Habitable space does not include parking garages, storage facilities, warehouses, and display windows separated from retail activity.

**Heating and Electric Power Generating Plant** means all facilities, equipment, systems and structures owned, leased or operated by the Contractor (or its subcontractors) for the generation of thermal energy (such as steam, hot water or process heating) and/or electric power (AC or DC electricity) as required under this Contract. This includes boilers, heat-exchangers, turbines, generators, fuel handling and storage systems, cooling systems, emissions control equipment, switchgear and auxiliary systems and any distribution networks within the plant boundaries.

**Height or Tower Height** means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**Heliport, Public or Private** means an area used by helicopters which is more than a minimally developed heliport used for passenger and cargo facilities. A heliport includes one or more of the following: maintenance and overhaul, fueling service, storage space, tiedown space, hangars, accessory buildings and open spaces, and other similar facilities and/or services.

**Helistop, Public or Private** means an area used by not more than one helicopter at one time for the limited purpose of picking up or discharging passengers or cargo only. A helistop is minimally developed, and, to the extent more services or facilities are provided, the use would then be considered a heliport.

**Home Occupation** means a home-based activity or service conducted on a zoning lot used for residential purposes by an occupant(s) as a subordinate and accessory use involving the sale or exchange of services. The sale or exchange of products and goods is permitted only if incidental to the services of the home occupation or involve the sale of fruits, vegetables or flowers grown on site pursuant to the Michigan Right to Farm Act, Act 93 of 1981, as amended. Home occupations may include, but are not limited to: administrative offices, photographic studios, personal service establishments, and instruction in outdoor recreational activities. Instruction in a craft or fine art within the dwelling unit pursuant to MCLA 125.3204 is permitted as a home occupation. For purposes of this section, family day care homes shall not be considered a home occupation. Two types of home occupations are hereby established and permitted pursuant to the terms of this section as follows:

**Home Occupation, Active** means a more intensive home occupation than a passive home occupation with regard to the number of employees, frequency of deliveries, and nature of the operation and for which a special use permit is required, subject to the conditions and requirements in [Sec. 2.3.7](#).

**Home Occupation, Passive** means a home based business establishment of low intensity in terms of number of employees and frequency of deliveries for which a permit is not required but is subject to the conditions and requirements in [Sec. 2.3.7](#).

**Hospital** means an institution providing primarily in-patient health services and medical, surgical, or emergency care to persons suffering from illness, disease, injury, disability, and other physical or mental conditions. This definition does not include drug or alcohol treatment centers.

**Hostel** means a facility for transient occupancy that provides simple dormitory or sleeping rooms and common rooms for cooking, meeting, recreational, and educational use.

**Hotel** means a building or part of a building, with a common entrance, in which the rooms are all accessible by common internal hallways, used primarily for transient occupancy. A hotel may include a restaurant or cafe, public banquet hall, ballroom, fitness center, or meeting room.

## I

**Improvements** means grading, street surfacing, curbs and gutters, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities and other additions to the natural state of land which increase its value, utility or habitability.

**Improved driveway** means a private road of ingress and egress with a surface of concrete, asphalt or gravel which leads from a curb cut to a garage, carport or accessory parking space. An improved driveway may include a surface turnout area, or an accessory parking space.

**Indoor Recreation** means facilities established primarily to provide exercise and recreational services, such as dance studios, martial art schools, arts or crafts studios; or exercise or health clubs, bowling alleys, or gymnasium-type facilities for such activities as tennis, basketball or swimming.

**Infill or Infill Development** means the construction of buildings or other facilities on previously unused or underutilized land located within an existing developed area.

## J

**Junkyard** means 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. The term "junkyard" includes automobile wrecking yards and any area of more than 200 square feet used for the storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

## K

**Kennel, Commercial** means any lot or premises on which three or more dogs, cats or other household pets, six months of age or older, are either permanently or temporarily boarded for a fee or other consideration. the term "commercial kennel" includes any lot or premises where household pets are bred or sold for a fee or other consideration.

## L

**Laboratory or Tech-Related Establishment** means

**Land Division** means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent and that satisfies the requirements of sections 108 and 109 of the act (MCL 560.108, 560.109, MSA 26.430(108), 26.430(109)). The term "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

**Land Division Act** means the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.), formerly known as the Subdivision Control Act.

**Landowner** means the legal or beneficial owner of all land proposed to be included in a planned development. The holder of an option or a contract to purchase, or other persons having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this article.

**Lamp** means the component of the luminaire that produces the actual light including luminous tube lighting.

**Laundry Plant** means a facility where garments and other fabric materials are dry cleaned or laundered.

**Light Fixture** means the assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

**Light Pollution** means artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.

**Light Trespass** means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Live/Work Accommodations** means a dwelling unit that is internally connected to a commercial space that is principally used by one or more of the residents of the dwelling unit. The living area is located above or behind the workspace which is secondary or accessory to the primary residential use and does not take up more than 50 percent of the live/work gross floor area.

**Loading Space** means an off-street space on the same lot with a building, or a group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Local Street** means a roadway of limited length and continuity that is used primary to access abutting homes, businesses, and farms. Local streets provide vehicles with access to collector streets. As a type of public street, they should be accessible for public use at all times.

**Lodge** (See Private Club or Lodge)

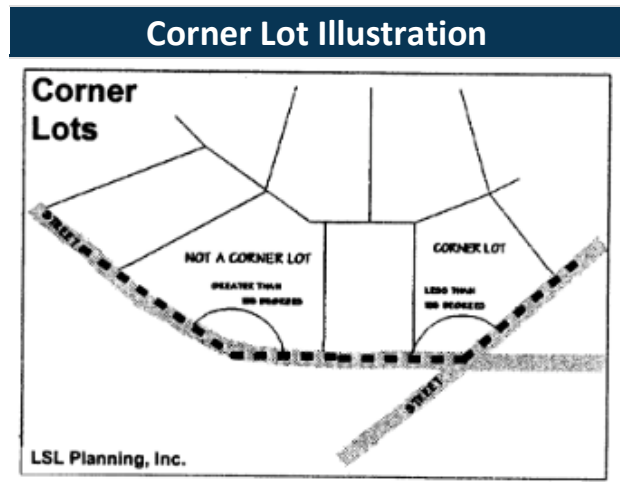
**Lot** means a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under this chapter. A lot may or may not be specifically designated as such on public records. A lot may also include a condominium unit and any limited common element under and surrounding the condominium unit, which together meet the minimum yard and area requirements of this chapter.

**Lot, Abutting** means a lot which borders upon the subject lot at any point.

**Lot, Adjacent** means a lot which is separated from the subject lot by a street, alley, or other public or private easement even if its property line does not abut or touch the subject lot.

**Lot Area** means the total horizontal area within the lot lines of the lot.

**Lot, Corner** means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting on a curved street shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 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 135 degrees.



**Lot Coverage** means the part or percentage of the lot occupied by impervious surfaces, including pavement and buildings.

**Lot Depth** means the horizontal distance between the front and rear lot line, measured along the median between the side lot lines.

**Lot, Interior** means any lot other than a corner lot.

**Lot, Lakefront** means any lot having frontage directly upon any of the following lakes: Austin, Hampton, Gourneck, Long, Mud/Sugarloaf, West.

**Lot Lines** mean the lines bounding a lot defined as follows:

1. Front lot line means, in the case of an interior lot, that line separating such lot from the street. In the case of a corner lot, or double frontage lot, the front lot line is that line separating the lot from either street.
2. Rear lot line means 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 feet long, lying farthest from the front lot line and wholly within the lot.
3. Side lot line means any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

**Lot of Record** means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by City or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot, Through** means an interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

**Lot Width** means 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** means 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 article with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one or more lots of record.

**Luminaire** means the complete lighting system including the lamp and light fixture.

## M

**Main Building** means a building in which is conducted the principal use of the lot upon which it is situated.

**Maintenance Yard or Facility, Vehicle** means buildings or yard areas established for the maintenance and storage of buses, trucks, and taxis, and similar vehicles.

**Major Collector** (see **Collector Street; Major and Minor.**)

**Manufactured Home** means a structure transportable in one or more sections, connected to required utilities which includes the plumbing, heating, air conditioning and electrical systems contained in the structure, built on a chassis and designed to be used as a single dwelling unit with or without permanent foundation.

**Manufactured Home Community** means a parcel or tract of land which is under the control of one person, group or firm upon which three or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

**Manufacturing Uses** means the production, processing, cleaning, servicing, testing, repairing of material goods, food or drink, or similar products.

**Marginal Access Street** means a minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

**Marihuana** shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

**Master thoroughfare plan** means the plan adopted by the planning commission and dated June 1968, as amended, or that part of the comprehensive plan which sets forth the location, alignment and dimensions of existing and proposed collector streets and major thoroughfares.

**Medical or Dental Clinic** means an office or clinic used for the diagnosis, treatment, and care of human beings related to medicine or dentistry. This definition does not include hospitals or convalescent homes.

**Medical Marihuana Class A, B, And C Grow Facility** means

means a cultivation facility licensed under the MMFLA in the State of Michigan as a Grower in Class A, Class B, or Class C license category, respectively. For each:

- A. A Class A Grow Facility is a facility where the licensee is authorized to grow not more than 500 marihuana plants.
- B. A Class B Grow Facility is a facility where the licensee is authorized to grow not more than 1,000 marihuana plants.
- C. A Class C Grow Facility is a facility where the licensee is authorized to grow not more than 1,500 marihuana plants.

**Stacked Class C Grow Facility** means a cultivation facility located in the State of Michigan (or portions thereof) in which the Licensee holds more than one State -issued Class C Grower License (as defined under the MMFLA and/or the MRTMA) and operates those licenses at a single property or site (the "Facility"). Each Class C license authorizes the cultivation of up to the maximum number of marihuana plants per license under the applicable statute or rule (e.g., 1,500 plants under MMFLA). The term includes all buildings, cultivation areas, support systems (such as HVAC, lighting, irrigation, security), the aggregate plant count across all stacked licenses, and any operations shared among the licenses (subject to compliance with all applicable zoning, local ordinances and state licensing, monitoring and tracking requirements, including the requirement to maintain separate licensing, fees and tracking for each stacked license).

**Medical Marihuana Processor Facility** means a facility (including all buildings, rooms, equipment and infrastructure) located in the State of Michigan, owned or leased by a licensee, and operated under a valid state operating license issued pursuant to the Medical Marihuana Facilities Licensing Act ("MMFLA") as a Processor, which purchases marihuana only from a grower, and extracts resin from marihuana or creates marihuana-infused products, and transfers those products or usable marihuana in packaged form to a provisioning center or another processor, in full compliance with all applicable state laws, administrative rules, zoning and local ordinances.

**Marihuana Processor Establishment** means a facility licensed by the State of Michigan under the Medical Marihuana Facilities Licensing Act (MMFLA) to purchase marihuana from a licensed grower, extract resin or create marihuana-infused products, and sell or transfer such products only to a provisioning center or another processor, in compliance with all applicable state and local laws and regulations.

**Marihuana Microbusiness** means an individual licensed to cultivate no more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older, or to a marihuana safety compliance facility, but not to other marijuana establishments.

**Medical Marihuana Provisioning Center** means a facility or operation (including all buildings, cultivation rooms, processing/packaging equipment and retail premises) licensed under the Michigan Regulation and Taxation of Marihuana Act (MRTMA) as a "marihuana microbusiness," which:

- A. Cultivates no more than 150 marihuana plants on the licensed premises;

- B. Processes and packages the marihuana cultivated on-site;
- C. Sells or otherwise transfers the processed marihuana product only to individuals 21 years of age or older or to a marihuana safety compliance facility; and
- D. Does not sell or transfer marihuana to other marihuana establishments.

The term includes all cultivation, processing, packaging, storage, testing, labeling, security, and retail operations conducted under the microbusiness license, and all compliance with applicable state law, rules, and local ordinances.

**Marihuana Retailer** means a facility or business entity licensed under the MRTMA in the State of Michigan as a retailer, which:

- A. obtains marihuana or marihuana-infused products from other licensed marihuana establishments; and
- B. sells or otherwise transfers such marihuana products to individuals who are 21 years of age or older and may also sell or transfer to other marihuana establishments, all in compliance with applicable state law, administrative rules and local zoning requirements.

**Marihuana-Infused Product** means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

**Mezzanine** means an intermediate floor in any story which does not occupy more than one-third of the floor area of a story.

**Microbrewery, Microdistillery, or Microwinery** means an establishment where no more than 15,000 barrels of beer, wine, spirituous liquor, or another alcoholic beverage is manufactured annually on the premises for distribution, retail, or wholesale, on or off premises. This use may include a tap room and/or tasting room that is open to the public and may serve food and beverages as an accessory use.

**Minor Arterial** (See **Arterial Street; Major and Minor.**)

**Minor Collector** (See **Collector Street; Major and Minor.**)

**Minor Street** (See **Local Street.**)

**Mixed Use** means one of the following types of development:

- A. **Horizontal Mixed Use** means a development that contains both commercial and residential uses in separate buildings that share common features, that may include, but are not limited to, parking, access, building design features, or common open or amenity space.
- B. **Vertical Mixed Use** means a building that contains both commercial and residential uses with permitted nonresidential uses on the first floor and permitted residential uses on the upper floors.

**Mixed Use Building** means a building that contains at least one floor devoted to permitted nonresidential uses, and at least one floor devoted to permitted residential uses.

**Modular Home** means a dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.

**Motel** means a series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. These units shall provide for overnight lodging, are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

**Mounting Height** means the vertical distance between the surface to be illuminated and the bottom of the light source.

**Municipal or Government Buildings and Uses** means an office used by local, state, federal, or other governmental entities.

**Municipal Planning Act** means Public Act No. 285 of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.).

**Municipality** means the City of Portage.

**Murals** means graphics, illustrations, architectural or landscape features used primarily for decorative purposes which do not direct attention to or are designed or intended to direct attention to an object, product, place, activity, person, institution, organization or business.

## N

**Nacelle** means the body/shell/casing of a propeller-type wind turbine, covering the gearbox, generator, blade hub, and other parts.

**Neighborhood or Community Center** means a building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the City or by a nonprofit organization dedicated to promoting the health, safety, morals or general welfare of the public.

**Nonconforming Building** means a building or portion thereof lawfully existing at the effective date of this article or amendments thereto, that does not conform to the provisions of this article for the district in which it is located.

**Nonconforming Lot** means a lot with area or dimension lawfully existing at the effective date of this chapter or amendments thereto with less than the minimum area, dimension or access requirements or other requirement of the zoning district in which it is located.

**Nonconforming Use** means a use that lawfully occupied a building or land on the effective date of this article or any amendments thereto, that does not conform to the use regulations of the district in which it is located.

**Nonresidential District** means the OS-1, NC, GC, CPD, OTR, I-1, and I-2, and zoning districts.

**Nuisance or Nuisance Factor** means offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance (especially a continuing or repeated invasion of any physical characteristic 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. Nuisance factors may include but are not limited to noise; dust; smoke; odor; glare; fumes; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluent; noise of congregation of people, particularly at night; passenger traffic; or the invasion of nonabutting street frontage by traffic.

**Nursery, Plant Materials** means 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, within the meaning of this article, does not include any space, building or structure used exclusively for the sale of fruits, vegetables or Christmas trees.

**Nursing Home** means an institution licensed by the state that provides meals, resident care, and services for persons who are generally admitted for periods of time exceeding 30 days. Such service includes custodial or attendant care, and may provide for routine and regular medical and nursing services. The term nursing home includes care homes, homes for the aged, convalescent homes, rest homes, and other related institutions not otherwise defined in this section, where such persons are mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupants' control. The term "nursing home" excludes facilities that provide surgical or emergency medical services or that provide care for alcoholism, mental disease, drug addiction, or communicable disease.

## O

**Office** means administrative, executive, professional, research, or similar facilities that have limited customers. An office may be a room, a suite of rooms, or a portion of a building.

**Open air business** includes uses operated for profit substantially in the open air including:

- (1) Outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities.
- (2) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.
- (3) Indoor or outdoor recreation, including, but not limited to, tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses (transient or permanent).

**Open front store** means a business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" does not include automobile repair or service stations.

**Outdoor Display** means the outdoor exhibition of finished products available for sale. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered outdoor storage.

**Outdoor Light Fixture** means artificial illuminating devices, fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.

**Outdoor Retail** means a retail use where the goods, display, sale or transfer of merchandise occurs primarily in an outdoor setting (outside an enclosed building) and where the outdoor portion is a material part of the retail operation. This includes outdoor display areas, outdoor selling stalls or kiosks, and outdoor merchandise storage accessible to the public or customer traffic as part of the retail operation.

**Outdoor Storage** means the storage of products or goods that have a large size, mass, or volume that occur on-site for more than 24 hours. Typical items include, but are not limited to, heavy equipment, freight or commercial motor vehicles, trailers, construction materials, and raw, processed, or packaged materials including any products on pallets, in shipping containers, or in crates.

**Outdoor Storage Yard** means a part of a business that stores products or goods outside of a building for itself, other firms, or consumers.

**Outdoor Theater** means a facility or area located outdoors (i.e., not fully enclosed by a roof and walls) designed and used for the presentation of motion pictures, live performances, or other visual/performative entertainment to an audience, where the audience is seated or assembled outdoors. This includes (but is not limited to) amphitheaters, drive-in movie venues, open-air stages, and similar uses.

**Outlot**, when included within the boundary of a recorded plat, means a lot set aside for purposes other than a building site, park or other land dedicated to public use or reserved to private use.

## P

**Parcel** means a continuous area or acreage of land which can be described as provided for in the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.).

**Parent Parcel and Parent Tract** mean a parcel or tract lawfully in existence on the effective date of the amendatory act that added this subdivision.

**Parkway** means a street designated by the City on the Major Street Plan as a parkway.

**Parking Lot, Commercial** means a parcel of land or a structure used for the temporary parking of vehicles for a fee, which may be charged regardless of any other fee for the premises.

**Parking Lot, Off-street** means 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 vehicles.

**Parking Space** means an area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, fully accessible for the storage or parking of permitted vehicles.

**Pergola** means a freestanding structure supported by columns or posts with a roof that is more than 50 percent open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

**Person** means any natural person, firm or partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

**Personal Wireless Service, Personal Wireless Service Facilities and Facilities** means, as assigned in 47 USC § 332(c)(7)(C), as amended, and includes facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio, and any other wireless services licensed by the FCC and unlicensed wireless services.

**Personal Service Establishment** means a commercial business conducting services involving the care of a person or a person's apparel that are performed primarily on the premises such as barber or beauty shops and photographic studios.

**Pet Day Care** (See Day Care.)

**Pet Grooming Salon** means an establishment engaged in the grooming of household pets in an enclosed building without outdoor play areas or runs and no overnight boarding accommodations.

**Place of Public Assembly** means an enterprise in which people assemble for civic, educational, religious, or cultural purposes. This use contains event facilities, meeting halls, fraternal organizations, places of worship, performing arts facilities, public uses, and private clubs.

**Place of Worship** means a building or group of buildings in which practices, meetings, activities, and religious services are held. These buildings may include accessory uses such as schools, day care centers, bingo parlors, and halls.

**Plan** means any or all of the plan stages of a planned development, including the tentative plan and the final plan.

**Planned Development** means an area of land, controlled by a landowner, to be developed as a single entity.

**Plat** means a map or chart of a subdivision of land, together with accompanying drawings and other materials, as described in this article. A plat may be preliminary or final.

**Plant or Garden Nursery** means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and other materials used in indoor or outdoor planting. Such establishments may include greenhouses, buildings, or a portion thereof, or open space.

**Porch** means a horizontal surface consisting of a deck, slab or other similar construction attached to a main building and designed for outdoor seating or as a means of entry to the building. The deck, slab or similar construction shall be open, unenclosed and uncovered.

**Primary Caregiver** means, in the context of marijuana-related land use regulations in this UDO, a person who is at least 21 years old who has agreed to assist with a patient's medical use of marijuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.

**Principal Use** means a primary use to which the premises are devoted and the primary purpose for which the premises exist.

**Private Club, Lodge, Recreation Field and Facility** means buildings and grounds used for and operated by a non-profit organization, whose membership is by invitation and election according to qualifications in the club's charter or bylaws. The use of the facilities is primarily restricted to members and their guests.

**Private Home**, for the purpose of family day care homes and group day care homes, means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for minor children.

**Private Street** means a privately owned and maintained road, allowing access to more than 1 residence or place of business, which is normally open to the public and upon which persons other than the owners located thereon may also travel.

**Private Street Easement** means an easement that is granted for private access to one or more parcels of land that contains a private street.

**Property Owner** means the record owner of a zoning lot as well as the lessee of that part of a zoning lot the lessee holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessees of a zoning lot, then each lessee is a property owner as to the zoning lot the lessee leases and has the sole right to occupy.

**Proprietor** means a natural person, firm, association, partnership, corporation or combination thereof which holds any ownership interest in land, whether recorded or not. The term "proprietor" includes the applicant for a proposed subdivision.

**Provider** means a person in the business of designing and using telecommunication facilities, including cellular, radio, telephones, personal communication services, and hand/specialized mobile radios, and commercial paging services.

**Public Park** means any park or parkland owned and operated by the city, county, state or federal government.

**Public Recreational Facility** means a building, room, or other facility used for social or recreational activities. This definition includes facilities operated by the City for use by the general public and facilities operated by and for the exclusive use of residents within a residential development.

**Public Sewer** means a sewer system as defined in Section 4101 of the National Resources and Environmental Protection Act (MCL 324.4101, MSA 13A.4101).

**Public Street** means a dedicated roadway that accommodates vehicular, bicycle, and pedestrian traffic circulation and principal means of access to abutting property and includes, for example, any avenue, boulevard, court, drive, highway, lane, place, road, street, or other roadway. An alley is not considered a public street.

**Public Transit Facility** means any real or personal property (including land, buildings, structures, platforms, loading/unloading zones, parking lots, bus or rail depots, maintenance or operations buildings, shelters, and equipment) used or intended to be used for public transit services, i.e., the movement of people by bus, light rail, commuter rail, streetcar, ferry, or other shared-ride conveyance open to the public. The term includes facilities owned, leased or operated by a transit agency or public authority, and any rights of way, tracks, stations, terminals, and support infrastructure integral to the transit system.

**Public Utility** means all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

**Public Water** means a system of pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water to the public for household or drinking purposes.

## Q

**Qualifying Patient** means, in the context Marihuana-related land use regulations in this UDO, a person who has been diagnosed by a physician as having a debilitating medical condition.

## R

**Railroad and Truck Terminal Freight Facility** means a building, structure, or area used for the operation of public transportation services, including bus or rail stations, passenger shelters, transfer centers, and maintenance or storage yards for transit vehicles. The term includes related parking, loading, and passenger areas but excludes private or charter transportation facilities.

**Recreational Field or Facility** means an outdoor area or building that may include sports courts, playing fields, tracks, courses, playground equipment, or similar sites that are dedicated to leisure and relaxation activities for people.

**Recycling Facility** means a facility dedicated to the processing of recyclables for conversion into raw materials or new products. This definition does not include landfills, junk yards, or incinerators.

**Rear Yard** means open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

**Registry Identification Card** means, in the context Marihuana-related land use regulations in this UDO, a document issued by the department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

**Rehabilitation Center** means a facility that provides temporary, short-term medical and rehabilitation care for patients recovering from an illness, injury, or surgery. Such facilities provide services including physical therapy, nursing support, and assistance with daily living to help patients regain strength and independence.

**Required Yard** means required yard is an open space on a lot prescribed by the requirements of the zoning district in which it is located.

**Residential District** means a defined geographical area that is predominantly comprised of buildings where people live, such as the Residential Estate (RE), Residential Neighborhood (RN), Residential Mixed (RM) and Manufactured Home Community (MHC) zoning districts as set forth in [Sec. 2.2.2](#). The building types may include single-unit detached dwellings, two-unit attached dwellings, townhouses, condominiums, apartments, manufactured homes, modular homes, and mixed-use buildings that contain both residential units and nonresidential spaces, including retail stores or offices.

**Restaurant, with Drive-Through or Drive-In** means a public eating and drinking establishment that, in addition to providing service inside the restaurant, also serves customers in vehicles who either drive up to a window or station or drive through to the building for purchases. Take-out only restaurants are not included this definition.

**Restaurant, Sit Down** means a public eating or drinking establishment where the patrons consume foods and beverages while seated at tables or counters located on the premises.

**Restaurant, Carryout** means a public eating and drinking establishment with minimal or no indoor or outdoor seating area and where customers pick up meals and consume them elsewhere.

**Resulting Parcel** means one or more parcels which result from a land division.

**Rotor** means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

## S

**School, K-12, Public or Private** means a private facility or a public facility that is owned and operated by a governmental agency, including an independent school district and provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including kindergartens, elementary schools, junior high schools/middle schools, and high schools.

**Senior Adult Facility** (See Age-Restricted Housing.)

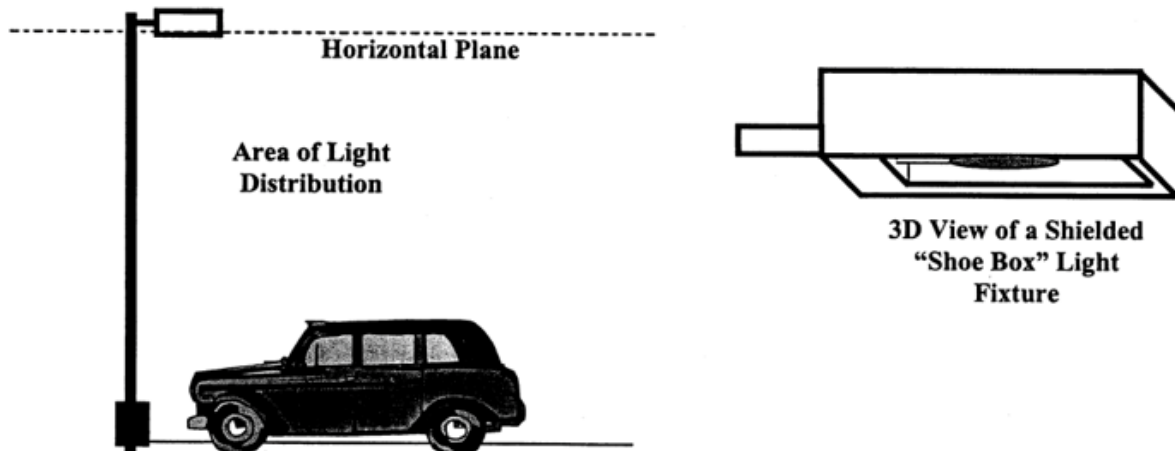
**Senior Housing** means independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services.

**Setback Line** or **Setback** means minimum horizontal required distance required by this article, measured from the front, side or rear lot line, as the case may be, which describes a distance termed the required setback area on a lot or parcel.

**Service-Oriented Uses** means an establishment that provides non-medical services that are generally needed on a recurring basis, not including Vehicle Sales and Service, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

**Shielded Fixture** means an outdoor lighting component that provides a downward-directed area of illumination immediately below the fixture. Also referred to as a "shoe box light fixture."

## Shielded Fixture



**Short-Term Rental** means any dwelling unit that is rented wholly or partly for compensation, for periods of 30 consecutive days or less, including:

- *Non-principal residence* which means a short-term rental (or commercial rental) means an activity where the owner of a non-principal residence hosts visitors, for compensation, for periods of 30 consecutive days or less.
- *Principal residence homestay* which means an activity whereby the permanent resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the permanent residents lives on-site in the dwelling unit, throughout the visitors' stay.
- *Principal residence whole house* which means an activity whereby the permanent resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while a residential dwelling unit is not occupied by the owner of record while the guest is present.

**Side Yard** means open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

**Sign** means a name, identification, description, illustration or device, illuminated or nonilluminated, which is affixed to, painted or represented directly or indirectly upon a building, located on the ground or other outdoor surface, which is visible from any public place or is located on private property and exposed to the public, and which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. A sign as defined above includes the support structure, sign pole and/or anchoring device to which the sign is attached. See also **Mural**.

**Sign, Accessory** means any sign related to a business or profession conducted, or to a commodity or service sold or offered for sale, upon the premises where such sign is located. An accessory sign may be secondary or subordinate to larger or more prominent signage on the premises.

**Sign, Awning** means a sign attached to a marquee that is projecting from and supported by a building.

**Sign, Canopy** means a sign attached to, painted on, or supported by a canopy or awning that projects from and is supported by a building or structure, including canopies associated with fuel pumps or service islands at gasoline stations.

**Sign, Directional** means a sign indicating a direction or a location to which traffic, whether pedestrian or vehicular, is requested to move within the parcel for the purpose of traffic control and public safety.

**Sign Face** means the area of the sign which displays the name, identification, description, illustration or device which identifies, depicts, or otherwise advertises a product, service, place, activity, person, institution, business or use, or conveys a message. A sign face does not include any portion of the structural support of the sign.

**Sign, Freestanding** means sign erected on a freestanding frame, mast, or pole and not attached to a building.

**Sign, Government** means temporary or permanent sign erected by or on the order of the public official or quasi-public entity at the federal, state or local level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building or service, traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of events, public notice of government action, proposed changes of land use, any proposed rezoning, or any other government speech.

**Sign, Non-Accessory** means sign which directs attention to a business or service offered or existing elsewhere than upon the same lot where the sign is displayed.

**Sign, Nonconforming** means a sign associated with a lawfully occupied a building or land on the effective date of this article, that does not currently conform to the sign regulations of the district in which it is located.

**Sign, Obsolete** means a sign on a zoning lot with an unoccupied building; a wall sign on a vacant unoccupied building; or, a deteriorated or hazardous sign; or sign that is not adequately maintained, repaired, or removed within the specified time as ordered by this article.

**Sign, Projecting** means a sign attached to a building wall that extends outward from the building wall or a sign suspended below an awning, canopy or marquee.

**Sign, Temporary** means a sign that is not constructed nor intended for long term use and is not permanently attached to a building or structure.

**Sign, Wall** means a sign attached directly to the exterior wall of a building extending not more than 18 inches from the wall, with the face of the sign running parallel to the plane of the building wall to which it is attached. Awning and/or canopy signs are considered wall signs for the purposes of calculating the total area. Awning and/or canopy signs may project more than 18 inches from the wall to which they are attached.

**Single Ownership** means the proprietary interest of a single landowner.

**Small On-Site Wind Energy System or Wind Energy System** means a wind energy system is an electrical generating facility comprised of a wind turbine, rotor, support structure and related electrical equipment that operate by converting the kinetic energy of wind into electrical energy. A wind energy system is intended to serve electrical needs of the principal use and is not designed nor intended to principally provide electricity to the electric utility grid. A wind energy system can be erected as:

1. One freestanding tower of 60 feet in height or less; or
2. Up to two roof-mounted structures of ten feet in height or less.

**Solar Energy Facility** means a device or combination of devices that use direct sunlight as a source of energy for the non-commercial direct use of the structure on the same lot with the system. Examples include photovoltaic systems, a solar hot water heater, solar panels, or a south-facing window.

**Solar Panel Array** means a connected system of multiple photovoltaic panels that work together to generate electricity.

**Solar Panel** means a method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs a solar panel array that is composed of a number of solar cells containing a photovoltaic material.

**Sound Pressure** means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

**Sound Pressure Level** means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

**Special Event** means a temporary outdoor promotional event that may include but is not limited to grand openings, special holiday sales (Christmas trees, pumpkins, fireworks, etc.), tent sales, and other special events. Special events are subject to review and approval per Sec. 2.3.5, *Temporary Use Standards*.

**Spotlight** means a lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

**Story** means that part of a building, except a mezzanine, 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 shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

**Story, Half** means an uppermost story, lying under a sloping roof, having an area of at least 200 square feet, with a clear height of seven feet, six inches. For the purposes of this UDO, the usable floor area of a half story is only that area having at least four feet clear height between floor and ceiling.

**Street** means an avenue, boulevard, lane, parkway, road viaduct, alley, or other way which is an existing state, county, or municipal roadway; a street or way shown in a plat theretofore approved pursuant to law or approved by official action; or a street or way on a plat duly filed and recorded in the office of the county register of deeds. A street includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and lawns. **-Types of streets referred to in this article are defined as follows:**

- (1) *Alley* means a minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.  
State law reference(s)—Similar provisions, MCL 560.102(z), MSA 26.430(102), (z).
- (2) *Boulevard street* means a street developed to two-lane, one-way pavements separated by a median.
- (3) *Collector street* means a street used primarily to carry traffic from local streets to major thoroughfares and may include principal entrance streets to residential developments and interior collector streets.
- (4) *Cul-de-sac street* means a short minor street having one end permanently terminated by a vehicular turnaround.
- (5) *Local residential street* means a street of limited continuity used primarily for access to abutting residential properties.
- (6) *Major thoroughfare* means an interstate, state or county highway or any local traffic artery of considerable continuity carrying a large volume of both private and commercial vehicles, i.e., a section line road.
- (7) *Marginal access street* means a minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.
- (8) *Minor street* means a street of limited continuity used primarily for access to abutting residential properties.
- (9) *Private Street*: A roadway contained within a private street easement which is privately owned and maintained and which provides the principal means of access to one or more abutting lots.
- (10) *Private street easement*: An easement that is granted for private access to one or more parcels of land that contains a private street.

(11) *Public Street*: A public, dedicated thoroughfare that affords traffic circulation and principal means of access to abutting property, e.g. avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

(12) *Turnaround* means a short boulevard street permanently terminated by a vehicular turnaround.

**Structure** means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, and is more than 9" from grade. Does not include a fence, and must meet accessory building setbacks.

**Studio – Art, Design, or Photography** means a workshop, workplace, or work room for persons engaged in creating art, ceramics, photography, printing, sewing, textiles, woodworking, and other similar crafts for personal pleasure or production on a and similar activities, for personal pleasure or production on a small scale.

**Studio – Dance, Fitness, Martial Arts, or Music** means a business offering instruction to clients that may include dance, fitness, martial arts, or other disciplines.

**Substantial Improvement** shall mean any repair, reconstruction or improvement of a building, the cost of which exceeds 25 percent of the market value of the building either before the improvement or repair is started or, if the building has been damaged and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not such alteration affects the external dimensions of the structure.

**Swimming Pool** means a water-filled enclosure, permanent or portable, that is designed, used, and maintained for swimming or bathing in a community setting at a business property (e.g., a hotel), part of a residential development, or for private use at a residence.

**Swimming Pool Club** means a private or membership-based organization owning or operating one or more swimming pools and related recreational facilities, intended primarily for use by its members (and their invited guests), and not generally open to the public for drop-in access.

**Structure** means anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Subdivision** means the partitioning or dividing of a parcel or tract of land by the proprietor thereof, or by his heir, executor, administrator, legal representative, successor or assign, for the purpose of sale, or lease of more than one year, or of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.). The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel, and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and all applicable local ordinances.

**Surveyor** means either a land surveyor who is licensed in this state as a licensed surveyor or a civil engineer who is licensed in this state as a licensed professional engineer.

## T

**Telecommunication Facilities** means 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. However, the term telecommunications facilities shall not include any satellite earth station antenna one meter or less in diameter, regardless of zoning category.

**Temporary Sales Office or Model Home** means an office or dwelling unit incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

**Temporary Use, or Temporary Building, or Temporary Structure** means a use or building permitted in a specific district or permitted by the Director or the Zoning Board of Appeals, as applicable, which exists for a specifically defined temporary period of time.

**Tentative Plan** means a plan submitted for approval to the Planning Commission and Council prior to the submission of a final plan.

**Theater** means any building or part of a building used for showing motion pictures (i.e. films and movies) or for live or pre-recorded comedic, dramatic, dance, or musical performances. Such use may include a lobby area and refreshment stand for the patrons.

**Total Tower Height** means the highest point above ground level reached by a rotor blade in the vertical position, or any other part of the tower structure.

**Total Roof-Mounted Structure Height** means the highest point above the main roof structure, not including architectural features such as a chimney, cupola and similar type features, reached by a rotor blade in the vertical position, or any other part of the structure.

**Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term encompasses personal wireless service facilities as provided in 47 USC § 332, as amended, including radio and television towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. For the purposes of this section, amateur radio transmission facilities are not transmission towers.

**Tower (Small Wind Energy Systems)** means any structure that is designed and constructed primarily for the purpose of supporting one small on-site wind energy system including self-supporting lattice towers, guyed towers, tilt-down towers or monopole towers. The term includes the structure and any support elements.

**Trade, Professional, Technical or Vocational School** means a specialized instructional school operating for or not for profit that provides on-site training of business, commercial, and/or trade skills.

**Tract** means two or more parcels that share a common property line and are under the same ownership.

**Tree Lawn** means a grassed or landscaped area located between the sidewalk and the curb of the street intended to accommodate street tree plantings.

**Turnaround** means a short boulevard street permanently terminated by a vehicular turnaround.

## U

**Use** means the principal purpose for which land or a building is arranged, designed or intended or for which land or a building is or may be occupied.

**Utilities** means the conduits, pipes, wires, etc. and associated appurtenances used to provide various services to both residential and commercial uses. Water, wastewater, and stormwater service are primary utilities provided by the municipality and natural gas, electricity, and communication are primary utilities provided by private utilities.

**Utility and Public Service Buildings** means buildings and associated structures owned, leased or operated by a public agency or utility provider used primarily for the purpose of providing and supporting public services or utility systems (including but not limited to water supply, wastewater treatment, storm drainage, electric power distribution/substations, gas distribution, telecommunications, or other essential community infrastructure). The term includes the building(s), maintenance/operations areas, accessory storage, equipment housing, and service yards, and may include ancillary uses directly related to the utility or public-service function. The term excludes general administrative offices not directly involved in utility or service operations, and non-service retail or commercial uses.

**Utility, Major** means public or private infrastructure that serves the general community that may or may not be maintained or regulated by a public or municipal entity and that may have on-site personnel.

**Utility, Minor** means public or private infrastructure serving a limited area with no on-site personnel.

## V

**Variance** means a modification of the literal provisions of this article granted when strict enforcement of this article would cause a practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

**Vehicle Dealership** means a business that is licensed by the state as a new vehicle dealer, that offers new or used motor vehicles for sale and that may include a vehicle service area as an accessory use.

**Vehicle Sales, Leasing or Rental** means any premises on which three or more new or used cars, trailers, trucks, or other vehicles are offered for sale, rental, or lease during any calendar year.

**Vehicle Fueling Station** means a business where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are sold directly to the public on the premises. Services may include the sale of minor auto accessories and non-auto-related products including individually packaged convenience food and beverages.

**Vehicle Repair** means a business that offers repairs, services, and replacement of automobile electronics, glass, exhaust systems, brakes, transmissions, and other vehicle systems and parts.

**Veterinary Hospital or Clinic** means place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

## W

**Warehouse** means a building or facility where goods, wares, merchandise, or other personal property are stored.

**Warehouse, Storage, and Transfer Building** means a building or portion of a building used primarily for the receipt, short- or long-term storage, handling, or redistribution of goods, materials, or products, and for the transfer of such goods from one carrier, location or batch to another. The term includes loading docks, internal handling and staging areas, drive-in/drive-through truck lanes, and accessory office or sorting functions. It does not include retail sales to the general public, manufacturing, or permanent parking or maintenance of vehicles unrelated to transfer operations.

**Water and Gas Tank Holder** means any structure or platform designed to support or contain water or gas storage tanks, including associated piping and safety equipment.

**Water and Sewage Pumping Station** means a facility, including buildings, structures, and equipment, used to pump, convey, or regulate the flow of water or sewage through a municipal or private water or wastewater system.

**Water Supply and Sewage Disposal** means systems, facilities, and infrastructure used for the collection, treatment, storage, distribution, and disposal of water and wastewater, including pipelines, pumps, treatment plants, storage tanks, and related equipment necessary for providing potable water and sanitary sewage services.

**Wholesale/Retail Outlet** means an establishment that sells its merchandise directly to the public, frequently at reduced prices due to being overstock, closeout, or made specifically for the outlet operation.

**Wind Site Assessment** means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

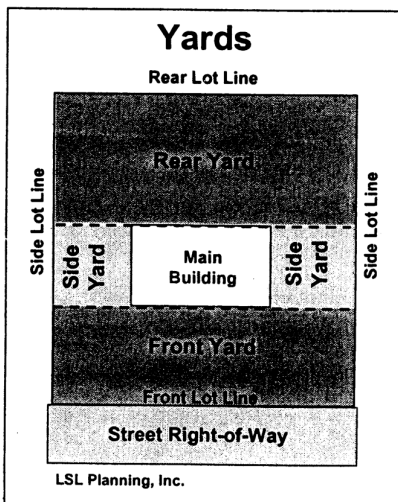
**Wind Turbine** means any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

**Wireless Telecommunication Facilities and Towers** means a structure of lattice or monopole framework to which an antenna may be attached for the transmission and /or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication, or similar services, along with associated equipment necessary to operate these facilities.

**Wireless Communication Antenna** means a device for transmitting and/or receiving radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave, or similar transmissions.

## Y

**Yard** means the open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.



### Yards

- (1) Yard, *Front*: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- (2) Yard, *Rear*: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

- (3) *Yard, Side:* An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.
- (4) *Yard, Required:* A required yard is an open space on a lot prescribed by the requirements of the zoning district in which it is located.

## Z

**Zoning Act** means the City and Village Zoning Act of Michigan, Public Act 207 of 1921, as amended.

**Zoning Board of Appeals** means the Zoning Board of Appeals for the City.

**Zoning Lot** means a single tract of land located within a single block, that (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.

**Zoning District** means a portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply.