

DRAFT
CITY OF POTTERVILLE
ZONING ORDINANCE

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ARTICLE 1 – TITLE, PURPOSE, AND SCOPE

Section 1.01. – Title.

This Ordinance shall be known as the City of Potterville Zoning Ordinance and referred to herein as “Ordinance”.

Section 1.02. – Authority.

This Ordinance is enacted pursuant to the authority granted by the Michigan Zoning Enabling Act. Act 110 of Public Acts of 2006, as amended.

Section 1.03. – Purpose and Intent.

- A. In addition to promoting the purposes provided in the Zoning Enabling Act, this Ordinance is necessary to promote the public health, safety, and general welfare of the City of Potterville as well as to implement the themes, policies and goals contained in the City of Potterville Master Plan, which build on a strong sense of community and its unique character, with the intent that Potterville will proactively adapt to change, enhance its assets, and facilitate strategic, positive growth to benefit all people in the City;
- B. Provide for the orderly development of the City that provides for growth in a balanced way that focuses development in areas that are best suited to support it, with a particular focus on the redevelopment of underutilized parcels;
- C. Minimize the impacts of incompatible land uses and prevent nuisances from interfering with the reasonable use and enjoyment of private property;
- D. Promote the proper use of lands and natural resources of the City in accordance with their historical and cultural value, as well as character and compatibility;
- E. Support and promote downtown as the “heart” of the community and encourage development and redevelopment in the downtown district;
- F. Encourage new home construction and the improvement of existing housing to provide options for a variety of ages (including aging-in-place), incomes, abilities, family sizes, and other household needs;
- G. Enhance safety for all transportation modes and all users (pedestrian/bicycle/golf cart/transit/ automobile/freight), and in particular, access and connectivity for non-motorized users;
- H. Provide, in the interest of public health and safety, the minimum standards under which certain buildings and structures may be hereafter erected and used;
- I. Support green infrastructure (trees, stormwater management, etc.) to assist with climate adaptation, promote a healthy and sustainable quality of life, and increase resiliency to natural disasters.
- J. Facilitate the development of an adequate system of transportation, recreation, sewage disposal, safe and adequate water supply and other public requirements.

Section 1.04. – Effective Date.

This Ordinance shall take effect and be in force on and after Month X, 2026.

Section 1.05. – Applicability.

- A. This Ordinance is applicable to all land located within the City of Pottersville. Zoning affects every building, structure, and use and extends vertically. All lands, buildings, and uses in a Zone District shall be subject to the applicable provisions of this Ordinance.
- B. No building of structure, or part thereof, shall hereafter be erected, constructed, altered, maintained, or used, and no new use or change shall be made to any building, structure, or land, or part thereof, except in conformity with this Ordinance.
- C. The provisions of this Ordinance shall not impact the continued use of any building, dwelling or structure or any land or premises which was lawful and existing prior to the adoption of this Ordinance.
- D. If construction on a building is lawfully begun prior to the adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of such a building provided that actual construction is being diligently carried on, and further provided that such a building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance or affecting amendment.

Section 1.06. – Validity and Severability.

- A. This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase, or clause is adjudged to be unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected and shall remain in force.
- B. If any court of competent jurisdiction invalidates the application of any provision of this Ordinance to a particular property, structure, or situation, or any condition attached to the approval of a development review application, then that judgment shall not affect the application of that provision to any other building, structure, situation, or condition not specifically included in that judgment.
- C. Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered that condition or limitation necessary to carry out the requirements, standards, purposes, or spirit and intent of this Ordinance, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

Section 1.07. – Vested Rights.

Nothing in this Ordinance shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, density, Zone District, or permissible activity therein. All land, buildings, structures, uses and designations are hereby declared to be subject to any subsequent amendment, change or modification as may be necessary to meet the purposes and intent of this Ordinance.

Section 1.08. – Relationship to Other Laws and Agreements.

- A. **Other Public Laws, Ordinances, Regulations or Permits.** This Ordinance is intended to complement other municipal, state and federal regulations that affect land use. Unless otherwise noted in this Ordinance, where conditions, standards or requirements imposed by any provision of this Ordinance are more restrictive than comparable provisions imposed by other regulations, the provisions of this Ordinance shall govern.
- B. **Private Agreements.** This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; provided, however, that where this Ordinance imposes a greater restriction or requirement, the provisions of this Ordinance shall control. Nothing in this Ordinance shall modify or

repeal any private covenant or deed restriction, but any covenant or restriction shall not be used to justify a lack of compliance with this Ordinance. The City shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

Section 1.09. – Conflicts Between Requirements.

- A. In cases where two (2) or more requirements in this Ordinance conflict with one another, the more restrictive requirement shall control.
- B. The Zoning Administrator shall determine which requirement controls based on the degree to which one (1) or more requirements result in:
 - 1. Greater consistency with the goals and objectives contained within the Master Plan;
 - 2. Better support for the purposes of this Ordinance as described in Section 1.03, and in the applicable purposes of the conflicting provisions;
 - 3. Increased compatibility with adjacent development and surrounding community character;
 - 4. Enhanced environmental quality and protection of natural resources;
 - 5. Greater protection and preservation of historic and cultural resources; or
 - 6. Higher quality of building form, design, and/or architecture.

ARTICLE 2 – INTERPRETATION & DEFINITIONS

Section 2.01. – Interpretation.

For the purpose of this Ordinance, the following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or" "either... or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3. "Either... or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them by the most recent version of Merriam-Webster's Dictionary or similar resource.

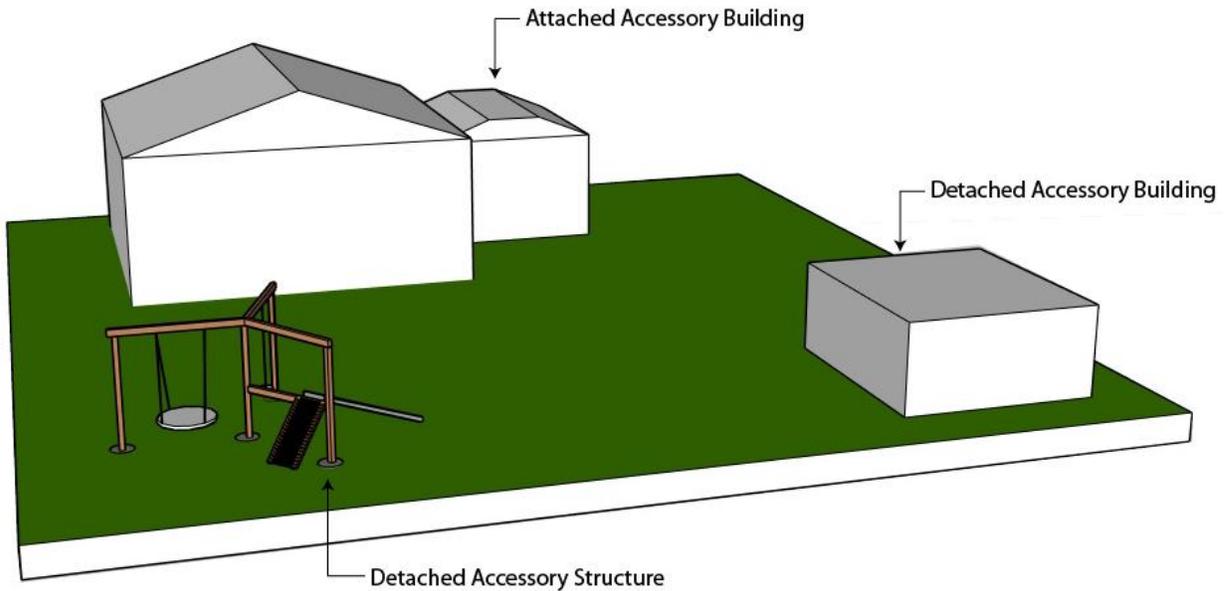
Section 2.02. – Definitions.

A

ACCESSORY DWELLING UNIT – An incidental and subordinate dwelling unit which provides living quarters for one (1) individual or a family that is on the same lot but is separate from the primary dwelling unit and contains, but is not limited to, a kitchen, bathroom, and sleeping quarters.

ACCESSORY USE, BUILDING: A building customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. See BUILDING. Examples include Accessory Dwelling Units, garages, carports, sheds, gazebos, and greenhouses.

ACCESSORY USE, STRUCTURE: A structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building. Examples include large play structures, pergolas, and trellises.



ADMINISTRATIVE DEPARTURE: A minor deviation from the requirements of this Ordinance, as provided for in this Ordinance, and as reviewed and approved by the Zoning Administrator in accordance with Section 6.10.

ADULT CARE FACILITY: A facility for the care of adults over 18 years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, as amended, and governed by rules promulgated by the State Department of Consumer and Industry Services. The organizations shall be defined as follows:

- A. *Adult Foster Care Facility:* A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility.
- B. *Adult Foster Care Family Home:* A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for 24 hours a day, five (5) days or more a week, and for two (2) or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- C. *Adult Foster Care Small Group Home:* A private home with the approved capacity to receive twelve (12) or fewer adults who are provided foster care, for 24 hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. Licensee is not required to live in the home.
- D. *Adult Foster Care Large Group Home:* A private home with the approved capacity for thirteen (13) to twenty (20) adults who are provided foster care, for 24 hours a day, five (5) days or more a week, and for two (2) or more consecutive weeks for compensation. Licensee is not required to live in the home.

ADULT USE: Any commercial or recreational establishment which at all times excludes minors by virtue of age, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-

in theaters, adult massage parlors, adult modeling studios, and eating and drinking places with sexually oriented entertainment.

ALCOHOL-RELATED USE: Any commercial or recreational establishment which requires a license from the Michigan Liquor Control Commission (MLCC) for the sale or consumption of beer, wine, or alcoholic beverages (on- or off-premises, whether packaged, by the bottle, by the glass or otherwise).

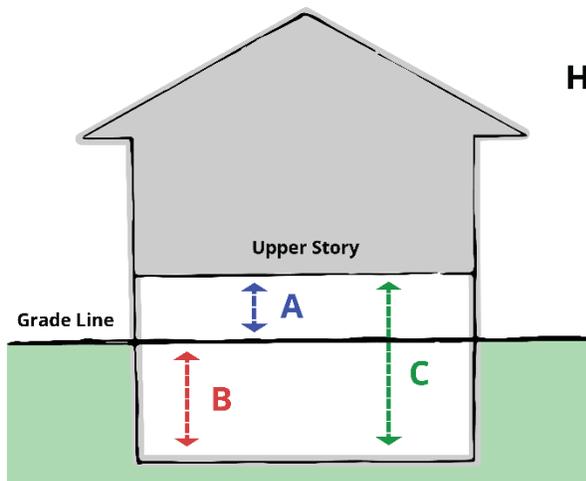
ALTERATIONS: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as wall, partitions, stairways, columns, beams, girders; any change in the width or number of exits; any substantial changes in the roof or exterior walls; any change in the location of a building; any change in the number of off-street parking or loading area or means of egress and ingress to the site; or any change which may be referred to herein as "altered" or "reconstructed" or "change of use".

ASSISTED LIVING: The provision of independent residential care in either a free-standing facility or part of a Nursing Home, wherein seniors are given help with daily living and medications.

B

BANK: An establishment for custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange.

BASEMENT: That portion of a building wholly or partly below grade but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.



How is a Basement Defined?

When **A** is less than **B**, then
C is a basement

BED AND BREAKFAST: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation by the owners and residents, therein, said facilities may include meal service.

BERM: A mound of earth used to shield, screen, and buffer undesirable views and separate incompatible land uses.

BLOCK: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the City, or any other barrier to the continuity of development.

BUFFER: Vegetative material, structures (e.g., walls, fences), berms, or any combination of these elements that are used to separate and screen incompatible uses to create a visual and sound barrier.

BUILDABLE AREA: The buildable space remaining on a lot after compliance with the minimum setback and lot coverage requirements of this Ordinance.

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

BUILDING LINE: A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line. -.

BUILDING PERMIT: A building permit is the written authority as issued by the Building Inspector on behalf of the City, permitting the construction or alteration of a building or structure in conformity with the provisions of this Ordinance and the City's Building Code.

BUILDING, PRINCIPAL: A building in which the principal or main use of the lot on which said building is located is conducted.

C

CAR WASH: A building or portion thereof containing facilities for washing more than two (2) automobiles, using production line methods. The use of personnel for one (1) or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices operated on a self-service basis shall be construed to be the same.

CEMETERY: Land used for the burial of the dead, including columbarium's, crematories, and mausoleums.

CHILD CARE FACILITY: A private home or commercial facility in which minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, and where the parents are not immediately available to the child.

- A. *Child Care Center.* A facility other than a private residence receiving one (1) or more children under the age of thirteen (13) for care for periods of less than twenty-four (24) hours a day, where the parents or guardians are not immediately available to the child. A child care facility includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. A Child Care Center does not include a Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious classes or services.
- B. *Child Care Home, Family.* A private residence in which the operator permanently resides as a member of the household, registered with the State of Michigan, in which one (1) but fewer than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- C. *Child Care Home, Group.* A private residence in which the operator permanently resides as a member of the household, licensed by the State of Michigan, in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

CHURCH: See RELIGIOUS INSTITUTION.

CITY. The City of Potterville, Eaton County, Michigan.

CLINIC, MEDICAL OR DENTAL: A facility operated by one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

CLINIC, VETERINARY: A place for care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building.

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

CONDOMINIUM: A system of separate ownership of individual units and/or multiple unit projects according to Public Act 59 of 1978, as amended.

CONDOMINIUM, SITE: A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.

CONDOMINIUM UNIT: The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, time-share unit, or any other type of use.

COTTAGE COURT: Multiple detached one (1) to two (2) story structures oriented around a shared courtyard.

D

DAY CARE CENTER: A facility other than a private residence receiving more than six (6) pre-school, school-age children, or elderly adults for group day care for periods of less than twenty-four (24) hours a day.

DAY CARE HOME: A private residence in which not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent or guardian.

DECK: An open, horizontal platform attached to the principal residential structure that is used for outdoor leisure or recreational activities. Decks are not covered by a roof or enclosed.

DENSITY, RESIDENTIAL: The number of dwelling units situated on or to be developed per net or gross acre of land.

DEVELOPMENT: The construction of a new building or other structures, the relocation or renovation of an existing building, or the use of open land for new use.

DEVELOPMENT AGREEMENT: An agreement by a developer with the city that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, and improvements, and any other mutually agreed terms and requirements.

DISTRICT, ZONE: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, height regulations, and other appropriate regulations.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while they remain in a vehicle. Examples include, but are not limited to, restaurants and theaters.

DRIVE-THROUGH ESTABLISHMENT: A business establishment so developed that its principal or accessory retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off-premises may be facilitated.

DRIVEWAY: An improved area of gravel, asphalt or concrete on a lot or parcel intended for access to a rear yard, side yard or an accessory building. Driveways in single and two-family residentially zoned areas may be used for off-street parking of licensed vehicles. An area consisting of grass, soil, mulch or similar material shall not be considered a driveway.

DRY CLEANING ESTABLISHMENT: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry. If cleaning is done on premises, only nonflammable dry-cleaning solvent approved for use by the federal environmental protection agency is to be used.

DUMPSTER: A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

DWELLING UNIT: A dwelling unit is any building or building portion having cooking facilities, a bedroom, and living space which is occupied wholly as the home or residence of a family, either permanently or transiently, but in no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions relative to dwellings. See also **GROUND FLOOR RESIDENTIAL**.

DWELLING, MULTI-FAMILY: A building, or a portion of a building, designed exclusively for occupancy by four (4) or more families living independently of each other in an apartment-like setting.



DWELLING, SINGLE-FAMILY: A building designed exclusively for and occupied exclusively by one (1) family.



DWELLING, TWO or THREE- UNIT: A building designed exclusively for occupancy by two (2) or three (3) families living independently of each other. Examples include duplexes and small apartment buildings.



DWELLING, TOWNHOUSE: A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, each with its own front door which opens to the outdoors at ground level, and typically with its own basement utility connections, and front and rear yards. Townhouses are also commonly known as row houses.



E

EASEMENT: Any dedicated private or public way that provides a means of access to property. The term "easement" may also refer to utility easements, which give public or private utility companies the right to use land for the construction and maintenance of utilities.

ELECTRICAL SUBSTATION: Above-ground essential service equipment and appurtenant facilities for the purpose of voltage transformation or voltage control with the purpose of meeting the needs of the general public.

ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. This includes excavations, fill, drainage, and the like.

ESSENTIAL SERVICES: The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary

for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antennas are specifically excluded from this definition.

EXCAVATION: The removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest, excluding common household gardening and ground care.

F

FAMILY:

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or staff of the principal occupants, with no more than one (1) additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, non-transient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

FARMERS MARKET: The temporary outdoor sale, for an extended period, of an array of agricultural products, handmade goods, and similar locally produced items.

FENCE: Any permanent structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening. An ornamental fence is less than three (3) feet in height and more than two (2) feet from any lot or property lines.

FILLING: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

FLOOR AREA, GROSS (GFA): The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements, attics, decks, porches, and patios.

FLOOR AREA, USABLE (UFA): 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 which is 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.

FUNERAL HOME: Establishments engaged in services such as preparing the dead for burial and arranging and managing funeral services.

G

GARAGE: An accessory structure or portion of a principal building designed or used solely by the lot owners for the storage of vehicles, boats, and similar items.

GAS STATION: See VEHICLE SERVICE STATION.

GLARE: The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

GROUND FLOOR RESIDENTIAL: A building or portion thereof under separate ownership, lease, or management, which fronts on and has its floor at the closest level to the street and has a public entrance from a street, alley, or other public right of way.

H

HAZARDOUS SUBSTANCES: Any chemical or other material which, by virtue of its inherent properties, has the potential to be injurious to public health, safety, and welfare even in small quantities with the exception of farming operations.

HOME OCCUPATION OR REMOTE WORK: Any occupation conducted within a dwelling unit or accessory building and carried on by the inhabitants thereof. Home occupations may provide for one (1) full-time non-resident employee. Home occupations shall be clearly incidental and secondary to the use of the dwelling for living purposes, shall not change the character thereof, and shall not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

HOSPITAL: An institution which is licensed by the State of Michigan Department to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

HOTEL: A building occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, and in which provision is not made for cooking in the individual units. Hotels customarily provide services such as desk service, maid service, and laundering of linens.

I

INDUSTRIAL USE: Land used for the manufacture of food products, clothing and fabric, wood products, furniture and fittings, paper products, chemicals, petroleum products, plastics, goods made from leather, stone, clay and glass, fabricated metal products, precision instruments, and similar products and processes.

INDUSTRIAL USE, LIGHT: Land used for wholesale activities, warehouses, and industrial operations whose external physical effects are restricted to the area of the district in which they reside and in no manner affect, in a detrimental way, the surrounding districts.

INDUSTRIAL USE, HEAVY: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other processes. Examples include lumber and planing mills; manufacture of corrosive or alkali, cement, gypsum, or plaster of paris; manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations; metal plating, buffing, or polishing; production, refining, or storage of petroleum or other flammable liquids; truck and freight terminals; and salvage or junkyards

IMPROVEMENT: Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of the betterment.

INGRESS AND EGRESS: As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk or entranceway which allows pedestrians to enter or leave a parcel of property, a building, or another location.

J

JUNKYARD: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

K

KENNEL: Any lot or premises used for the commercial sale, overnight boarding, or treatment of dogs, cats, or other domestic pets.

L

LAND USE. A description of how land is occupied or utilized.

LANDSCAPING. The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material.

LANDSCAPE SCREEN. A method of visually shielding or obscuring a use or building from view utilizing fencing, walls, berms, or plantings of sufficient height, length, and opacity to form a visual barrier.

LAUNDROMAT: A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

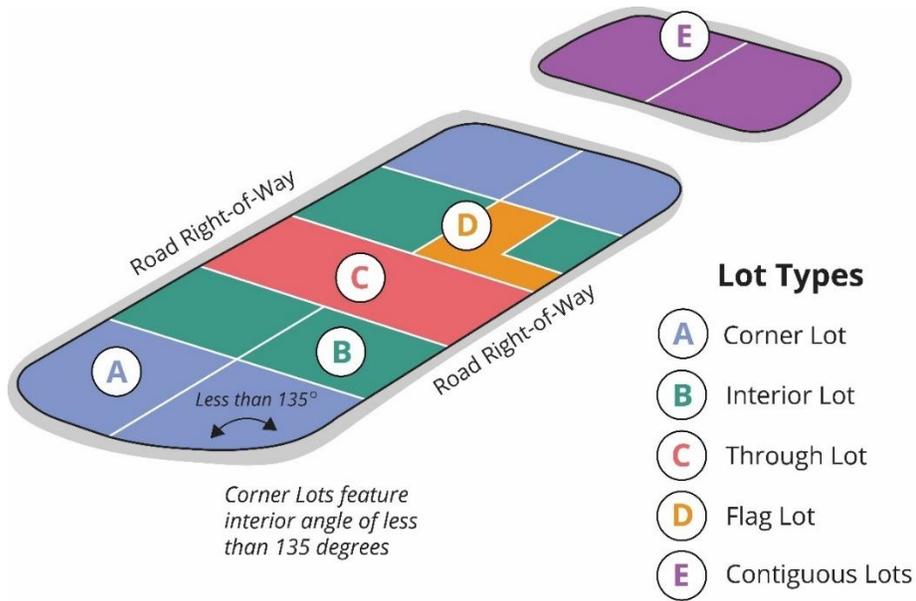
LIBRARY: A public facility for the use and renting or borrowing of literary, musical, artistic, or reference materials. Any sale of materials or goods should be incidental to the primary purpose of renting or borrowing materials.

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

LOT: A parcel of land permitted by law to be used, occupied, or intended to be occupied by one or more main buildings or structures and accessory structures, together with yards and open spaces required by this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.

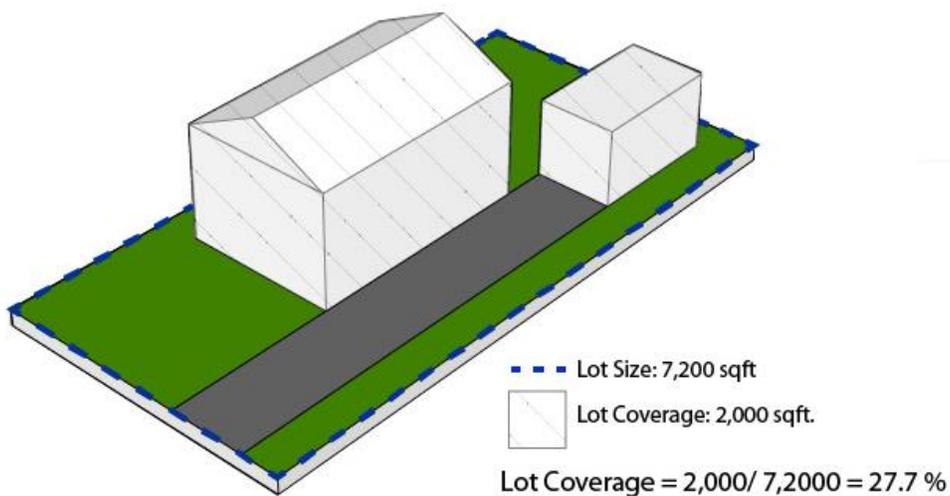
- A. **LOT, CORNER:** Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two (2) sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees. A corner lot shall have two (2) front lot lines.
- B. **LOT, FLAG:** A lot with access provided to the bulk of the lot by means of a narrow corridor fronting a public street.
- C. **LOT, INTERIOR:** A lot other than a corner lot, flag lot, or through lot.
- D. **LOT, THROUGH:** An interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot, or a waterfront lot that abuts a street.

E. LOT, CONTIGUOUS: Lots adjoining each other.



LOT AREA: The total horizontal area within the lot lines, typically measured in square feet.

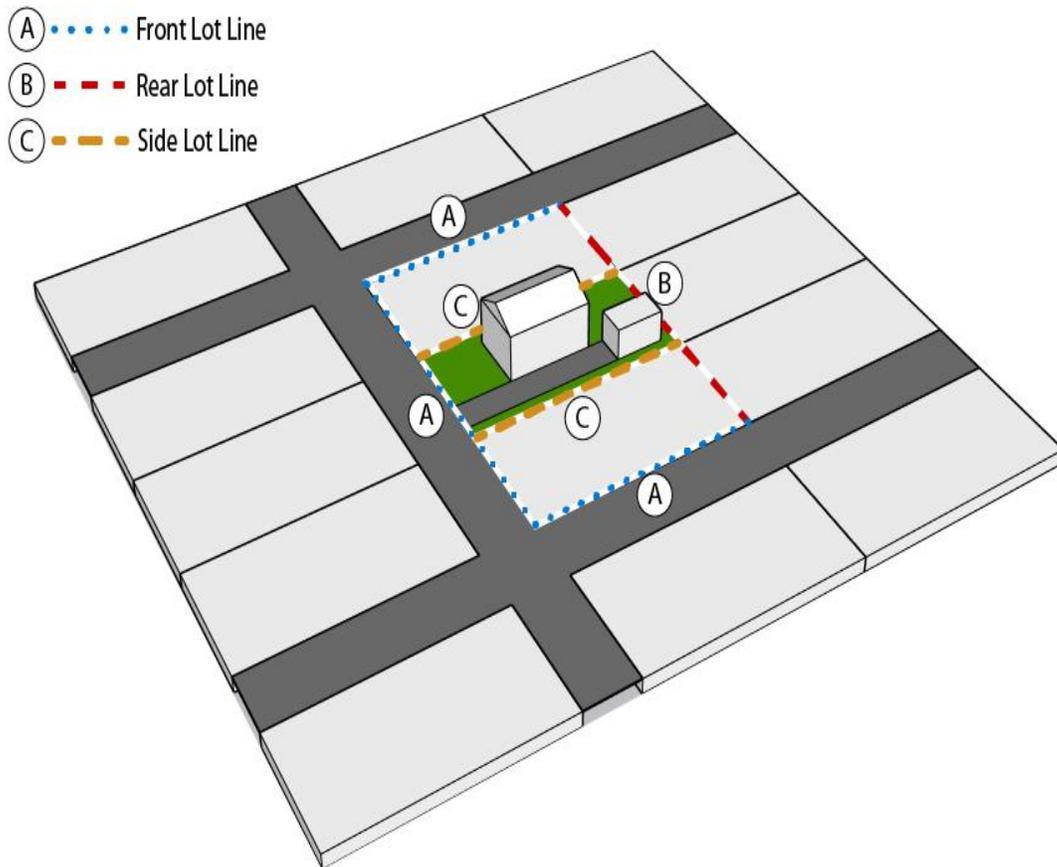
LOT COVERAGE: The part or percent of the lot that is occupied by buildings or structures, including roof overhangs exceeding two (2) feet, roofed decks, roofed patios, and porches, expressed as a percentage of total lot area.



LOT DEPTH: The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

LOT LINE: The lines bounding a lot as follows and area;

- A. **Front Lot Line:** For an interior lot, the line separating a lot from the street. For a corner lot, those lot lines that separate the lot from the street.
- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, corner lots, the rear lot line shall be the line opposite the main entrance to the primary building. If there is no clear main entrance, the zoning administrator shall determine the rear lot line.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot is an interior side lot line.



LOT, NONCONFORMING: A parcel that was established prior to the current Zoning Ordinance that does not meet one or more of the current standards of the existing Zone District or other provisions of this ordinance.

LOT OF RECORD: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Eaton County Register of Deeds, or a lot or parcel described by metes and

bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Eaton County Register of Deeds.

LOT WIDTH: The straight-line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines. For a corner lot, the distance is measured between the side lot line and the front lot line opposite the side lot line.

M

MANUFACTURED HOME: A manufactured home is a structure transportable in one (1) or more sections, and which is built on a permanent frame and designed to be used as a dwelling, with or without a permanent foundation, when connected to required utilities and including plumbing, heating, and electrical systems contained in the structure.

MANUFACTURED HOME PARK: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

MARQUEE: A roof-like structure of a permanent nature projecting from the wall of a building.

MASTER DEED: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium plan for the project.

MASTER PLAN: The Master Plan is a document which is prepared in accordance with the Michigan Planning Enabling Act (PA 33 of 2008) under the guidance of the City Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical developments within the City.

MECHANICAL EQUIPMENT: All equipment serving improvements, including but not limited to, HVAC units, fans and vents; air conditioning condensers; swimming pool and spa heaters, pumps and filters; transformers and generators; and similar equipment integral to the regular operations of the improvements.

MOTEL: A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by providing direct independent access to, and adjoining parking for, each rental unit.

MUNICIPAL CIVIL INFRACTION: A violation of this Ordinance that is not a crime, but is punishable by civil penalties like fines, costs, and potential damages.

MUSEUM: A room or building for exhibiting, or an institution in charge of, a collection of objects of artistic, historical, or scientific value.

N

NATURAL FEATURES: Physical characteristics of the subject property that are not man-made such as soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

NONCONFORMING LOT: A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zone district in which it is located.

NONCONFORMING STRUCTURE: A building or structure (or portion thereof), that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to

the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zone district in which it is located.

NONCONFORMING USE: A use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the Ordinance in which it is located.

NOTICE: See PUBLIC NOTICE.

NUISANCE: Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, endanger life and health, or the generation of an excessive or concentrated movement of people or things such as : (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, or (o) invasion of non-abutting street frontage by traffic.

NURSING HOME: A nursing home is a home for the care of the aged or infirm; or it is a place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. Said home shall conform to all local, county, state, and federal licensing requirements.

O

OFFICE: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government where the sale of goods or materials is incidental to the primary use.

OPEN AIR BUSINESS: Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.
- D. Miniature golf, golf driving range, children's amusement park or similar recreation uses.

OPEN SPACE: Lands open from ground to sky and devoted to outdoor recreation space, greenery, and resource protection. Developed open spaces may include, but are not limited to, playground fixtures, shelter, and tennis courts.

OPEN SPACE, COMMON: An unoccupied area within a Condominium Site or a Planned Unit Development which is reserved primarily for the leisure and recreational use of all the Site Condominium or Planned Unit Development residents, owners, and occupants, and generally owned and maintained in common by them, often through a homeowners' or property owners' association.

OPEN SPACE, PUBLIC: Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

P

PARCEL: A lot described by metes and bounds or described in a recorded plat. Also see LOT.

PARKING LOT, OFF-STREET: An area on public or private property which provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

PARKING SPACE: A marked area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

PARTY WALL: A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

PATIO: A level surfaced area directly adjacent to a principal building and at finished grade, without a permanent roof intended for outdoor lounging, dining, and similar uses.

PLANNED UNIT DEVELOPMENT: A planned unit development may include such concepts as cluster development, planned development, community unit development, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches.

PLANNED UNIT DEVELOPMENT CONCEPT PLAN: A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land-use intensity, and thoroughfare alignment of the Planned Unit Development.

PLANNING COMMISSION: The City of Pottersville Planning Commission is duly created under the Michigan Planning Enabling Act (PA 33 of 2008) and by local ordinance.

PLAT: A map of a subdivision of land.

PORCH: An exterior appendage to a building which has a separate roof or a roof integral with the building which forms a covered approach to a doorway or vestibule.

- A. **Porch, Enclosed:** A porch separated from the outside by an all-weather partition or a partition which renders the area inside the partition habitable.
- B. **Porch, Open:** A porch not separated from the outside by either an all-weather partition or a partition rendering the area inside the partition habitable.

PROFESSIONAL SERVICE ESTABLISHMENTS: An establishment where work is done for others, predominantly on the premises, by someone trained and (if necessary) licensed to engage in such work, such as barber and beauty shops, licensed massage establishments, lawyers, and accountants.

PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT LINE.

PUBLIC BUILDINGS AND FACILITIES: Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal.

PUBLIC NOTICE: A notice of the time, place, and purpose of a public hearing, which notice shall be posted in a manner and within a time frame as prescribed in this Ordinance or in applicable State law.

PUBLIC PARK: Any undeveloped open space, natural area, or parcel used for passive recreational purposes and any developed park, playground, beach, outdoor swimming pool, and other such facilities intended for active recreational pursuits, within the jurisdiction and control of a governmental agency. Also includes recreational facilities.

PUBLIC STREET: A public thoroughfare that affords the principal means of access to abutting property.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

Q

RESERVED.

R

RECREATION AREA, PRIVATE: Lands and structures which are owned and operated by private individuals, a business or corporation and provide for outdoor recreation activities.

RECREATION FACILITY, INDOOR: A privately owned facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, arcades, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

RECREATION FACILITY, OUTDOOR COMMERCIAL: A privately owned facility designed and equipped for the conduct of sports, amusements, or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

RECREATIONAL VEHICLE: Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, such as a motor home, camper or travel trailer;
- B. Boats and trailers designed to transport boats;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles;
- E. Pop-up tent and camper trailers;
- F. Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes, or other similar means of transportation intended primarily for on-street use.

REDEVELOPMENT: Any expansion, addition, renovation, or major change to an existing building, structure, or aspect of development.

RELIGIOUS INSTITUTION: A building where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship together with all accessory buildings and uses customarily associated with such primary purpose.

REMOTE WORK: see HOME OCCUPATION

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

- A. **RESTAURANT, CARRY-OUT:** A carry-out restaurant is a restaurant whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

- B. RESTAURANT, DRIVE-IN: A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. RESTAURANT, DRIVE-THROUGH: A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- D. RESTAURANT, FAST-FOOD: A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- E. RESTAURANT, STANDARD: A standard restaurant is a restaurant whose method of operation involves either:
 1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

RETAIL SALES ESTABLISHMENTS: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser, such as drug stores, variety stores, secondhand stores, music stores, dry goods stores, clothing stores, bookstores, and hardware stores.

RIGHT-OF-WAY: The land owned by a unit of government, public agency, or authority within which is located a street, alley, or other thoroughfare or an easement permanently established for the passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

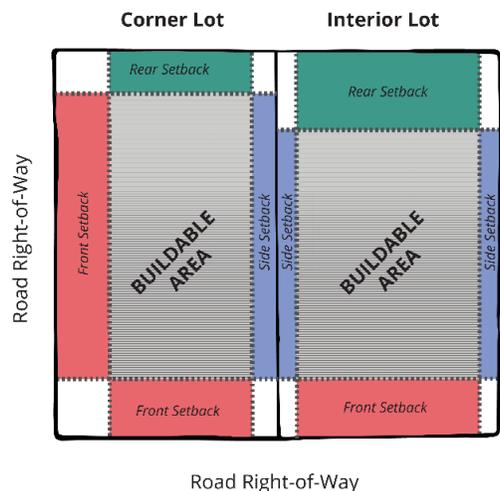
S

SCHOOL. A facility offering classes, training courses, or skill development to the public or to members of an organization. This use includes but is not limited to elementary, middle, or high schools, either operated by a public school district or a private entity.

SELF-STORAGE FACILITY: A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

SETBACK: The minimum required horizontal distance measured from the front, side, or rear lot line, in which construction of any building or structure is generally prohibited by this ordinance, unless an administrative departure or exception is specifically permitted.

- A. *Setback, Front.* The minimum required horizontal distance measured from the front lot line to a building wall on a lot or parcel required by this Ordinance for the District in which it is located.
- B. *Setback, Rear.* The minimum required horizontal distance measured from the rear lot line to a building wall on a lot or parcel required by this Ordinance for the District in which it is located.



C. *Setback, Side.* The minimum required horizontal distance measured from the side lot line(s) to a building wall on a lot or parcel required by this Ordinance for the District in which it is located.

SHORT-TERM RENTAL: A commercial use which is subordinate to the residential use of a dwelling unit, in which a tenant is allowed to lease the dwelling unit or a portion of the dwelling unit for periods of less than one calendar month in return for remuneration. If a tenant leases a dwelling unit for a period of at least one calendar month, this is not a short-term rental but instead is a residential use.

SIDEWALK: Pedestrian or non-motorized vehicular circulation routes built according to the standards of the City or other agency with right-of-way jurisdiction, as applicable.

SIGN: Any visual or graphic device designed through the use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located. See Section 10.02 for additional sign definitions.

SITE PLAN: A scaled drawing(s) illustrating existing and proposed conditions and containing the elements required in this Ordinance as applicable to the proposed development to ensure compliance with this Ordinance.

SOLAR ENERGY SYSTEM: A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted. A solar energy system may include ground-mounted solar energy collectors, building-mounted solar energy collectors, or a combination of the two. The majority of the electricity generated by an on-site solar energy system must remain on the site and not be utilized for wholesale or retail sale.

SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by a community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events may or may not be open to the public.

SPECIAL LAND USE: See USE, SPECIAL.

STATE LICENSED RESIDENTIAL FACILITY: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979.

STORAGE: The depositing of material, products for sale or use, or other items for a period greater than twenty-four (24) hours. This definition shall include items for household use, but shall not include vehicles, boats, mobile homes, or other items.

STORY: The portion of a building which is included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area of at least fifty percent (50%) of the usable floor area of the floor immediately below it.

A. A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

B. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling. See BASEMENT.

STREET: A public or private street, road, or thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

- A. Collector Street: A street whose principal function is to carry traffic between local or minor streets and major streets, but may also provide direct access to abutting properties.
- B. Cul-De-Sac: A street that terminates in a vehicular turnaround.
- C. Local or Minor Street: A street whose sole function is to provide access to abutting properties.
- D. Major Street: A street that carries high volumes of traffic and serves as a main avenue through or around the City. Major streets may also be referred to as arterial streets or major thoroughfares.
- E. Private Street or Road: A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the City, State or Federal Government.
- F. Public Street or Road: A street or road, the right-of-way and improvements of which have been accepted for maintenance by the City, or State Government.
- G. Stub Street: A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent unplotted land.

STREET LINE: A dividing line between the street and a lot, also known as the right-of-way line.

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

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

SUBDIVISION: The partitioning or splitting of a parcel or tract of land in accordance with the requirements of Public Act 288 of 1967, as amended, the State of Michigan Land Division Act, and this Ordinance.

SWIMMING POOL: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

T

TEMPORARY USE OR BUILDING: See BUILDING, TEMPORARY or USE, TEMPORARY. A building or use which is associated with a holiday or special event, or which is accessory to a permitted use and transitory in nature.

TRANSITION: The word or term "transition" or "transitional" shall mean a zoning district, a landscaped area, lot arrangement, wall or other means which may serve as a buffer between various land use types, particularly those uses which are incompatible.

TRANSPARENCY: The ability to see through with clarity. An opening in the building wall allowing light and views between interior and exterior. Measured as clear glass areas for buildings and as open areas for parking structures.

U

USE: The purpose for which land, lots, or buildings thereon is designed, arranged, or intended, or for which it is occupied, maintained, let or leased.

- A. USE, ACCESSORY: See ACCESSORY USE, BUILDING, OR STRUCTURE.

- B. USE, SPECIAL: A land use of a lot, building, or structure that could have additional effects related to the health, safety, convenience, and general welfare of users of nearby properties and the community as a whole, and for which additional scrutiny is needed. Compare to PERMITTED USE.
- C. USE, PERMITTED: A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.
- D. USE, PRINCIPAL: The main use to which the premises are devoted and the principal purpose for which the premises exist.
- E. USE, TEMPORARY: Shall mean a use permitted to exist during a specified period of time under conditions and procedures provided in this Ordinance, such as sidewalk sales displays, Christmas tree sales lot, and other seasonal events.



VARIANCE: A relaxation of the requirements of this Ordinance as authorized by the Zoning Board of Appeals under the provisions of this Ordinance and the Michigan Zoning Enabling Act (PA 110 of 2006), including any amendments thereto.

- A. DIMENSIONAL VARIANCE: An approval by the Zoning Board of Appeals after a demonstration that a practical difficulty related to the property is present that prevents a lot, building, or structure from being erected or improved in a manner that complies with the strict provisions of this Ordinance.

VEHICLE: Unless specifically indicated otherwise, all self-propelled vehicles such as cars, trucks, vans, motorcycles, and the like designed primarily for the transportation of persons or goods along public streets, alleys, or other public ways.

VEHICLE, COMMERCIAL: Any one of a class of vehicles and similar vehicles whose characteristics are described below, which have or require commercial license plates and have a gross vehicle weight in excess of six thousand five hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles:

- A. Semi-trailer: A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. Semi-trailer shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies, and full or partial box-type enclosures.
- B. Truck Tractor: A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers, and similar units, and which is not customarily operated without an attached trailer.
- C. Other Commercial Vehicles: Any truck or motor vehicle with a cab and chassis with a stake rack, dump body, wrecker body, tanker body, or any other body, the mounted height of which exceeds the height of the cab roof by more than eight (8) inches. This shall include any vehicle which has a commercial license plate, and which is designed to accommodate a body length in excess of nine (9) feet. Commercial vehicles do not include motor homes or recreational vehicles, but do include construction equipment such as backhoes, power shovels, bulldozers, earth-moving equipment, and similar vehicles

VEHICLE-ORIENTED ESTABLISHMENTS: A business or development designed to accommodate vehicles such as VEHICLE REPAIR FACILITY, VEHICLE SALES ESTABLISHMENT, VEHICLE SERVICE STATION, and CAR WASH FACILITY.

VEHICLE REPAIR FACILITY: Any major activity involving the general repair, rebuilding, or reconditioning of vehicles, engines, or trailers; collision services such as body, frame, or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

VEHICLE SALES ESTABLISHMENT: The use of any building or premises for the display, sale, rental, or lease of new or used vehicles, and any warranty repair work or other repair service conducted as an ancillary use.

VEHICLE SERVICE STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water coolants and other operating commodities for motor vehicles or which may include retail sale of tires, batteries, and similar accessories and the making of minor repairs to vehicles or parts thereof totally enclosed within a building and that do not normally require storing such vehicles on the premises overnight. Vehicle service station shall not include bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, high-volume motor vehicle washing, or sales of new or used cars, trucks, motorcycles, or other land vehicles.

W

WALL: The vertical exterior surface of a building and the vertical interior surfaces that divide a building's space into rooms.

- A. Parapet Wall: An extension of a building wall above the roof, which may serve to screen roof mounted mechanical equipment.
- B. Retaining Wall: A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area.

WAREHOUSE: A building used for short and/or long-term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

WETLAND, REGULATED: Certain wetlands are regulated by the State of Michigan under the provisions of state legislation, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

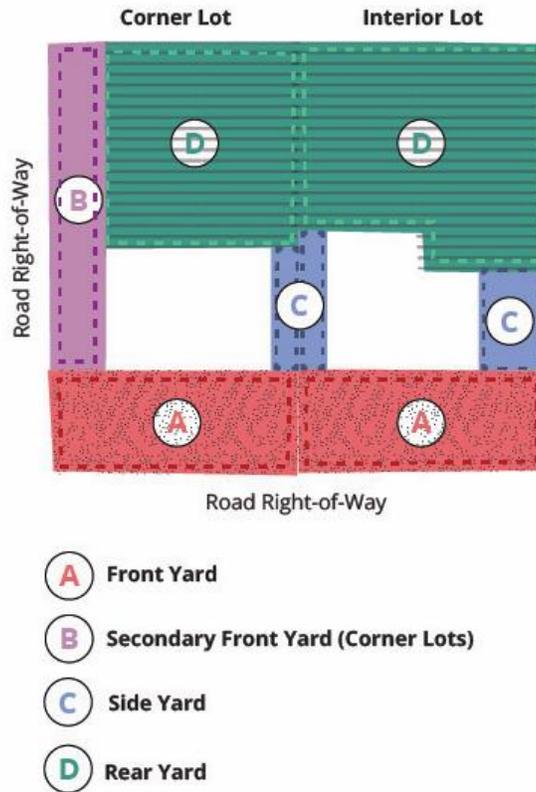
WIRELESS COMMUNICATION TOWER: A structure designed and constructed to support one (1) or more antennas used for licensed telecommunications services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services marketed to the general public.

Y

YARD: An open space that lies between the nearest property line and the principal main building or structure, which is unoccupied and unobstructed from the ground upward except as permitted by this Ordinance. The term "yard" shall only be used in relation to a lot on which a main building or structure has been placed.

- A. Front Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.
- B. Rear Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building.

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



Z

ZONING: The dividing of the City into districts of a number and shape considered best suited to carry out the purposes of the Zoning Enabling Act and the creation of uniform regulations throughout each individual district. Such districts are referred to as Zone Districts in this Ordinance.

ZONING ACT: The zoning enabling act is Public Act 110 of 2006, including any amendments thereto, provided, however, the powers and duties of the Planning Commission have been transferred to the Planning Commission of the City of Potterville under the provisions of Public Act 33 of 2008, including any amendments.

ZONING ADMINISTRATOR: An individual appointed by the City Manager of the City of Potterville delegated to administer the City Zoning Ordinance or the appointed designee.

ZONING BOARD OF APPEALS: The City of Potterville Zoning Board of Appeals created under Public Act 110 of 2006, as amended.

ZONE DISTRICT: A portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

ZONING MAP: The Official Zoning Map of the City of Potterville, approved by the City of Potterville City Council, upon which the zone districts and zone district boundaries as specified by this Ordinance are depicted,

including pertinent associated information. The Official Zoning Map shall be considered a part of this Ordinance.

ZONING REFERRAL: Written approval by the zoning administrator that is required before commencing any construction, reconstruction, erection, or alteration of any building or other structure, including signs, or before establishing, extending, or changing any use on any lot.

ARTICLE 3 – GENERAL PROVISIONS

Section 3.01. – Purpose and Intent.

The purpose of this Article is to clearly address regulations that apply to the entire City of Pottersville because the uses are common to many zone districts and/or the regulations apply to all zone districts to ensure the quality of life of all City residents.

Section 3.02. – Application of Regulations.

Unless otherwise stated, the regulations set forth in this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure, land, or use and throughout the City and within each Zone District.

- A. All buildings, structures, or land may be hereafter used, constructed, altered or occupied only when in conformity with all of the regulations herein specified for the district in which it is located.
- B. The provisions of this Article apply to all Zone Districts unless indicated otherwise. If there is a conflict between this Article and the individual requirements of the Zone District, the Zoning Administrator shall determine which requirement controls, in accordance with this Ordinance.

Section 3.03. – General Exceptions.

- A. **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention to exempt such essential services from the application of this Ordinance.
- B. **Voting Place.** The provisions of this Ordinance shall not interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 3.04. – Performance Standards.

- A. **Applicability.** Any use permitted by this Ordinance shall be subject to compliance with the following performance standards set out in this Section.
- B. **Noise.** No person shall create, operate, or cause to be operated on non-industrial private property any source of sound in such a manner as to be in violation of the City of Pottersville Noise Ordinance.
- C. **Smoke.** A person, firm, or corporation shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:
 - 1. As dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines.
 - 2. At no time may smoke emissions be darker than Ringelmann No. 1.
- D. **Noxious Gases.** No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.
- E. **Glare and Heat.**
 - 1. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of the standards contained in Section 8.07.

2. If heat is a result of a commercial or industrial operation, it shall be so insulated as to not to raise the temperature at any property line at any time above the ambient temperature.

F. **Vibration.** Vibrations from commercial or industrial operations and vehicular traffic must be controlled to the extent that they cannot be felt past any property line.

G. **Radio Transmission.** For electronic or electric equipment required in a commercial or industrial operation, the equipment shall be operated in conformance with all applicable standards so as not to interfere with radio, television, or other electronic equipment.

Section 3.05. – Environmental Protection.

A. **Intent.** All development within the City of Pottersville is to protect the natural resources located within the City to the extent that it is determined reasonable and acceptable to the Zoning Administrator and/or City Council as a result of Site Plan Review and other necessary review processes, as stated in this Ordinance.

B. **Definition.** Natural resources include, but are not limited to, natural habitats, ponds, lakes, woodlots, wetlands, and floodplains.

C. **Natural Resources Analysis.** An analysis and description of a proposed project's impact on existing natural resources shall be submitted with all Site Plan applications. The following requirements shall not relieve the project's sponsor from complying with other land development or environmental standards established by other public agencies having jurisdiction.

1. As part of the Site Plan application requirements set out in Section 6.04, the following information shall be provided:

a. A full analysis and description of the proposed project's impact on the natural resources existing on the site. This analysis shall include:

1. An evaluation of natural resource impacts by identifying alternative site locations or actions.
2. The impact of affecting the natural resource(s) in terms the natural environment, social concerns (aesthetics, historic and cultural values), and legal constraints (permits required, intergovernmental review, conformance with local plans/ ordinances, etc.).
3. A determination of both positive and negative impacts, direct and indirect impacts, as well as long-term vs. short-term effects.

b. The applicant shall identify measures to mitigate or eliminate negative affects to natural resources identified.

D. **Exemption.** Site Plans for the development of detached single-family units, to be done on an individual basis, are exempted from this requirement.

Section 3.06. – Hazardous Material.

A. **Storage and Containment.** It shall be unlawful for any person to store, stockpile or dispose of any hazardous, toxic or non-toxic material including but not limited to chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids and pollutants unless adequate protection and/or containment has been provided to prevent such materials from entering, diverting or blocking the City stormwater and drainage systems, contaminating ground water or soil, or creating other nuisances, except as specifically permitted by State and Federal Law.

B. **Clean Up Costs.** In the event that hazardous materials are released into the environment, the costs will be borne by the responsible parties. The process and Hazardous materials cleanup costs and procedures are governed by City of Pottersville Code of Ordinances Chapter 12, Article II: Environment.

Section 3.07. – Accessory Buildings and Structures.

A. Principal Use Required.

1. Unless otherwise expressly allowed in this Ordinance, accessory buildings and structures are only allowed with a principal use and building on the same lot. Accessory buildings and structures located on lots without an existing principal use are prohibited.
2. Accessory buildings and structures may only be constructed at the same time as, or after the construction of, the main building or structure.
3. If the principal building or structure is destroyed, demolished, or removed, any accessory buildings or structures on the same lot shall be removed within twelve (12) months, unless a permit for construction of a new main building has been approved. The Zoning Administrator may extend this timeframe by one (1) year where substantial progress has been demonstrated.

B. Accessory Buildings.

1. **Applicability.** This Section shall not apply to carports or rows of garages found within multiple-family housing developments.
2. **Definitions.**
 - a. **Attached Accessory Buildings.** Any accessory building that is structurally *attached* to the principal building. An attached accessory building is considered integral to the principal building and shall be subject to the same regulations applying to the principal building. Examples include attached garages and attached accessory dwelling units.
 - b. **Detached Accessory Buildings.** Any accessory building that is *detached* from the principal building. Examples include detached garages, gazebos, sheds, and detached accessory dwelling units. A garage that is connected to a principal building through a breezeway is considered a detached accessory building and shall be subject to the requirements of this Section.
3. **Lot Coverage.** Accessory Buildings are subject to the maximum lot coverage standards as established within each Zone District.
4. **Permitting, Construction and Design.**
 - a. The architectural character of accessory buildings shall be compatible with, and similar to, the principal building with respect to materials, scale, design, and aesthetic quality, as determined by the Zoning Administrator.
 - b. The height of an accessory building may not exceed the height of the principal building.

C. Accessory Structures.

1. Permitted Structures.

- a. For community gardens and other similar uses, one (1) accessory structure of one hundred and twenty (120) square feet or less and up to fourteen (14) feet high may be erected for storage of supplies and materials related to the use. An additional accessory structure of the same size and height may be added for properties exceeding three (3) acres. The structure(s) shall meet all setback requirements of the Zone District.

2. Prohibited Structures.

- a. No permanent accessory structure shall be constructed with a tubular frame construction or with canvas, plastic film, or similar exterior material that does not provide long-term durability.

- b. No mobile home, trailer, vehicle, tank, boat, container, storage pod, railroad car, dumpster, barrel, crate, furniture, tent, junk object or salvage materials or similar items shall be used as an accessory structure.
- c. Living or sleeping quarters, temporary or permanent, in an accessory structure that has not received approval to operate as an accessory dwelling is prohibited.
- d. No tent, canopy or non-permanent structure may be used for storage under any circumstance.

D. Residential Accessory Buildings and Structures.

- 1. **Number.** Two (2) detached and one (1) attached accessory building are permitted per lot as long as lot coverage requirements are met.
 - a. **Exempted.** The following shall not be counted toward the number or area of permitted detached accessory buildings:
 - i. Trellises, pergolas, gazebos, arbors or other similar structures without enclosed walls.
 - ii. Landscape features, such as small ponds, outdoor kitchens, spas, and fire pits.
 - iii. Outdoor sport courts.
 - iv. Play structures, swing sets, and similar recreational equipment for children.
 - v. Above-ground swimming pools or hot tubs.
 - vi. Decks and patios that are attached to the primary residential building.
 - vii. Other similar structures as determined by the Zoning Administrator.
- 2. **Size.** Except as noted, the combined Gross Floor Area (GFA) for all detached accessory buildings and structures shall not exceed the gross floor area permitted in Table 3.06.D
 - a. The total area of all detached accessory buildings on a lot shall not exceed the area of the main building.
 - b. The total area of an attached accessory building shall not exceed the area of the main building.

| Table 3.06.D Accessory Buildings and Structures Gross Floor Area (GFA) | |
|---|----------------------------|
| Parcel Lot Area (sq. ft.) | GFA (sq. ft.) Total |
| Less than 5,000 | 624 |
| 5,000 – 7,499 | 832 |
| 7,500 – 11,999 | 936 |
| 12,000 or more | 1,200 |

3. Setbacks.

- a. No detached accessory building or structure shall be closer than five (5) feet to any side or rear lot line in Residential Districts.
- b. An Administrative Departure may be approved for a detached accessory building or structure to be located less than five (5) feet from a side or rear lot line if the following conditions are met:
 - i. Topography, Natural Features, or other site constraints exist that make compliance with required setbacks impossible.
 - ii. In granting an administrative departure, the Zoning Administrator shall ensure there are no detrimental effects on adjacent properties, and where applicable, fire safety provisions of the State Building Code are met.

- iii. A property survey and scaled Site Plan shall be submitted.

Section 3.08. – Residential Solar Energy Collectors.

- A. **Intent.** This Section intends to provide for the reasonable utilization and location of private solar energy collectors in the City, with appropriate controls to limit negative impacts on adjacent properties.
- B. **Standards.** All solar energy collectors, whether building mounted or ground mounted, must comply with the following standards:
 - 1. Solar energy collectors and racking shall be located in the least visibly obtrusive location where solar panels would be functional.
 - 2. The installation of any solar energy collector shall not negatively impact adjacent properties with additional or excessive stormwater runoff and/or drainage.
 - 3. It shall be shown that all solar panels are adequately secured to the surface upon which they are mounted and that the mounting structure or racking has the capability of supporting the panels.
 - 4. All solar panels shall have tempered, non-reflective surfaces.
 - 5. The installation of any solar energy collector shall not require or be reliant upon the clear cutting of trees or other vegetation.
 - 6. All solar energy collectors shall be removed, repaired, or replaced if nonfunctional.
 - 7. Solar energy collectors shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI).
 - 8. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer’s directions. Upon request, a copy of such directions shall be submitted to the Building Official prior to installation.
 - 9. Solar energy collectors, installation, and use shall comply with the construction code, electrical code, and other relevant requirements.
 - 10. Building Official approval is required prior to the installation of any solar energy collector.
- C. **Building-mounted.** Building mounted solar energy collectors for private use are permitted by right in all zone districts, provided they comply with the following requirements:
 - 1. Shall be such a weight to be safely supported by the structure. Building-mounted solar energy collectors shall be permanently attached to a building.
 - 2. Shall not be mounted on a building wall that is parallel to an adjacent public right-of-way.
 - 3. Shall not project more than two (2) feet above the roof line and shall not exceed the maximum height allowed in the Zone District.
 - 4. Shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.
- D. **Ground-mounted.** Ground mounted solar energy collectors for private use are permitted by right in all zone districts, provided they comply with the following requirements:
 - 1. May be located only in rear and side yards and are not permitted within the setback areas of the zone district.
 - 2. Shall not exceed twelve (12) feet in height, as measured from ground level to the highest point of the solar panel.

3. Shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be subject to the approval of the Building Official.
4. The total area of ground-mounted solar energy collectors shall be included in the calculation of lot coverage and shall not exceed the maximum lot coverage for the Zone District (see Section 4.09), or the maximum square footage allowed for accessory buildings or structures (see Section 3.07).
5. Screening. When located within one hundred (100) feet of a dwelling unit, ground-mounted solar energy collectors shall be screened from view using a fence, wall, or landscape screen consistent with the standards of Article 8.

Section 3.09. – Swimming Pools.

A. Location.

1. Outdoor swimming pools shall be located in a side or rear yard and shall comply with the minimum setback requirements for the zone district in which it is located.
2. The outside pool wall shall be at least five (5) feet from any building located on the same lot.

B. State and Local Regulations. Swimming pools shall comply with all other ordinances and state laws.

ARTICLE 4 – ZONE DISTRICTS AND MAP

Section 4.01. – Purpose and Intent.

- A. **Districts Established.** For the purpose of this Ordinance, the City of Pottersville is hereby divided into the following zone districts:

| Table 4.01.A. Zone Districts | |
|---|----------------------------------|
| Abbreviation | Zone Districts |
| Residential Districts | |
| TR | Traditional Residential District |
| MH | Manufactured Housing District |
| Mixed-Use Commercial Districts | |
| MUB | Mixed-Use Business District |
| HC | Highway Commercial District |
| Industrial & Special Districts | |
| LI | Light Industrial District |
| HI | Heavy Industrial District |
| PUD | Planned Unit Development |

Section 4.02. – Zone Districts Purpose and Intent.

- A. **TR TRADITIONAL RESIDENTIAL DISTRICT.** The TR District is primarily characterized by existing single-unit detached structures that are located on parcels of various sizes. New housing development in this district will be in keeping with Pottersville’s small-town character and designed as an extension of the existing built community, connected to public utilities, and laid out in a consistent grid pattern.
- B. **MH MANUFACTURED HOUSING DISTRICT.** The MH District is primarily characterized by, and is intended to preserve, existing planned manufactured residential development. The goal is to support the homes in the neighborhood by accommodating complementary uses such as childcare facilities, school, and worship-related activity, and necessary accessory structures.
- C. **MUB MIXED-USE BUSINESS DISTRICT.** The MUB District is intended to accommodate various types of retail, restaurant, entertainment, service, and office establishments while providing a variety of housing to accommodate the wide range of household needs and stages of life for city residents. Upper-level residential use has the potential to support the health of businesses and the school district while creating a traditional, walkable, main street environment. Placemaking elements such as storefront windows, high-quality building materials and design, and outdoor seating will add to the vitality of the district and create a distinct sense of place.
- D. **HC HIGHWAY COMMERCIAL DISTRICT.** The HC District is intended to serve the shopping and convenience needs of the residents of the greater City of Pottersville area as well as the passing motorist. It is characterized by businesses with larger lots and bigger buildings on major thoroughfare locations.

Development in this district is generally more destination-oriented; with a greater dependence upon motor vehicles. In addition to commercial development, some light industrial uses and high-density residential uses may be acceptable in appropriate locations.

- E. **LI LIGHT INDUSTRIAL DISTRICT.** The LI District is designed to accommodate light industrial activities to include wholesale activities, warehousing, technology, research, and industrial operations whose external physical effects are restricted to the area of the district. Related office and limited commercial uses are acceptable in this district so long as they are compatible with nearby industrial uses and processes.
- F. **HI HEAVY INDUSTRIAL DISTRICT.** The HI District is designed to accommodate heavy industrial activities, including the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material, as well as from raw material.
- G. **PUD PLANNED UNIT DEVELOPMENT DISTRICT.** The PUD District is reserved for unique development projects that require greater flexibility than what is found in a typical zone district in order to meet the purpose and intent of the Master Plan, reinforce the health and vibrancy of the downtown, support walkability, and protect the natural environment. The PUD is typically characterized by the presence of multiple uses, is at least one (1) acre in size, and may be comprised of an aggregate of individual lots. The process by which a PUD District is created is outlined in Section 6.06 of this Ordinance.

Section 4.03. – District Boundaries and Inclusion of the Zoning Map by Reference.

The boundaries of these districts are established as shown on the City of Potterville Zoning Map, which accompanies this Ordinance. The City of Potterville’s official zoning map with all notations, references, and other information is incorporated into this ordinance by reference.

Section 4.04. – Zoning Map.

The City of Potterville Official Zoning Map is kept on file with the Zoning Administrator and City Clerk.

Section 4.05. – Interpretation of District Boundaries.

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

- A. Boundaries approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following City limits.
- D. Boundaries indicated by the following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to, or extensions of features indicated in Section 4.03 above, shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, the Zoning Board of Appeals shall interpret the district boundaries.

Section 4.06. – Zoning of Annexed Areas and 425 Agreements.

Whenever any area is annexed to the City of Pottersville, it shall immediately, upon such annexation, be classified as a TR District until rezoned by the City Council. When an area is annexed into the City of Pottersville, the Planning Commission shall recommend an appropriate zone district(s) for such area within six (6) months after the area is annexed.

Section 4.07. – Zoning of Vacated Areas.

Whenever any street, alley, or other public way within the City shall be vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it is adjacent. If the vacated area is adjacent to multiple zone districts, the Zoning Administrator shall decide regarding appropriate districts based on review of the City’s Master Plan and other relevant information. The Zoning Administrator may defer this determination to the Planning Commission.

Section 4.08. – Site Layout and Building Placement Table.

All development must comply with the requirements in this Section unless otherwise expressly stated. Lot area and lot width requirements shall be used where a lot size was not established prior to the adoption of this Ordinance. Lot width and area requirements shall not preclude development of legal lots existing at the time of adoption of this Ordinance.

| Table 4.08.A. Site Layout and Building Placement | | | | | | | |
|---|-------|-----|------|-------|--------|--------|---|
| Zone District | TR | MH* | MUB | HC | LI | HI | |
| Required Lot Area Per Unit (Square Feet) & Width | | | | | | | |
| Detached single-family | 6,000 | - | - | - | - | - | - |
| Townhouse | 3,500 | - | - | 1,250 | - | - | - |
| Duplex | 8,000 | - | - | - | - | - | - |
| Multiple family/group living (per unit) | 1,500 | - | - | 1,250 | - | - | - |
| Other Uses | 6,000 | - | - | 5,000 | 5,000 | 5,000 | - |
| Minimum Lot Width | 60 ft | - | - | 25 ft | 100 ft | 100 ft | - |
| Minimum Unit Sizes (Square Feet) | | | | | | | |
| Detached single-family | 800 | - | - | - | - | - | - |
| Townhouse | 600 | - | 600 | 600 | - | - | - |
| Duplex or 3-4 unit building | 600 | - | 600 | - | - | - | - |
| Multiple family/group living (per unit) | 450 | - | 450 | 450 | - | - | - |
| Setbacks for Residential Uses (feet) | | | | | | | |
| Front Setback | 20 | - | - | 20 | - | - | - |
| Rear Setback | 20 | - | 25** | 25 | - | - | - |
| Side Setback | 10 | - | - | 10 | - | - | - |
| Setbacks for Non-Residential Uses (feet) | | | | | | | |
| Front Setback | 20 | - | - | 20 | 30 | 30 | - |
| Rear Setback | 35 | - | 25** | 25 | 30 | 30 | - |
| Side Setback | 20 | - | - | 10 | 20 | 20 | - |
| Building Height and Massing | | | | | | | |
| Maximum Height | 35 | - | 45 | 45 | 50 | 80 | - |
| Maximum Lot Coverage | 40% | - | - | 75% | 75% | 75% | - |
| Minimum Building Façade along RBL | - | - | 50% | - | - | - | - |
| Minimum Required Greenspace 4.09.D | 40% | - | - | - | - | - | - |
| Building Design Standards | | | | | | | |
| Façade Transparency 4.13 | - | - | 50% | 30% | 15% | 15% | - |
| Building Entrances 4.14 | Yes | - | Yes | Yes | Yes | - | - |
| Required Building Line 4.10 | Yes | - | Yes | - | - | - | - |
| Expression Line 4.15 | Yes | - | Yes | Yes | - | - | - |

* Per the standards of the Michigan Manufactured Housing Commission.

**Rear setbacks only apply to parcels adjacent to residential districts (TR and MH Districts).

Section 4.09. – Lot Requirements.

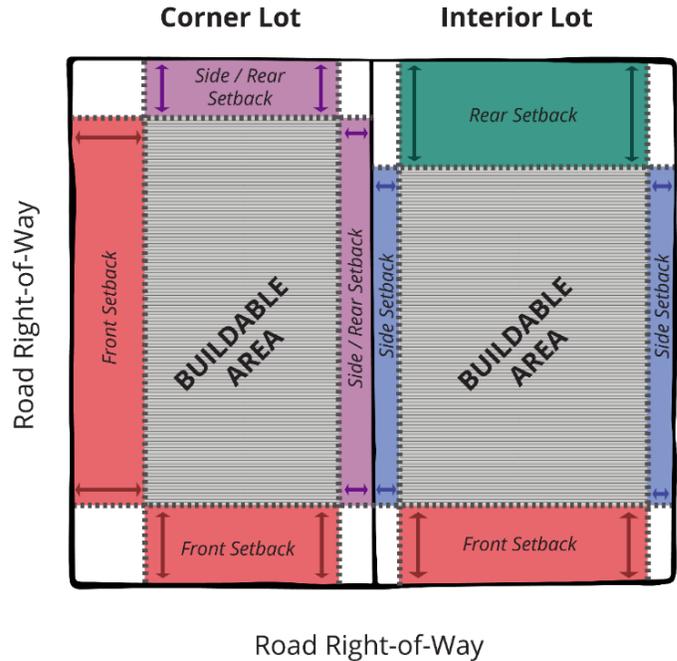
- A. **Measurements.** Unless otherwise expressly stated, distances specified in this Ordinance are to be measured as the length of an imaginary straight line joining two (2) described points.
- B. **Minimum Lot and Street Frontage.** Every lot created after adoption of this Ordinance shall have the minimum lot area, lot width, and lot frontage upon an approved public or private street, as required by this Ordinance. Flag lots are prohibited.
- C. **Yards – Corner and Through Lots.** Corner and through lots shall have two (2) front lot lines, two (2) front yards, two (2) side yards, and no rear yard. For through lots, the main building or structure shall be oriented toward the predominant frontage based on the established or planned pattern of development, as determined by the Zoning Administrator.
- D. **Required Green Space in TR District.** In addition to maximum lot coverage, there is a required minimum area of undeveloped green space in the TR zone district. The required green space shall be composed of grass, landscape beds, and other natural impervious surfaces. The Zoning Administrator may grant an

administrative waiver from this section by up to 10% upon finding that there are physical constraints on the property that make compliance impossible.

Section 4.10. – Building Setbacks and Required Building Lines (RBL).

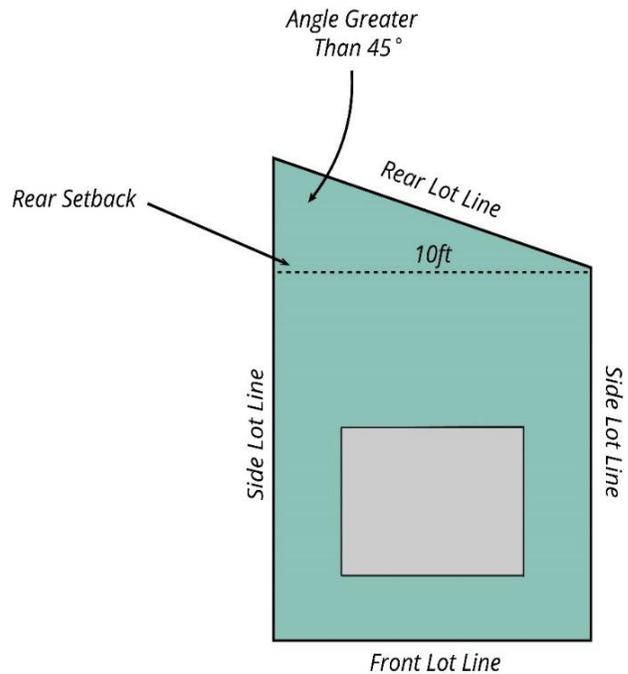
A. Building Setbacks.

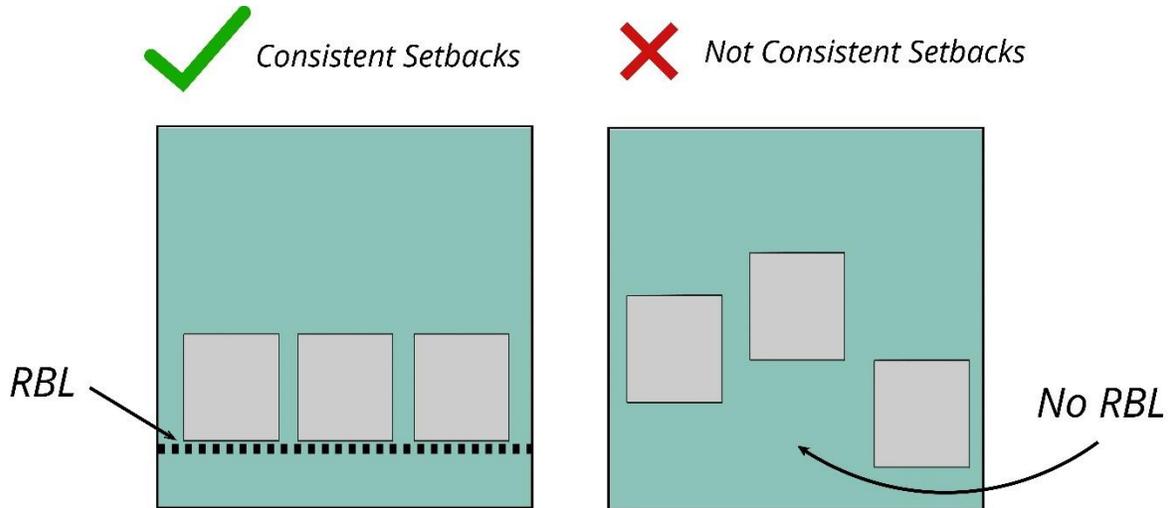
1. **Permissive Setbacks.** Except as noted in Section 4.10.B.2, building setbacks are considered to be permissive. This means that any portion of the main building may be placed anywhere at or behind the setback line. All setbacks extend for the full width of the lot.
2. **Rear Setback.** Where any lot line exceeds forty-five (45) degrees from being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line shall be deemed the rear lot line for the purpose of measuring rear yard setbacks.
3. **Side Setback.** The side setback shall extend from the side lot line between the front setback line and the rear lot line.



B. Required Building Line (RBL). On blocks where the front setback or building line is established in the TR and MUB zone districts, the following shall apply:

1. The RBL shall be equal to, or the median of, the front setbacks of existing main buildings on the same block. For the purposes of this calculation, the same block is defined as both block faces, in same Zone District, not to exceed five (5) lots on each side of the subject parcel and five (5) lots directly across the street.
2. Where setbacks are varied and inconsistent within a block, and a RBL does not exist, the required setbacks defined in Table 4.08.A shall apply.





3. An Administrative Departure up to ten (10) feet of the established RBL may be permitted to accommodate individual site conditions, such as mature trees, topography, or other similar physical condition.

Section 4.11. – Permitted Encroachments.

- A. **Permitted Encroachments into Setbacks.** Encroachments permitted by this Section may be within required setbacks. All permitted encroachments are subject to lot coverage requirements.
- B. **Architectural Features.** Certain architectural features, such as cornices, eaves, bay windows (or windows without foundations), gutters, chimneys, pilasters, and similar features, may project not further than four (4) feet into a required front, rear, or side yard.

C. Unenclosed Porches and Stoops.

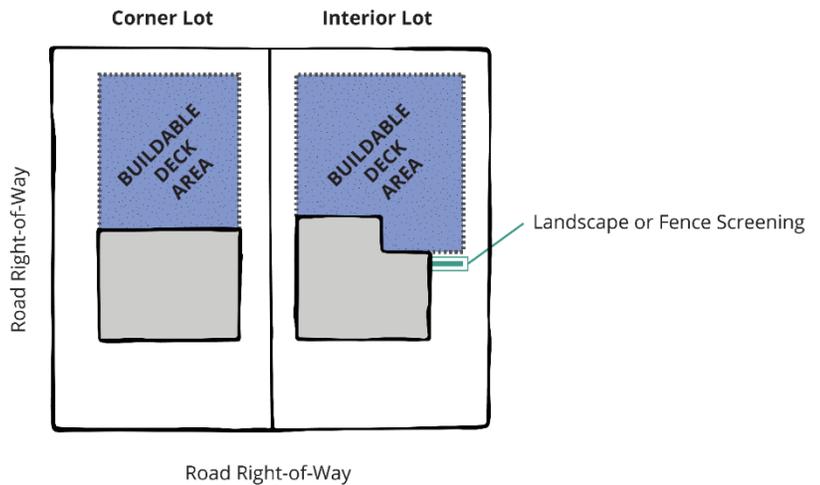
1. An unenclosed porch or stoop (not including steps) may project past the required front yard setback by no more than ten (10) feet but shall be no closer than five (5) feet to the front sidewalk.
2. An unenclosed porch or stoop (not including steps) may project past the side setback, provided it is at least five (5) feet from the side lot line or a sidewalk.

- D. **Balconies.** Upper-level balconies may project past the front yard setback by no more than six (6) feet.

E. Decks and Patios.

1. **Interior Lot.**

- a. A ground-level deck or patio may be located in the side yard, provided it meets the minimum side setback for the Zone District, and is set back at least ten (10) feet from the front building façade.
- b. A ground-level deck or patio may be located in the rear yard, provided it is at least five (5) feet from all lot lines.
- c. A deck with a platform over four (4) feet in height may be in the rear yard, subject to the same rear and side yard setbacks as the main building.
- d. A deck or patio is not permitted within the front yard.



2. **Corner Lot.**

- a. A ground-level deck or patio may be in the side yard but must meet the same side yard setback requirements as the main building.
- b. A deck or patio is not permitted in the front yard.
- c. A deck with a platform over four (4) feet high shall meet required side and rear yard setbacks.

3. **Administrative Departure.**

An Administrative Departure may be approved by the Zoning Administrator to reduce the minimum side or rear setback of a ground-level Deck or Patio to not less than three (3) feet where there are no detrimental effects on adjacent properties, and where applicable fire safety provisions of State Building Codes are met.

F. **Wheelchair Ramps.**

1. The Zoning Administrator may permit wheelchair ramps used for persons with mobility impairments in a front, side, or rear yard provided the location does not create a hazard or impede access for operations related to safety, such as access for fire personnel or equipment.
2. Location.
 - a. All ramps must be at least three (3) feet from any side lot line.
 - b. Administrative Departure. The Zoning Administrator may permit a ramp to be constructed nearer than three (3) feet to the side lot line where it is demonstrated that no other feasible location is practical.

G. **Basement Egress Window Wells.** Basement egress window wells are permitted in all yards, according to the following conditions:

1. **Setback.** A window well shall be set back at least three (3) feet from the side or rear lot line, and at least ten (10) feet from the front lot line.
2. **Front Yard Screening.** When in a front yard, a three (3) foot high landscape or building material screen shall be provided in front of the window well. If screened with building material, the material shall be compatible with the materials and colors used for the main building.

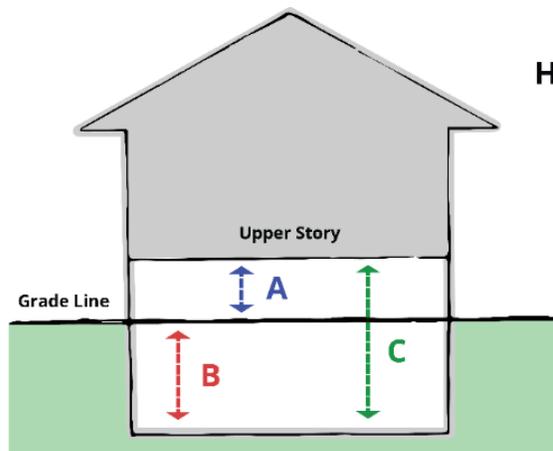
H. **Ground-Mounted Mechanical Equipment** (e.g. air conditioning condensers; swimming pool and spa heaters, pumps and filters; transformers and generators; and similar equipment). Mechanical equipment

should first attempt to be placed within the main structure or an accessory structure. If this is not feasible, then the following conditions shall be met:

1. **Setback.** Mechanical equipment is set back at least three (3) feet from the side or rear lot line, and at least ten (10) feet from the right-of-way.
 2. **Front Yard Screening.** When in a front yard, a three (3) foot high landscape or building material screen shall be provided in front of the mechanical equipment.
 - a. If screened with landscaping, the vegetation must provide at least fifty percent (50%) solid green screening year-round.
 - b. If screened with building material, the material shall be compatible with the materials and colors used for the main building.
- I. **Projections into the Public Right-of-Way.** The following projections are permitted, subject to approval of a Zoning Referral from the Zoning Administrator and approval by the Department of Public Works. Projections shall not be located over a road.
1. **Balconies.** A balcony with a minimum ground clearance of sixteen (16) feet above finished grade may extend up to five (5) feet over a public sidewalk.
 2. **Awnings.** An awning with a minimum ground clearance of eight (8) feet may extend over a public sidewalk.

Section 4.12. – Building Height Measurements and Exceptions.

- A. Building height shall be measured as the vertical distance from the finished grade adjacent to the structure to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the eave and ridge of the highest roof section for a gable, hip, or gambrel roof.
- B. **Grade.** When the terrain is sloping, the finished grade shall be the average of the elevation of the ground for each side of the structure, as measured six (6) feet from the exterior walls of the structure.
- C. **Stories.** One (1) story shall be measured as not less than nine (9) feet nor more than fifteen (15) feet. The following shall be excluded:
1. Spaces completely below the finished grade, such as basements, cellars, crawl spaces, and sub-basements; and
 2. A story shall not be counted as a story when more than fifty (50) percent of its cubic content is below the finished grade of the adjoining ground.



How is a Basement Defined?

When **A** is less than **B**, then **C** is a basement

D. **Exceptions.** The height requirements of all Zone Districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, utility penthouses, stacks, stage towers or scenery lofts, monuments, cupolas, domes and spires, and necessary mechanical appurtenances.

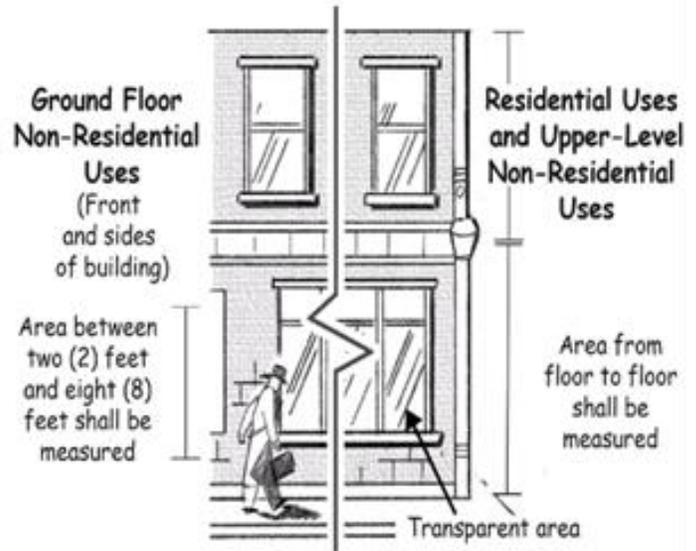
1. Building height in the Heavy Industrial (HI) district may exceed eighty (80) feet upon Special Land Use review and approval by the Planning Commission. See Section 6.05.

Section 4.13. – Façade Transparency.

A. **Clear Glass.** Glass in windows, doors, and display windows shall be transparent to ensure a safe, pedestrian-oriented environment. Glass shall be clear or lightly tinted. The use of dark glass and highly reflective surfaces, including reflective glass and mirrors, is prohibited.

B. **Requirement.** Façade transparency shall be measured as the area on the ground-floor front and sides of a building between two (2) and eight (8) feet above the sidewalk (or ground level adjacent the building if a sidewalk is not present).

C. **Security Shutters.** Exterior steel barriers, hurricane curtains and other security devices are not permitted on the exterior of the building. If located inside a building, they may not be visible from the sidewalk or public right-of-way during business hours.



D. **Administrative Departure.** An Administrative Departure may be granted where mitigation measures such as the addition of architectural elements, display windows with a minimum twelve (12) inch depth, a green wall, or landscaping are provided, and it is demonstrated by the applicant that transparency would be significantly detrimental to the operation or security of the proposed use.

Section 4.14. – Building Entrances.

A. Each building shall have an entrance that is readily visible and contributes to the character of the district. The front façade of any new building shall face a primary public or private street.

B. A sidewalk shall be provided that connects building entrances to the street or sidewalk that parallels the street.

C. **Residential.** For residential uses, a building entrance shall be in the front façade parallel to the street. The primary building entrance facing the street shall include a stoop or a front porch.

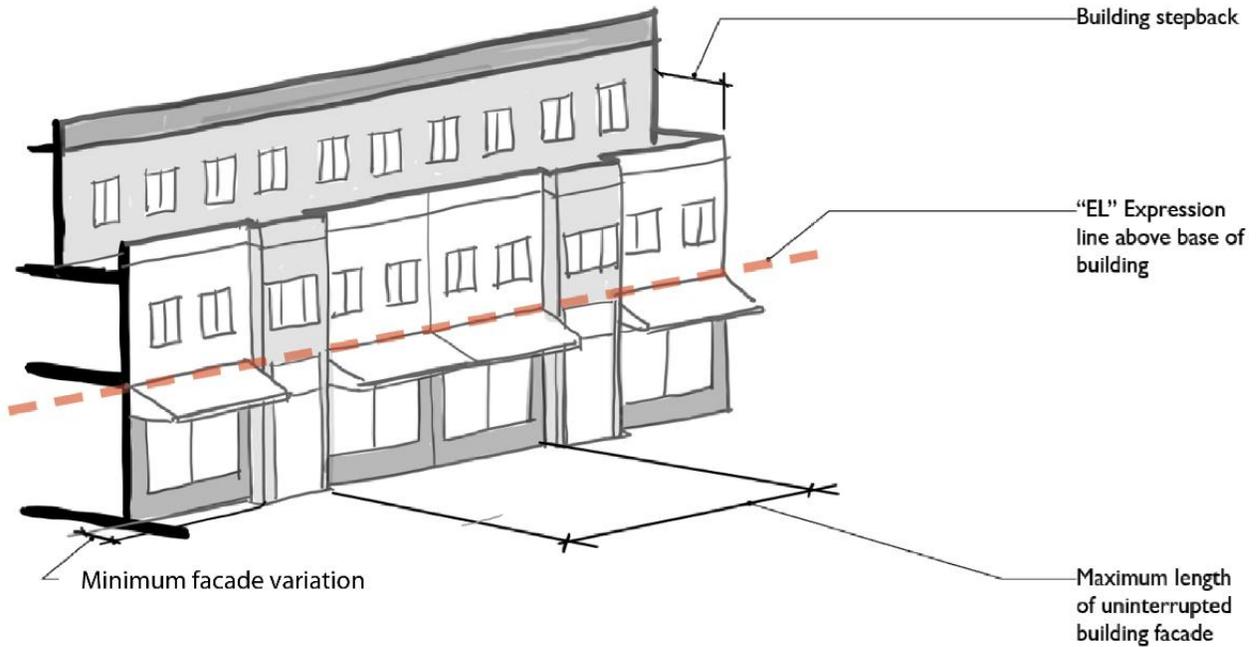
1. A stoop shall be at least three (3) feet wide and three (3) feet deep.
2. Porches, not including steps, shall be at least six (6) feet deep to provide for usable seating and circulation, and be at least one-third (1/3) the width of the front façade of the residential structure (not including the garage), but in no case shall it be less than eight (8) feet wide.
3. Building materials shall be compatible with the main building. Porch fixtures such as columns, pillars, posts, and railings shall be coated with stain or paint if materials made of wood are used.

4. Porch or entrance enclosures may be permitted where the enclosure and its placement are consistent with others on the same block face, for the same use and in the same Zone District. In all cases, at least eighty percent (80%) transparency shall be maintained for the enclosure. If the enclosure would be inconsistent with others on the same block face or below the transparency requirement, then it would be considered as part of the primary structure's living space and must meet building setback requirements.
- D. **Commercial.** A clearly identifiable and usable building entrance shall be located in the front façade of a commercial building.
1. The primary pedestrian building entrance shall be located in the front façade parallel to the street. Main building entrances and exits shall be located on the primary street and may extend to both sides of a building. Entrances can be identified individually or shared.
 2. The primary pedestrian entrance of a new main building shall be clearly identified using an awning, paving treatments, porches, a change in roofline, or other architectural features and shall relate to locations of pedestrian activity.
 3. Where the building entrance is located on or within five (5) feet of a lot line or public sidewalk easement, whichever is closest to the face of the building, the doorway shall be recessed into the face of the building. The entrance recess shall not be less than the width of the door(s) when opened outward.
 4. Non-recessed entrance doors may be permitted where no pedestrian safety hazard may be created.
 5. An administrative departure may be granted where the topography, lot depth, vegetation to be preserved, or other site conditions would prevent compliance with these provisions

Section 4.15. – Expression Line.

- A. A horizontal line on the façade known as the Expression Line (EL) shall distinguish the base of the building from the remainder to enhance the pedestrian environment. The bottom of the EL shall be no higher than sixteen (16) feet above grade.
- B. The EL shall be created by a change in material, a change in design, or by a continuous setback, step back, recess, or projection above or below the EL. Elements such as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, and changes in material or color, or other sculpturing of the base, are appropriate design elements to include with an EL.
- C. Stand-alone single-unit dwellings shall be exempt from this requirement.

Section 4.16. – Facade Design.



- A. **Uninterrupted Facade.** The maximum linear length of an uninterrupted building facade facing a street or park shall be thirty (30) feet. Visual breaks shall be vertical. Building wall offsets (projections and recesses), varying building materials, or other methods shall be used to break up the mass of a single building.
- B. Vents, air conditioners, and other utility elements must be integrated (placement, color, orientation) into the architecture of the building or otherwise screened from view. These items should not be placed on the front façade of the building.
- C. **Administrative Departures.** Administrative Departures may be granted for other methods to provide adequate articulation, provided that the visual effect of articulation is maintained. Examples of acceptable variations may include architectural or artistic details or features, a variation in color or materials, and enhanced ornamentation around building entranceways.

ARTICLE 5 – USES AND USE REGULATIONS

Section 5.01. – Intent and Purpose.

The purpose of this Article is to specify which activities and types of development are permitted or prohibited on different parcels of land throughout the City. The goal of use regulation is to help balance activities throughout the City while helping to create a cohesive, orderly, and sustainable environment characterized by compatible land uses and clear development patterns.

Section 5.02. – Uses of Land.

- A. **By Right.** Uses permitted by right in the Zone District, subject to compliance with all other applicable requirements, are identified with a “P.”
- B. **Special Land Uses.** Uses which may be allowed through review and approval consistent with required Special Land Use procedures are identified with an “S.”
- C. **Unlisted Uses.** Uses not listed in Table 5.03.A. may be approved if the Zoning Administrator determines that the use is similar to other uses listed either as a Permitted Use or Special Land Use.

Section 5.03. – Uses in Residential Districts.

- A. **Permitted Uses.** Uses are allowed in residential Zone Districts and Planned Unit Development (PUD) Districts in accordance with Table 5.03.A

| Table 5.03A Permitted Uses in Residential and Manufactured Home Zone Districts | | | |
|---|-----------|-----------|-----------------|
| Use | TR | MH | Use Regs |
| Single-Family Dwelling Unit | P | P | |
| Townhomes | S | | |
| 2-3 Unit Dwellings | P | - | |
| Cottage Courts | S | - | |
| Adult Foster Care Family Home (1-6 persons) | P | P | 5.07 |
| Adult Foster Care Small Group Home (7-12) | S | S | 5.07 |
| Accessory Dwelling Unit | S | - | 5.05 |
| Bed and Breakfast | S | - | 5.10 |
| Cemetery | S | - | |
| Child Care Home, Family | P | P | |
| Child Care Home, Group | S | P | |
| Electrical Substations and Essential Services | S | S | 5.13 |
| Home Occupation or Remote Work | P | P | 5.15 |
| Museum or Library | S | - | |
| Manufactured Home Park | - | P | 5.20 |
| Nursing Homes and Assisted Living | S | - | 5.09 |
| Public Park | P | P | |
| Short-Term Rental | P | | 5.29 |
| School or Religious Institution | S | - | |
| Uses Not Listed | | | 5.32 |

- B. **Utilities.** Public utilities, but not including storage yards and cell towers, are permitted when operating requirements necessitate locating within the District to serve the immediate neighborhood.

Section 5.04. – Permitted Uses in Mixed-Use, Commercial, and Industrial Zone Districts.

- A. **Permitted Uses.** Uses are allowed in mixed-use, commercial, Planned Unit Development, and industrial Zone Districts in accordance with Table 5.04.A.

DRAFT City of Pottersville Zoning Ordinance

| Table 5.04.A. Permitted Uses in Mixed-Use, Commercial, and Industrial Zone Districts | | | | | |
|--|-----|----|----|----|------------------|
| Use | MUB | HC | LI | HI | Use Regs |
| RESIDENTIAL | | | | | |
| Townhomes | P | S | - | - | |
| 2-3 Unit Dwellings | P | - | - | - | |
| Adult Foster Care Large Group Home (13 +) | S | P | - | - | 5.08 |
| Cottage Courts | S | - | - | - | |
| 4+ Unit Dwellings (Multi-Family) | S | P | - | - | |
| Ground Floor Residential | S | S | - | - | 5.15 |
| Upper Level Residential | P | P | - | - | |
| Home Occupation or Remote Work | P | P | - | - | 5.16 |
| Nursing Homes and Assisted Living | S | P | - | - | 5.10 |
| EDUCATIONAL, GOVERNMENT, AND INSTITUTIONAL | | | | | |
| Cemetery | - | - | S | - | |
| Child Care Center | S | P | - | S | |
| Funeral Home | S | S | S | - | |
| Medical/Dental Clinic | P | P | - | - | |
| Hospital | - | S | - | - | |
| Public Park | P | P | - | - | |
| Public Buildings and Facilities | P | P | P | P | |
| Religious Institution | S | S | - | - | |
| School, Library or Museum | S | S | - | - | |
| Veterinary Clinic | S | P | - | - | |
| COMMERCIAL, OFFICE, RETAIL | | | | | |
| 24-hour Operations | S | S | S | - | |
| Alcohol-Related Uses | S | S | - | - | 5.08 |
| Drive-Through Establishments | - | S | S | - | 5.13 |
| Restaurant (without Drive-Through) | P | P | - | - | |
| Hotel or Motel | S | P | - | - | |
| Indoor Recreational Facility | P | P | - | - | |
| Outdoor Recreational Facility | - | P | S | - | |
| Laundromat or Dry Cleaning Establishment | P | P | P | - | |
| Office or Bank | P | P | P | - | |
| Open Air Businesses | S | P | P | P | 5.22 |
| Outdoor Seating | P | P | - | - | 5.24 |
| Professional Service Establishments | P | P | - | - | |
| Retail Sales Establishments | P | P | S | - | 5.12, 5.26, 5.27 |
| Short Term Rental | P | | | | 5.29 |
| Temporary Outdoor Sales and Activities | P | P | | | 5.27 |
| Vehicle-Oriented Establishments | S | s | P | S | 5.31 |
| Vehicle Sales | - | P | P | S | |
| Wireless Communication Tower | - | - | - | P | 5.32 |
| INDUSTRIAL | | | | | |
| Adult Use | - | - | - | S | 5.07 |
| Electrical Substations & Essential Services | S | S | P | P | 5.14 |
| Heavy Industrial | - | - | - | P | 5.16 |
| Kennels | - | - | S | P | 5.18 |
| Light Industrial | - | S | P | P | |
| Open Storage | - | - | S | S | 5.23 |
| Warehousing and Self-Storage | - | S | S | P | 5.29 |
| Trade School | | S | P | P | |
| Uses Not Listed | | | | | 5.32 |

Section 5.05. – Applicability of Use Regulations.

It is recognized by this Ordinance that certain unique uses cannot easily be evaluated in the same manner as other uses because of their potential to adversely affect public health, safety, and welfare; establish a public nuisance; conflict with the character of a neighborhood; impair the social and economic well-being of neighboring properties; impair the general development of an area; or operate in a manner consistent with the purpose and intent of this Ordinance.

However, when properly regulated, these uses can make a positive contribution to the economic vitality of the City. Therefore, it is the purpose of this Section to impose reasonable regulations upon certain uses to provide an adequate approval process while moderating their potential adverse effects on surrounding and neighboring properties and the surrounding area.

Section 5.06. – Accessory Dwelling Units.

A. **Purpose.** The purpose of an Accessory Dwelling Unit (ADU) is to:

1. Increase the supply of housing without the need for more infrastructure or further land development;
2. Provide flexible housing options for residents and their families;
3. Integrate housing into the community with minimal negative impact; and
4. Provide elderly citizens with the opportunity to retain their homes and age in place.

B. **Criteria for approval.** All of the following criteria must be met prior to issuance of a Special Land Use for the construction of an ADU:

1. A maximum of one (1) ADU may be permitted on any property.
2. The ADU shall have an independent means of ingress and egress.
3. All municipal regulations applicable to single-family dwellings and accessory structures shall also apply to an ADU, including, but not limited to, lot and building dimensional requirements. If an ADU is located within a detached accessory structure, then the height of the accessory structure may be increased to twenty (20) feet.
4. Water and wastewater connections are required for the principal residence and ADU; services may be combined or separated.
5. Either the principal dwelling unit or the ADU must be owner-occupied. The owner must demonstrate that one of the units is their principal place of residence and legal domicile. Both the primary dwelling unit and the ADU must remain in common ownership.
6. ADUs shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.
7. An ADU may be no larger than 750 square feet.
8. An ADU must contain a kitchen and a bathroom, and one (1) on-site parking space.

Section 5.07. – Adult Uses.

A. In the preparation, enactment, and enforcement of this Section, it is recognized that there are some uses relating to sexual material which, because of their very nature, have serious operational characteristics that have a deleterious effect upon residential, office, and commercial areas. Because certain forms of expression relating to sexual material have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this Section to provide a framework of reasonable regulatory standards which

can be used for approving or disapproving the establishment of this type of use in a viable and accessible location, where the adverse impact of their operations may be minimized. However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special designation and regulation in the HI Heavy Industrial District is therefore necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the City where these uses are considered more compatible and less deleterious.

B. Uses Specified. Uses subject to these controls as defined herein as “adult-only businesses,” are as follows:

1. Adult cabarets and theaters;
2. Escort agency;
3. Adult merchandise store;
4. Adult Motel or encounter site; or
5. Nude artist and photography studios.

C. Site Location Principles. The following principles shall be utilized to evaluate the proposed location of any use listed in 5.07.B. These principles shall be applied by the Planning Commission and City Council as general guidelines to help assess the impact of such a use upon the district in which it is proposed:

1. No adult-only business shall be located within 1,000 feet, measured from the outer most boundaries of the lot or parcel upon which the proposed Adult Use will be situated, of a: residential zoning district, church, monastery, temple, mosque or similar place of worship, cemetery, school, library, public park or playground, non-commercial assembly facility, public office building, or licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.).
2. An adult-only business shall be located as special use in the HI District.

D. Site Development Requirements.

1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance.
3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the City. No loudspeakers or sound equipment shall be used by an adult-only business that projects sound outside of the adult-only business so that sound can be discerned by the public from public or semi-public areas.
4. An adult-only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult-only purposes, that minors are excluded.

E. Use Regulations

1. No person shall reside in or permit a person to reside in the premises of an adult-only business.
2. No person shall operate an adult-only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person

operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.

3. The owners, operators, or persons in charge of an adult-only business shall not allow entrance into such building, or any portion of a building used for such use, to any minors as defined by PA 343 of 1984, as amended.
 4. No adult-only business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
 5. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from the City of Potterville, County of Eaton, and State of Michigan.
- F. **Conditions and Limitations.** Prior to the granting of any permit herein provided, the Planning Commission or City Council may impose any such reasonable conditions or limitations upon the location, construction, maintenance or operation of the establishment or regulated use, as may in its judgment be necessary for the protection of the public interest. Failure to follow such limitation or condition will act to immediately terminate any permit issued.
- G. **Limit on Re-application.** No application for an Adult Use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

Section 5.08. – Adult Foster Care and Adult Day Care.

- A. **Adult Foster Care Family Home.** The adult foster care home licensee, whether one (1) person or two (2), shall be a member of the household and an occupant of the residence, and is not counted among the total adults permitted as part of the care facility.
- B. **Adult Foster Care Small and Large Group Homes.** The adult foster care group homes shall be registered and licensed as required for adult foster care under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended.
- C. **Adult Day Care Homes.** An adult day care home shall be registered and licensed as required for group day care homes under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, MCL 722.11 et seq., as amended.

Section 5.09. – Assisted Living and Nursing Home Facilities.

- A. **Lot size.** All facilities shall be constructed on a lot no smaller than one (1) acre.
- B. **Setbacks.** All buildings shall be set back a minimum of seventy-five (75) feet from parcels located within a Traditional Residential (TR) District.
- C. **Screening.** All delivery and loading areas shall be screened from adjacent uses by a fence and/or landscaping.

Section 5.10. – Bed and Breakfast.

- A. **Principal Residence of Owner.** The dwelling unit in which the bed and breakfast operates shall be the principal residence of the owner-operator, who shall reside on the premises when the use is in operation. Separate cooking facilities for guest rooms are prohibited.
- B. **Guest Rooms.** The number of guest rooms is limited to one (1) fewer than the total number of bedrooms in the dwelling unit, not to exceed 5 guest rooms. Maximum occupancy is limited to two (2) adults per

guest room. One (1) additional on-site parking space shall be provided for each guest room in addition to the parking required for the principal residence.

- C. **Maximum Stay.** The owner shall ensure that the length of stay for a lodger does not exceed twenty-nine (29) consecutive days.
- D. **Proximity.** To avoid the concentration of intensive, non-residential land uses in residential neighborhoods, maintain residential character, and compatibility with adjacent residential uses, no bed and breakfast shall be within a 500-foot radius of another existing bed and breakfast, as measured from the perimeter of the parcel.
- E. **Special Events.**
 - 1. A bed and breakfast establishment may hold up to four (4) events within a calendar year where non-guests of the bed and breakfast are allowed to use the premises. Events shall have a maximum duration of two (2) days per occurrence.
 - 2. Food and drink may be served to non-guests at an event.
 - 3. Sufficient parking shall be provided for each event, and occupancy limits shall be determined by the Fire Department and/or Building Official with proper safeguards in force for places of assembly.

Section 5.11. – Child Care Center, Family Child Care Home, and Group Child Care Home.

- A. **Licensing Records.** The operator of a Child Care Facility must maintain licensing records on the premises. The records may be paper or electronic, as the State’s electronic database of licensing records satisfies the electronic requirement.
 - 1. The records must include the original licensing study, records of all licensing inspections, renewal inspections, special investigations, and corrective action plan approval letters for the past three (3) years. A summary sheet outlining the reports included must be provided. The records must be updated regularly.
 - 2. All records must be available to the parents and legal guardians of the children who are enrolled or who may be enrolled.

Section 5.12. – Cottage Court Developments.

- A. **Purpose.** The purpose of a Cottage Court Development is to:
 - 1. Increase the supply of housing while consuming less land than is required for traditional single-family homes.
 - 2. Provide an option for the development of smaller homes, on less land, thereby reducing the cost of development.
 - 3. Create high-quality housing options centered around common greens and open spaces that are attractive to seniors, young families, and other small households that are looking for an alternative to a single family home.
- B. **Criteria for Approval.** In addition to compliance with all site plan and special use requirements, the following standards must be met for Cottage Court Developments:
 - 1. **Development Lot Size.** The minimum lot size is 20,000 square feet.
 - 2. **Land Division and Ownership.** A cottage court may be developed with a single owner and property, with units leased to occupants, as a condominium development, or as a traditional plat. If developed as a condominium or traditional plat, lot area and setbacks in Section 4.08 may be modified by the Planning Commission during the Special Land Use review process.

3. **Units.** A Cottage Court development shall include a minimum of four (4) units and a maximum of twelve (12) units.
4. **Unit Type.** Dwelling units shall be detached single-family homes, duplexes, or townhomes. At least fifty percent (50%) of the units in a development must be detached single-family homes.
5. **Lot Coverage.** If located in the TR District, lot coverage for Cottage Courts may be up to sixty percent (60%).
6. **Minimum Unit Size.** Minimum unit sizes in Cottage Courts may be reduced by twenty-five percent (25%).
7. **Accessory Dwelling Units.** Accessory dwelling units are not permitted within a Cottage Court Development.
8. **Green and Open Space.** A minimum of twenty-five percent (25%) of the total development area must be reserved as permanent green or open space dedicated for the use of occupants. This space must be centrally located, and at least fifty percent (50%) of units must directly abut the open space.
9. **Common Buildings.** Common buildings are permitted, but do not count toward the open space requirement.
10. **Access.** The Cottage Court development must have access to a public street, and each unit must have direct access to a public roadway or be permanently granted access through an easement recorded with Eaton County.



Cottage Court Diagram (Source: Opticos Design)

Section 5.13. – Drive-Through Establishments.

- A. **Purpose.** The requirements of this Section are intended to minimize the potentially adverse effects of drive-in or drive-through activities on surrounding properties, pedestrians, and traffic flow.
- B. **Hours of Operation.** Hours of operation shall be restricted to the hours between 6:00 a.m. and 12:00 Midnight if within one hundred fifty (150) feet of a Traditional Residential (TR) or Manufactured Home (MH) Zone District.
- C. **Operations.**
 - 1. The Zoning Administrator shall review proposed stacking areas leading up to and from the service window, menu board, or similar service area for a drive-in or drive-through facility and shall determine the number of stacking spaces required for that use or may require the applicant to provide a queuing analysis for uses generating more than thirty (30) trips per hour at peak times.
 - 2. A minimum of twenty (20) feet per vehicle is required for each stacking space.
 - 3. Where five (5) or more stacking spaces are provided, the individual stacking lanes shall be clearly delineated with protective bollards or similar devices. Protective bollards, when used, shall be painted to match the dominant color used on the nearest structure with which the bollards are associated.
 - 4. Drive-through lanes and stacking areas, menu boards, speakers, or service windows shall not be placed on a street-facing side of a building or within twenty-five (25) feet of the lot line of any Residential Zone District or use unless the Planning Commission determines that no other location is feasible.
 - 5. Each drive-through facility shall have a bypass lane to allow other vehicles to pass those waiting to be served. The Planning Commission may waive the requirement where it can be demonstrated that such a waiver will not result in an adverse effect on public safety or the convenience of the patrons of the facility.
- D. **Pedestrian Walkways.** Pedestrian walkways within the site shall be clearly visible and be emphasized by enhanced paving, a clear change in material, or markings where they intersect drive-in or drive-through aisles.
- E. **Screening Requirements.**
 - 1. Any lot line adjacent to a Residential Zone District shall be screened in accordance with the provisions of Article 8.
 - 2. All service areas and ground-mounted mechanical equipment shall be screened from ground-level view. Trash storage shall comply with the requirements of Section 8.05.
- F. **Banks, Credit Unions and Financial Institutions.** Drive-through lanes servicing Automated Teller Machines (ATMs), transaction windows, and tubes shall be reviewed by the Zoning Administrator for placement number, activity level, noise, and hours of operation during Site Plan Review.

Section 5.14. – Electrical Substations and Essential Services.

- A. **Outdoor Enclosure.** Screening is deemed necessary to recognize the permanence of the infrastructure, help increase safety, reduce maintenance requirements, and lessen the opportunity for graffiti or vandalism.
- B. The outdoor enclosure of above-ground essential service utilities shall be screened using a permanent brick or decorative textured block wall at least one foot taller than the equipment being screened, provided that the screen need not be higher than ten (10) feet.

- C. **Administrative Departure.** An Administrative Departure may be granted, and alternative enclosure or screening materials approved if the functioning of the utility would be adversely affected by this requirement, or if the location of the infrastructure is not clearly visible from a public street or nearby residential uses

Section 5.15. – Ground Floor Residential.

- A. **Entrance Setbacks.** Entrance to the unit shall be setback at least three (3) feet from the edge of the sidewalk or other public space when facing a public street or right of way. If the entrance does not face a public street or right of way, it shall be setback a minimum of ten (10) feet from parking areas or other public spaces on the lot. These setbacks are intended to provide a transition space from the street to the residential unit.
- B. **Screening.** An ornamental railing, fence, or planter shall be placed at the sidewalk edge to delineate public and private space. The screening may not exceed a height of three (3) feet six (6) inches where adjacent to a sidewalk and must be at least fifty percent (50%) transparent.
- C. **Entrance Height.** The entrance to a ground-floor residential unit shall be raised at least three (3) feet above grade.
- D. **Waivers.** The requirements of this Section may be modified by the Planning Commission if the ground-floor residential unit is a part of an existing building and the applicant demonstrates that compliance presents a practical difficulty.

Section 5.16. – Home Occupations or Remote Work.

- A. No persons other than members of the immediate family residing on the premises shall be engaged in a home occupation or remote work on the premises.
- B. The use of the dwelling unit for the home occupation or remote work shall be clearly incidental and subordinate to its use for residential purposes by its occupants; not more than twenty percent (20%) of the floor area of the dwelling unit shall be used.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence. One (1) sign, not exceeding six (6) square feet in area, non-illuminated, and mounted flat against the wall of the main building, may be placed outside.
- D. No traffic shall be generated by such home occupation or remote work in greater volumes than would normally be expected in a residential neighborhood.
- E. If customers or patrons arriving at the premises, no more than two (2) individuals may be at the home at the same time.
- F. No equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the boundaries of the property on which the home occupation or remote work is conducted. In case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

Section 5.17. – Industrial Use Performance Standards.

- A. Before the issuance of any building or occupancy permit in the Industrial District, the applicant shall comply with an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, and the costs of inspection by experts for compliance to be borne by the applicant.
- B. **Fire and Explosion Hazards.** All activities shall be carried on only in buildings conforming to the building code, and the operation shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no explosion hazards to use on an adjacent property. Flammable

liquids, as published by the Michigan State Fire Marshal, shall be stored in a manner consistent with relevant codes and regulations.

- C. **Liquid or Solid Waste.** The discharge of untreated industrial waste is prohibited. All methods of salvage and industrial waste treatment and disposal shall be approved by the City and appropriate county, state, and federal agencies. No effluent shall contain any acids, oils, dust, toxic metals, corrosives, or other toxic substances in solution or suspension that would create odors, discolor, poison, or otherwise pollute the water or soil in any way.
- D. **Vibration.** There shall be no vibration that is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- E. **Noise.** There shall be no noise emanating from the operation that will be audible beyond the boundaries of the immediate site at a level greater than sixty (60) decibels.
- F. **Glare.** There shall be no direct or sky-reflected glare exceeding one and one-half (1 1/2) foot candles or which would be damaging to the human eyes measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances of exits of service drives leading to a parking lot.

Section 5.18. – Kennels.

- A. No person, group of people, firm, or corporation shall operate a kennel or keep more than three (3) dogs that are six (6) months old or older without obtaining Special Land Use approval.
- B. The following information shall be provided to the Planning Commission:
 - 1. Size of premises on which the kennel or confinement area is proposed to be located.
 - 2. Maximum total number of dogs to be kept on the premises at any time.
 - 3. The type of kennel enclosure, if any, including: size of enclosure(s); fencing type and height; type and size of year-round shelters; source and location of water supply; sanitary maintenance, including provision for collection and disposal of excrement and other waste solution or material; lighting; landscaping and other visual and noise barriers (screening); surface drainage; expected weekly traffic related to the keeping of dog; hours of operation; and any other information related to the keeping of the dogs as requested by the Planning Commission.
- C. An enclosed, insulated shelter shall be constructed and made accessible to every dog on the premises, with the shelter having no less than eight (8) square feet in floor area for each dog. Such shelter shall be kept clean and free of vermin and shall be ventilated.
- D. Any dog waste shall be removed each day from the kennel area and shelter and shall be stored on the premises in a sealed container which is located a minimum of fifty (50) feet from any residence and/or water supply until such time as it can be properly disposed of in accordance with health and sanitation regulations.

Section 5.19. – Marijuana Facilities.

The City of Pottersville does not permit provisioning centers, commercial growing, processing, transporting, safety compliance facilities, or microbusinesses.

Section 5.20. – Open Storage.

- A. **Applicability.** The provisions of this Section shall apply to all open storage, including materials recovery and recycling operations, the processing of junk, waste, discarded or salvaged materials, machinery, or equipment, including vehicle wrecking or dismantling. Mineral processing shall also be included.

- B. The site shall be a minimum of two (2) acres.
- C. **Screening.**
 - 1. Outdoor storage and activities shall be completely screened from view, as seen from public rights-of-way and adjacent properties, by a solid wall or fence with a uniform minimum height of at least eight (8) feet and a maximum height of ten (10) feet. The wall or fence shall be constructed of uniform, high-quality, weather-resistant materials. Walls, fences, and gates shall be kept in good repair (free of chips, peeling, and graffiti) and setback a minimum of six (6) feet from lot lines abutting public rights-of-way.
 - 2. Landscaping. A vegetative ground cover shall be planted between the required fence and the public right-of-way and maintained in good condition. Berms and landscaping shall be installed at all locations around the site that lack natural screening in accordance with Article 8, provided that berm height is not restricted.
- D. **Machinery, Building, Mining and Stockpile Setbacks.** All wrecked vehicles, machinery, equipment, materials, buildings, structures, and activities shall meet the following minimum setbacks. Where more than one (1) setback is applicable, the greater setback distance shall apply.
 - 1. Twenty-five (25) feet from any lot line;
 - 2. One hundred (100) feet from a Residential District;
 - 3. Five hundred (500) feet from a residence, and;
 - 4. Three hundred (300) feet from any stream, water body or wetland.
- E. **Noise, Odors, Smoke, Fumes, or Dust.** Any noise, odors, smoke, fumes, or dust generated on the site by any digging, excavating, loading or processing operation and apt to be borne by the wind, shall be confined to prevent a nuisance or hazard on adjacent properties or public street.
- F. **Haul Route Map.** An area map delineating the haul route to be used for the proposed operation shall be submitted to the Zoning Administrator. Haul routes shall not pass through residential areas, except on Regional or Major Streets.
- G. **Noise Control Plan.** The Special Land Use application shall include a study and report prepared by a qualified professional that estimates the noise levels at the lot lines containing the extraction operation and at successive stages of the operation. The plan shall contain mitigation measures to be implemented when noise levels exceed acceptable standards.
- H. **Operation Hours.** Hours and days of operation shall be subject to Planning Commission approval based on the potential effects on surrounding properties, traffic conditions on affected roadways, and other similar factors.
- I. Evidence of applications for Federal and/or State licensing permits for crushing facilities shall be submitted as part of the Special Land Use application.

Section 5.21. – Manufactured Home Park

- A. All Manufactured Home Parks shall conform to the standards specified in Act 96 of the Public Acts of 1987, as amended; the Mobile Home Commission Rules, March 1987, as amended; and the Department of Public Health, Bureau of Environmental and Occupational Health, Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, May 26, 1984, as amended.
- B. All mobile homes shall be skirted within ninety (90) days of placement within the Manufactured Home Park and must meet the standards of Act 96, the Public Acts of 1987, as amended.
- C. All mobile homes shall be anchored when installed in a Manufactured Home Park with only those systems that are approved by Act 96 of the Public Acts of 1987, as amended.

- D. Mobile homes, permanent buildings and facilities, and other structures shall not be located closer than fifty (50) feet from the property boundary line.
- E. Manufactured Home Parks shall be screened from view as follows:
 - 1. Manufactured Home Park shall provide screening anywhere it abuts a residential neighborhood (TR District) or public right-of-way.
 - 2. If the park abuts a non-residential development, the park need not provide screening.
- F. All sales of new or used mobile homes shall be conducted by a licensed broker.
- G. All public or private utilities shall be stored underground.

Section 5.22. – Open Air Business.

A. Site Requirements.

- 1. The minimum frontage shall be two hundred (200) feet.
- 2. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting residential land use.
- 3. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
- 4. No more than two (2) driveways onto a thoroughfare shall be permitted per site.

B. Buffering Requirements.

- 1. Outdoor storage areas shall be completely obscured from view from public streets and adjacent properties.

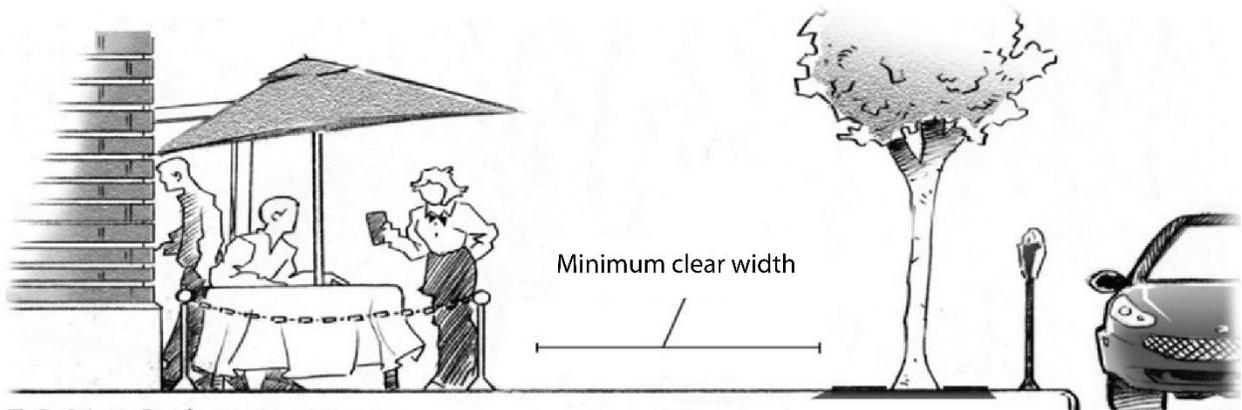
C. Performance Standards.

- 1. The site shall be kept in a neat and orderly fashion.
 - 2. Not more than fifty percent (50%) of the parcel shall be covered by outdoor storage area.
 - 3. Storage or display of goods and materials shall not occur within required setback areas.
 - 4. No public address system shall be audible from any abutting residential parcel.
 - 5. All lighting shall be shielded from adjacent streets and residential districts.
 - 6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands, and drainageways.
- D. All areas subject to vehicular use shall be paved and comply with the requirements of Section 8.03 (Parking Lot and Loading Areas).

Section 5.23. – Open Storage.

- A. All storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies must take place in a rear or side yard, and shall be located within an area not closer than one hundred and fifty (150) feet from a street right-of-way line.
- B. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time.
- C. All such open storage shall be screened from all streets and on all sides which abut a Residential or Business District, by a solid six (6) foot wall or fence sufficient to serve as a permanent retaining wall or fence.

Section 5.24. – Outdoor Seating Areas.



- A. **Accessory Use.** Outdoor seating areas shall be permitted as an Accessory Use to a principal use such as a restaurant, café, or similar establishment.
- B. **Application Materials.** A site plan shall be submitted that includes the location and dimensions of the outdoor seating area; proposed type and location of fencing or other separation barriers; proposed dimensioned layout of tables and seating; dimensions of the building; and existing public improvements, such as fire hydrants, bus shelters, trees and tree grates, and parking meters. Photographs of the area and specifications for proposed outdoor barriers and furniture shall be included.
- C. **Pedestrian Space.** A minimum pedestrian clear width of five (5) feet is required along all public walkways at all times. Preserved pedestrian clear areas shall be shown on the submitted site plan.
- D. **Trash Receptacles.** Trash receptacles related to outdoor seating areas shall be provided outside of the public right-of-way during non-business hours.
- E. **Dining Areas.** Outdoor seating areas shall be designed to be architecturally compatible with existing structures on the subject property.
- F. **Hours of Operation.** Outdoor seating shall cease operation by 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission as a Special Land Use.
- G. **Administrative Departure.** An Administrative Departure may be granted in lieu of a Special Land Use for outdoor seating areas dedicated to office or residential uses not available to the general public, where, in the opinion of the Zoning Administrator, the location would not adversely affect adjacent properties or substantially alter the character of the neighborhood.

Section 5.25. – Recreational Vehicles and Equipment.

- A. **Principle Use Required.** The open storage of any outdoor recreational vehicle, such as a truck camper body, snowmobile, boat, golf cart, motor home, camper trailer, boat trailer, utility trailer, or similar equipment, is only allowed at a principal use or with a main building or structure on the same lot.
- B. **Placement.**
 - 1. Recreational vehicles may be located in the side or rear yard.
 - 2. Recreational vehicle storage shall be no closer than five (5) feet to any side or rear lot line. When located on a corner lot, storage shall not project beyond the front yard setback line, provided it is no closer to a street than the main building.

- C. **Area.** The total amount of land area allowed for recreational vehicle storage shall be half that allowed for residential accessory structures based on the lot size of the parcel, as defined in Section 5.05.
- D. **Temporary Parking.** Vehicles may be parked in the front yard on an improved driveway and in good condition for no more than 48 hours within any one-week period.
 - 1. Vehicles parked temporarily must be operable, not occupied, and shall not be undergoing repair.
 - 2. Vehicles must be at least fifteen (15) feet from the front lot line and outside of the clear vision area.

Section 5.26. – Repair and Storage of Vehicles in Residential Zone Districts.

- A. In all residential Zone Districts, outdoor mechanical work and repair of motor vehicles, boats, travel trailers, snowmobiles, recreational vehicles, or any other similar vehicles, licensed to, registered in the name of, and solely for the personal use of the dwelling occupant, is permitted with the following conditions:
 - 1. Not more than one (1) vehicle shall be under repair at any given time.
 - 2. There shall be no outside storage of vehicle parts or equipment.
 - 3. Repair activities shall not create excessive noise, vibration, odor or other nuisance.
 - 4. The vehicle shall be licensed and stored in a safe and secure manner while work is not being performed.

Section 5.27. – Temporary Outdoor Sales and Activities.

- A. **Temporary Outdoor Sales and Services.** Grand openings, parking lot sales, food truck events, sidewalk sales, clearance sales, special events, and holiday celebrations, including the temporary outdoor sale of merchandise, goods, materials, or services, may occur in a Mixed-Use Commercial Zone District (MUB or HC), subject to the following requirements.
 - 1. **Accessory Use.** Outdoor temporary sales or services shall be an accessory to an allowed use on the same lot.
 - 2. **Duration.** The maximum duration for temporary sales shall be no more than six (6) occurrences, with each occurrence being no longer than three (3) days within any twelve (12) month period.
 - 3. **Parking and Access.** A designated off-street parking area adequate to serve the activity shall be provided where it does not interrupt or hamper the flow of traffic on public streets, impede access to the principal use, pedestrian movements, or emergency vehicle access.
 - 4. **Area of Operation.** The area of operation for all activities associated with outdoor temporary sales or service shall:
 - a. Not exceed eight hundred (800) square feet, and no single dimension shall exceed forty (40) linear feet; and
 - b. Be located on an asphalt, concrete, or equivalent surface.
- B. **Assembly and Fundraising Activities.** Assembly activities (e.g., carnivals, fairs, rodeos, sport events, concerts, and shows) and fundraising activities (e.g. car washes, bake sales, auctions) that benefit a community service group or non-profit organization are permitted in mixed-use commercial (MUB) and Residential Zone Districts (TR) on properties approved for educational or institutional use, subject to the following requirements.
 - 1. **Parking and Access.** A designated off-street parking area shall be provided adequate to serve the activity without interrupting the flow of traffic on public streets, or impeding access to the principal use, adjacent uses, pedestrian movements, or emergency vehicle access.

2. **Hours of Operation.** In all Residential Zone Districts, hours of operation shall start no earlier than 8:00 a.m. and end no later than 8:00 p.m., except on Fridays and Saturdays, the hours may extend to 10:00 p.m. Hours of operation in all other districts shall be within the hours of 8:00 a.m. to 11:00 p.m. unless otherwise approved by the Zoning Administrator. Hours shall include set-up and take-down activities.
 3. **Fundraising Agreement.** Goods or services being sold by a commercial entity for a fundraising event shall submit evidence of an event agreement with the community service group or non-profit organization.
- C. **Outdoor Seasonal Sales and Farmers' Markets.** The outdoor sale of agricultural products is permitted, subject to the following requirements:
1. Farmers' markets and seasonal sales are permitted in Mixed-Use Commercial Zone District (MUB or HC), and in all other Zone Districts on lots approved for educational, government, or institutional uses.
 2. A minimum pedestrian walkway of at least five (5) feet in width shall be maintained along the display/sales areas and be clear of obstructions.
 3. The maximum duration of outdoor seasonal sales shall be nine (9) total months in any twelve (12) month period.
 4. Activity is limited to three (3) days per week between 7:00 a.m. and 7:00 p.m. Expansion of the number of days or hours of operation may be approved as a Special Land Use.
- D. **Mobile Food Vending.** Businesses engaged in the cooking, preparation, and distribution of food or beverage on properties outside of the public right-of-way are permitted, subject to the following requirements:
1. **Outdoor Cooking.** Outdoor cooking associated with mobile food vending is permitted, provided there are no residential uses located within two hundred (200) feet of the property. The use shall not generate excessive smoke to be a nuisance or create a visual hazard for motor vehicles or pedestrians.
 2. **Sanitary Facilities.** Sanitary facilities shall be provided for mobile food vending operated as a principal use on a lot. An Administrative Departure from this requirement may be granted if documentation is provided for alternative arrangements.
 3. **Hours of Operation.** Operating hours shall be no later than 9:00 p.m. Sunday through Thursday and 10:00 p.m. on Friday and Saturday, unless otherwise approved by the Planning Commission as a Special Land Use.
 4. **Sound.** No amplified outdoor music, sound, or noise shall be permitted. Planned locations for outdoor generators that provide power shall be identified. Use of generators may be prohibited if it is anticipated that they may create a nuisance to neighbors due to noise, exhaust, or vibration.
 5. **Revocation.** Any approved stand, trailer, wagon, or vehicle on a property for the purposes of mobile food vending shall remain in continuous operation so long as the premises are occupied. If the business closes, ceases to operate, or fails to keep regular business hours, then the permission for the temporary use may be revoked by the Zoning Administrator.

Section 5.28. – Self-Storage Facilities.

- A. Minimum site area shall be three (3) acres.
- B. All buildings shall be setback at least twenty-five (25) feet from any lot line.

- C. **Landscape Requirements.** The front yard shall be covered with grass or other ground cover or plant material, and with hedges and trees planted in a manner that effectively screens the facility from public view. In addition, any yard which is adjacent to a Residential Zone District shall have a landscape buffer per Article 8.
- D. If outdoor storage is used, then the storage area shall be fully enclosed and screened by an eight (8) foot solid fence or wall. Materials or objects shall not be taller than the solid enclosure.
- E. No storage of combustible or flammable liquids or fibers, or explosive or toxic materials shall be permitted.
- F. **Outdoor Storage of Vehicles.** Outdoor storage of motor vehicles, recreational vehicles, trailers, campers, boats, and other items of value shall be separately approved as a Special Land Use.
- G. One (1) dwelling unit for an on-site manager may be provided.
- H. There shall be no commercial enterprise or activity on the premises, other than the self-storage units and a related rental office.

Section 5.29. – Short-Term Rentals.

- A. Whole-unit short-term rentals are only permitted in the Residential and Mixed-Use Districts (TR and MUB).
- B. Shared presence, where the permanent occupant of the residence and a short-term stay guest are occupying a portion of the dwelling unit, is permitted in all zone districts.
- C. Short-term stay guests may not stay longer than twenty-nine (29) days, and the total number of rental days with a guest cannot exceed one hundred twenty (120) days.
- D. The maximum number of occupants in a short-term rental shall not exceed a total of two (2) occupants per bedroom.
- E. Events, parties, or similar activities are not permitted.

Section 5.30. – Vehicle-Oriented Establishments.

- A. **Applicability.** These regulations apply to gas stations with or without vehicle service, vehicle service stations such as oil change and tire repair facilities, and car washes.
- B. **Location of Equipment and Structures.** Fuel pumps, pump islands, detached canopies, compressed air connections, and similar equipment shall be set back at least fifteen (15) feet from all lot lines.
- C. **Fuel Pump Canopy and Station Design.**
 - 1. Canopy roofs shall not be permitted to encroach into any required yard, and the fascia of canopies must be a minimum of twelve (12) feet above the average grade.
 - 2. Canopy lights must be recessed into the canopy ceiling and flush-mounted to prevent light from spilling onto adjacent properties or roadways. A maximum of twenty-five percent (25%) of the canopy may be internally illuminated.
- D. **Operations.**
 - 1. All equipment and activities associated with vehicle service or repair operations shall be kept within an enclosed building, except those incidental in use, such as air hoses, which may be located outside. A single maintenance stall may be unenclosed with Planning Commission approval.
 - 2. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.

3. Outdoor display materials may not be located in the front or side setbacks and may not be displayed at a height greater than four (4) feet.
 4. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
 5. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such a fence shall be constructed in accordance with the requirements of Article 8 and continuously maintained in good condition.
- E. **Access.** Access driveways shall be located no less than one hundred (100) feet from street intersections, rights-of-way lines, or seventy-five (75) feet from any driveway.
- F. **Landscape Buffer.** Where adjoining residentially zoned or used property, a landscape buffer between uses shall be provided as required in Article 8.

Section 5.31. – Wireless Communication Towers.

- A. Wireless Communication Towers are solely permitted in the Heavy Industrial (HI) District.
- B. The tower shall be of a monopole design.
- C. A security fence at least six (6) feet in height shall be constructed around the tower and accessory buildings, including supports. Landscape screening shall be placed at a minimum height of five (5) feet around the entire fenced area, except for the front gate. Decorative landscape trees and shrubs shall be utilized near the front gate.
- D. As a condition of approval, the applicant shall agree to permit not less than three (3) collocations to share the tower facility.
- E. Unless located on the same parcel no new tower shall be erected within a half-mile (1/2) radius of an existing commercial cellular or wireless communications tower.
- F. The accessory equipment shelter shall be similar in appearance to a residential dwelling, including such features as windows (even if fake) and a gabled roof. If accessory equipment is located outside of a building, then it shall be placed away from direct view from the front gate into the site.
- G. No signs, except warning or other cautionary signs, shall be permitted on the site.
- H. The access driveway shall be hard surfaced with either asphalt or concrete.

Section 5.32. – Uses Not Listed.

- A. **Purpose.** Since every type of potential use cannot be anticipated in this Ordinance, this Section provides a process for addressing uses not specifically listed or those that cannot be reasonably interpreted as substantially the same as those listed. Similarly, there are various uses that include the phrase "and similar uses." These procedures are also intended to interpret the phrase "and similar uses".
- B. The Zoning Administrator may find that a land use, while not specifically classified in this ordinance as permitted or special land use, may be sufficiently similar to uses listed as permitted by right or as special land uses. In that event, such unclassified uses may be reviewed and treated as similar classified uses within the zone district. The Zoning Administrator may request that the ZBA make this determination. The Zoning Administrator or ZBA determination shall be in writing and shall be sent to the applicant.
- C. **Review Standards.** The Zoning Administrator, or ZBA, shall base the decision on a finding that the proposed use satisfies all of the following:
1. Is not specifically listed in any other Zone district;

2. Is generally consistent with the purpose of the Zone District and this Ordinance;
 3. Does not materially impair the present or potential use of other properties within the same Zone District or neighboring area;
 4. Has no greater potential impact on surrounding properties than those listed in the Zone District in terms of traffic generated, noise, odor, vibration, aesthetics, potential nuisances, and other impacts related to health, safety, and general welfare; and
 5. Is substantially consistent with the Master Plan or other relevant adopted plans of the City.
- D. **Text Amendments.** Uses determined to be similar to a Permitted Use or a Special Land Use shall be recorded by the Zoning Administrator and presented to the Planning Commission to consider incorporation into the text of this Ordinance annually.
- E. Should the Zoning Administrator or ZBA determine that the use is not similar to a use addressed by this Ordinance, an applicant or the City may seek to amend the text of this Ordinance to permit the use either as a Permitted Use or Special Land Use in accordance with the text amendment process described in Article 12.

ARTICLE 6 – DEVELOPMENT REVIEW

Section 6.01. – Purpose and Intent.

- A. **Fairness and Equity.** Provide a clear development review process that is fair and equitable to all interests, including applicants, affected neighbors, and the City;
- B. **Orderly Review Process.** Establish an orderly review process for all proposed projects involving the construction of a building or other structure, or any site improvements subject to review in this Ordinance;
- C. **Compliance with Ordinance.** Ensure that land, parcels, and lots are appropriately developed so that their use and operation comply with all applicable requirements of this Ordinance; and
- D. **Provide for Health, Safety, and General Welfare.** Development in compliance with this Article shall be generally harmonious with surrounding properties and shall not endanger the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and/or the public.

Section 6.02. – Summary of Authorities and Review Procedures.

Table 6.02.A. summarizes the review procedures and approval authorities that have roles in the procedures set forth in this Article or subsequent Articles of this Ordinance.

| Table 6.02.A. Summary of Authorities and Review Procedures | | | | | |
|---|----------------|---------------------|----------------------------|--------------------------------|-----------------------------|
| Review Procedure | Section | City Council | Planning Commission | Zoning Board of Appeals | Zoning Administrator |
| Site Plan Review | 6.04 | - | - | - | Approving Authority |
| Special Land Use | 6.05 | - | Approving Authority | - | - |
| Zoning Ordinance Text Amendment | 12.03-12.05 | Approving Authority | Review and Recommend | - | - |
| Zoning Ordinance Map Amendment (Rezoning) | 12.03-12.05 | Approving Authority | Review and Recommend | - | - |
| PUD | 6.06 | Approving Authority | Review and Recommend | - | - |
| Site Condominiums | 6.07 | Approving Authority | Review and Recommend | - | - |
| Master Plan Amendment | 12.08 | Approving Authority | Review and Recommend | - | - |
| Administrative Departure | 6.10 | - | - | | Approving Authority |
| Variance | 13.09 | - | - | Approving Authority | - |
| Interpretation | 13.08 | - | - | Approving Authority | - |
| Appeal of Decision | 13.07 | - | - | Approving Authority | - |

Section 6.03. – Zoning Referrals.

- A. Purpose and Intent.** A Zoning Referral is an administrative tool used to ensure development complies with the City’s Zoning Ordinance. A Zoning Referral must be issued prior to an occupancy permit being granted by the City’s building official.
- B. Jurisdiction.** A Zoning Referral shall be issued by the Zoning Administrator. A Zoning Referral is required in the following circumstances:
1. Prior to beginning construction of any new building or structure that is not required to complete a Site Plan according to Section 6.04.
 2. Prior to a change in use from one permitted use to another permitted use.
 3. Prior to issuance of an occupancy permit for a building or use for which a Site Plan was conditionally approved in accordance with Section 6.04.
 4. In other circumstances where it is necessary for the Zoning Administrator to document compliance with the Zoning Ordinance.
- C. Application Process.** Applications for Zoning Referrals shall be completed on a form supplied by the City and submitted to the Zoning Administrator for this purpose.
- D. Review.** The Zoning Administrator shall determine whether the proposed development is in compliance with this Section and whether the purposes and objectives of this Article and Ordinance have been met.
- E. Approval.** The Zoning Administrator may approve or deny any application for a Zoning Referral based on the requirements of this Section.
- D. Duration of Approval.** The approved permit shall expire and become null and void if work does not commence within one hundred eighty (180) days from the date of issuance. After this period, the City shall consider the application withdrawn. Upon written request before the date of expiration, the Zoning Administrator may grant one (1) extension of up to one hundred eighty (180) days if the applicant can demonstrate that the reasons for the extension were beyond their immediate control.
- E. Plot Plan.** If a site plan is not provided, all Zoning Referrals shall be accompanied by a plot plan that illustrates the following:
1. The shape, location, and dimensions of the lot.
 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or structure already on the lot, including setbacks from lot lines and site features.
 3. The existing and intended use of the lot and of all structures on it, including the number of dwelling units in each building.
 4. The location of existing and proposed public and private utilities and access drives.
 5. The proposed hours of operation, number of employees, usable floor area, and other information necessary to determine compliance with the Ordinance.
 6. Proof of ownership of the property or demonstration of an interest in the property by the applicant.
 7. A statement of compliance with all applicable state, federal, and local laws.

Section 6.04. – Site Plan Review.

- A. **Purpose and Intent.** The purpose of Site Plan Review is to provide for consultation and cooperation between the land developer and the City of Pottersville to accomplish the developer’s objectives in harmony with the existing and prospective use and development of existing properties. It shall further be the purpose of this Section to ensure that each proposed development and its components, appearance, and function comply with this Ordinance, other City ordinances, and state and federal laws. The Site Plan Review procedures and standards of this Section are intended to provide a consistent and uniform method of review for proposed development plans.
- B. **Exemption.** Submission of a Site Plan is not required in the following circumstances:
1. Construction of single-unit detached and two-unit dwellings.
 2. Construction of accessory buildings or accessory dwelling units in residentially zoned areas.
- C. **Applicability.** Submission of a Site Plan is required for any of the following:
1. All new construction not exempted in Subsection B.
 2. Planned Unit Developments.
 3. Manufactured Home Parks
 4. All condominium developments
- D. **Administrative Site Plan Review.**
1. Site Plan Review may be conducted administratively by the Zoning Administrator if the proposed use is permitted by right. Site Plan Review for any Special Land Use shall be completed by the Planning Commission.
 2. The Zoning Administrator may send any Site Plan to the Planning Commission for Site Plan Review upon finding that the intensity of the development proposed and/or potential effects on properties in the general vicinity necessitate public review.
- E. **Application Process.** A complete application for Site Plan Review shall be made to the City by filing three (3) paper copies and one (1) PDF copy of the application form and all required plans with the Zoning Administrator at least thirty (30) days in advance of a regularly scheduled Planning Commission meeting. The Zoning Administrator may request additional copies.
1. A complete Site Plan Review application shall include all of the following information:
 - a. A completed application form, as provided by the City. The application shall be signed by an owner, a person who has an interest in the property to be developed, or an authorized representative. The applicant’s name, address, and phone number shall be provided.
 - b. Payment of a fee, in accordance with a fee schedule, as determined periodically by a City Council resolution.
 - c. A legal description of the subject property, including the permanent parcel number and address.
 - d. The gross acreage of all lots or parcels in the project.
 - e. Existing zoning classification and land uses.
 - f. Proposed land uses and any desired changes to zoning classification.
 - g. A Natural Resources Analysis per Section 3.04.
 - h. Additional information as determined to be necessary by the Zoning Administrator.

2. Each submittal for Site Plan Review shall be accompanied by a detailed Site Plan which shall consist of an accurate drawing showing the entire site and all land within three hundred (300) feet of the site. The scale of the site plan shall not be less than one (1) inch = forty (40) feet if the site is less than three (3) acres, and one (1) inch = one hundred (100) feet if the site is three (3) acres or more. If multiple sheets are used, each shall be labeled, and the preparer shall be identified.
3. The information listed below shall be included on the Site Plan. The authority reviewing the Site Plan may waive any requirement upon finding that the requirement is not relevant to the proposed development.
 - a. Name of the development and general location map showing an area within one-quarter (1/4) mile of the subject property, showing the property location.
 - b. Name, address, and phone number of owner(s), developer, site engineer, architect, and/or designer.
 - c. North arrow, scale, and date of original drawings and revisions.
 - d. A legal description and address of the site.
 - e. A project description summarizes the proposed construction activities and the intended use(s) of the site.
 - f. The area of the site in square feet and acres, excluding all existing and proposed rights-of-way.
 - g. The location and width of all existing public roads, rights-of-way, or private easements of record, abutting streets, and driveway locations to abutting streets.
 - h. Existing land uses and zoning classifications of the site and adjacent parcels.
 - i. Existing topographic elevations at two (2) foot intervals, including ground elevations of all existing buildings and structures and any unusual surface conditions.
 - j. The limits of any wetlands on the site as certified by a professional wetland consultant, or clear evidence that the site does not contain any wetland areas regulated by the State of Michigan.
 - k. Significant Natural Features and other natural characteristics, including but not limited to open space, stands of trees, flood plains, and steep slopes.
 - l. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and any existing structures within three hundred (300) feet of the subject property.
 - m. All lot lines with dimensions and all required minimum setbacks from existing or proposed rights-of-way and adjacent parcels, along with actual setback distances of all buildings and structures on the site.
 - n. Area allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - o. Location and type of all signs, in accordance with Article 10.
 - p. Proposed finish grade of buildings, driveways, and parking lots.
 - q. Location of proposed utility services.
 - r. Proposed storm water management plan.
 - s. Soil erosion and sedimentation control measures.
 - t. Buffering or landscaping plan in accordance with Article 8, if required.

- u. Lighting plan in accordance with Section 8.07, if required.
 - v. Notation of any variances previously granted to the property or any variances necessary for approval of the project.
 - w. A timeline describing planned phases of development, if applicable.
4. The Zoning Administrator may send applications to the following internal departments and agencies for review. All written comments from the departments or agencies are to be submitted to the Zoning Administrator within twenty-one (21) days of receiving the application, at which point they will be submitted to the Planning Commission for review.
- a. Eaton County Road Commission or City of Potterville Department of Public Works
 - b. Eaton County Drain Commission
 - c. City of Potterville City Manager
 - d. City of Potterville Fire Chief
 - e. City of Potterville Police Chief
 - f. Superintendent of Potterville Schools
 - g. Downtown Development Authority (if within district)
 - h. Tax Increment Financing Agency (if within district)
- F. **Criteria for Granting Site Plan Approval.** The following criteria shall be used by the Zoning Administrator or Planning Commission when reviewing Site Plans. To approve a Site Plan, the Planning Commission or Zoning Administrator must find that each of the following standards has been met, and to deny a Site Plan, the Planning Commission or Zoning Administrator must find that just one (1) of the standards has not been met:
- 1. The Site Plan shall comply with the zone district requirements for lot size, setbacks, and all other requirements set forth in this Ordinance.
 - 2. There shall be special attention given to proper site drainage. Appropriate measures shall be taken to ensure that the site is properly drained and that the removal of surface water will not adversely affect adjacent properties.
 - 3. All proposed streets and roads shall conform to the City’s design standards, and the site shall not present any hazards to public health or safety.
 - 4. The Site Plan shall be adequately served by water, electric, and sewage utilities.
 - 5. Any use permitted in any zone district must comply with all applicable county, state and federal regulations and demonstrate that there will be no adverse effects on adjacent properties and the health of residents resulting from noise, smoke, dust, vibration, noxious and odorous matter, glare, heat, electromagnetic radiation, fire and explosive hazards, or toxic and hazardous materials.
- G. **Performance Guarantees.** As part of Site Plan approval, the Planning Commission or Zoning Administrator may require the developer to file a bond or deposit a sum of money, determined by the City, to ensure compliance with improvements such as utilities, parking, and landscaping that impact the public. The sum or bond is to be deposited with the City Treasurer at the time of the issuance of the permit authorizing the project. The Zoning Administrator may authorize a proportional rebate of the performance guarantee upon completion of significant phases or improvements.

H. **Amendments.**

1. Once a Site Plan has been approved, changes to an approved Site Plan shall require the resubmission and payment of the required application fee along with a complete set of revised Site Plan documents, consistent with Section 6.04.E.
2. Minor Site Plan Amendments may be approved by the Zoning Administrator upon certification in writing by the applicant that the proposed revision meets at least one (1) of the following criteria. Any minor Site Plan Amendment must comply with all Zoning Ordinance provisions.
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet, provided that such movement does not violate this Ordinance.
 - c. Replacement of landscaping elements with similar landscaping to an equal or greater extent than the original plan.
 - d. Changes in floor plans which do not alter the character of the use.
 - e. Internal rearrangement of a parking lot which does not alter access locations or design.
 - f. Changes required or requested by a City or County department for safety reasons which do not alter the character of the use or violate a Zoning Ordinance provision.
3. Each approved Minor Site Plan Amendment shall bear the signatures of the applicant and the Zoning Administrator, as well as the date of the modification.
4. Any Site Plan Amendment that fails to meet one (1) of the criteria in Section 6.04.H.2 shall be considered a Major Site Plan Amendment and shall proceed through the regular Site Plan Review process and be reviewed accordingly.

I. Duration of Approval.

1. Site Plan approval shall be valid for one (1) year after the date of the meeting at which the Planning Commission approved the plan or from the date the Zoning Administrator officially approved an administratively reviewed plan.
2. The approving authority may grant a single one (1) year extension of Site Plan approval upon demonstration by the applicant that there is intent to develop the site and reasonable progress has been made toward construction.
3. A Minor Site Plan Amendment does not extend the Site Plan duration of approval.

J. Violation and Revocation.

1. The breach of any condition or Zoning Ordinance requirement shall be considered a violation of the Site Plan approval and a violation of this Ordinance, and the Site Plan approval may be revoked.
2. Revocation of an approved Site Plan shall be communicated in writing by certified mail to the property owner and the applicant.
3. Following revocation, the applicant shall resubmit a complete Site Plan, consistent with the requirements of this Article. The Planning Commission shall review the submission of any Site Plan for which approval has been revoked.

Section 6.05. – Special Land Uses.

- A. **Application.** The application for Special Land Use review shall be made on the forms and according to the guidelines provided by the Zoning Administrator. Fees are required to be paid as determined by the City Council. Each application shall be accompanied by the following:

1. A Site Plan which includes all the information required by Section 6.04.
 2. A statement in letter format describing the proposed use of the property.
 3. Other information which the Planning Commission may reasonably deem necessary for adequate review.
 4. The application shall be submitted by an owner or person who has an interest in land for which the Special Land Use approval is sought, or by an authorized representative. The applicant or an authorized representative shall be present at all scheduled review meetings, or consideration of the proposal may be postponed due to lack of representation.
- B. Notice and Public Hearing.** Upon receipt of a complete application, Site Plan, and attachments, the Planning Commission shall send notice of the public hearing at which the Special Land Use application will be considered, consistent with the requirements of Section 6.08, and a public hearing shall be held consistent with the requirements of Section 6.08.
- C. Planning Commission Decision.** The Planning Commission shall review the application for the Special Land Use, together with the Site Plan and any findings and reports, and recommendations of City staff, consultants, and other reviewing agencies. The Planning Commission shall approve, approve with conditions, or deny the Special Land Use request.
- D. Standards for Granting Special Land Use Approval.** To approve a Special Land Use, the Planning Commission shall find that each of the following standards are met. In order to deny a Special Land Use request, the Planning Commission must find that just one of the following standards has failed to be met:
1. Master Plan / Zoning. The proposed use shall be consistent with the City’s Master Plan and meet all requirements of the Zoning Ordinance.
 2. Site Plan Review Standards. The Site Plan accompanying the Special Land Use request meets all standards within Section 6.04.
 3. Compatibility. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
 4. Neighborhood Effects. The proposed use shall not adversely impact the social and economic well-being of users of the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the City as a whole.
 5. Public Services. The proposed use shall not exceed existing or future capabilities of public services and facilities affected by the proposed use.
 6. Nuisance. The proposed use shall not involve activities, processes, materials, and equipment or conditions of operation that will have significant impact on any persons, property, or the general welfare by reason of traffic, noise, smoke, fumes, glare, odors, or other effects.
- E. Duration of Special Land Use Approval.**
1. Special Land Use approval shall run with the land but may be issued for specified periods based upon the impacts of the proposed use to surrounding property or unique characteristics of the proposed use.
 2. Special Land Use approval shall be valid for one (1) year after the date of the approval by the Planning Commission.
 3. If the applicant does not obtain a building permit within one (1) year of the date of approval, the Special Land Use shall expire. The Planning Commission may extend the approval for one (1)

additional year following the original approval upon demonstration by the applicant that there is intent to develop the site and reasonable progress has been made toward construction.

F. Expansion or Amendment of Special Land Uses.

1. An approved Special Land Use must resubmit a Special Land Use application, consistent with the process provided for in this Section, when, as determined by the Zoning Administrator, the following conditions are met:
 - a. Changes to the Special Land Use occur that affect neighboring properties, increase demand on public services, or are otherwise inconsistent with the original application and approval.
 - b. The Special Land Use is expanded by more than twenty-five percent (25%) in building area or the overall use of the site.
 - c. When an application is received to expand or change the use, traffic pattern, or other elements of a Special Land Use, the application shall be subject to the same procedures followed by the original Special Land Use application, including an amended Site Plan.
2. The denial of an application to expand or amend an existing Special Land Use shall not nullify or prohibit the applicant from continuing to operate in conformance with the specifications of the original (existing) Special Land Use approval.

G. Appeal of Special Land Use Decision: A decision by the Planning Commission regarding a Special Land Use may be appealed to the ZBA pursuant to Article 13.

H. Revocation of Special Land Use Approval. The Planning Commission may revoke a Special Land Use approval if construction is not in conformance with the associated Site Plan or if operation of the Special Land Use violates conditions of the approval or the Special Land Use standards on which the approval was originally granted. Revocation of a Special Land Use shall follow the same public hearing and notice procedure as approval of the Special Land Use. In order to revoke the Special Land Use, the Planning Commission must find that one (1) or more of the standards contained in Section 6.05.D are no longer met.

Section 6.06. – Planned Unit Developments.

A. Purpose and Intent. Planned Unit Developments (PUDs) provide for flexibility in the regulation of land development to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and commercial environments.

A PUD, and the simultaneously approved PUD District, may permit the relaxation of the conventional requirements found in other zone districts. The use of land and the construction and use of buildings and other structures shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Section.

B. Qualifying Conditions. A PUD shall meet all of the following conditions:

1. Shall be equal to or greater than one (1) acre of fully contiguous property not separated by a public road, railroad, or other such feature or barrier. The Planning Commission may consider a PUD on less acreage or on property separated by the aforementioned barriers if it is clear that the proposed PUD substantially promotes the intent of this Section. The parcels identified as part of the PUD will subsequently become the PUD District.

2. Shall be served by public water and sanitary sewer facilities.
3. Shall be either in one (1) ownership, filed jointly by the owners of all properties, or through option agreements relating to the property in question.
4. Shall provide open space per the following requirements:
 - a. The PUD development shall contain usable open space in an amount equal to at least twenty percent (20%) of the total PUD site. The Planning Commission may consider a PUD with less open space if it is clear that the proposed PUD substantially promotes the intent of a PUD as stated in this Section.
 - b. Useable open space shall not include required setbacks or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, and similar structures or features.
 - c. Such open space shall be permanently set aside for the benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the City of Pottersville.

C. Permitted Uses.

1. Any principal or accessory land use permitted in any zone district, either as a use by right or a use subject to Special Land Use approval under this ordinance, or any combination of such uses, may be considered within the PUD district. Provided, however, that the Planning Commission and the City Council reach a finding that all such proposed uses and the impacts they may generate on one another and on the surrounding community shall be generally compatible and harmonious with one another.

D. PUD Pre-Application Conference (Step I Review).

1. Prior to formal application for a PUD, the applicant may request a pre-application conference with the City Zoning Administrator and other relevant officials for the purpose of exchanging information, discussing the proposed use, and determining the eligibility of the request for consideration as a PUD.
2. As part of the pre-application conference, the applicant shall submit copies of a PUD Concept Plan, at least one (1) week in advance of the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
3. The City shall advise the applicant regarding conformance of the PUD Concept Plan with the intent and objectives of a PUD in the City of Pottersville, and whether it meets the qualifying conditions listed above. No formal action will be taken at a pre-application conference nor will statements made at the pre-application meeting be considered legally binding commitments by any party.

E. PUD Concept Plan Review and Approval Procedures (Step II Review).

1. **Application.** Following the pre-application conference, applicants seeking approval of a PUD Concept Plan shall submit a complete application for review to the Zoning Administrator. The application shall include the following:
 - a. A completed application form supplied by the Zoning Administrator.
 - b. Payment of a fee, as established by the City Council.
 - c. A statement giving the objectives of the PUD and how they relate to the intent of the PUD District, as described in Section 6.06.A. above.
 - d. Three (3) paper copies and one (1) electronic copy of a PUD Concept Plan that includes:

- i. The location of all buildings, structures, driveways, parking areas, and other proposed site improvements.
 - ii. A list of all proposed uses, total acreage, and/or square footage devoted to each use.
 - iii. The location and size of parks, open recreation areas, other open space, and all public and community uses, including proposed maintenance provisions for private open spaces.
 - iv. Phases of development and approximate time frame for each phase.
 - v. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 - vi. Development standards for the PUD according to a “base” zone district. The zone district in which the PUD is to be constructed will generally serve as the base zone district unless the applicant chooses a different zone district to be the base zone because it is advantageous for the PUD and will be less onerous when applying development standards.
 - vii. A table or narrative which details all deviations from the base zone district and provides specific guidance related to area, height, and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of the PUD.
 - viii. Total number of dwelling units and number of rooms per unit.
 - ix. Any additional graphics or written materials requested by the Zoning Administrator, Planning Commission, or City Council to assist in the review of the project proposal.
- e. The application and Concept Plan shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission.
- f. Upon receipt of an application for a PUD Concept Plan, the Zoning Administrator shall cause Notice to be given, in accordance with the requirements of Section 6.08.
2. **Public Hearing.** The Planning Commission shall hold a public hearing to review the Concept Plan, consistent with the requirements for a rezoning in Section 6.08.
3. **Planning Commission Review.** Following the public hearing, the Planning Commission shall review the PUD application materials and PUD Concept Plan based on the Standards for Approval listed in Section 6.06.E.5 and shall recommend approval, approval with conditions, or denial of the PUD Concept Plan to the City Council.
4. **City Council Review.**
 - a. After receiving the recommendation of the Planning Commission, the City Council shall review the application package, PUD Concept Plan, the record of the Planning Commission proceedings, and the recommendation.
 - b. The City Council shall then approve, approve with conditions, or deny the proposed PUD concept plan.
5. **Standards for Approval.** PUD Concept Plans shall be approved only if they comply with each of the following standards:
 - a. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 6.06.A., and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.

- b. The proposed PUD complies with all qualifying conditions of Section 6.06.B.

F. Site Plan Submission.

1. The applicant shall submit an application to the Zoning Administrator for Site Plan approval within twelve (12) months of the City Council's approval of the PUD Concept Plan.
2. The Planning Commission shall review any Site Plans in relation to their conformance with the PUD Concept Plan. If it is determined that the Site Plan is not in substantial conformance with the PUD Concept Plan, the applicant may proceed with an amendment to the Concept Plan (see Section 6.06.I.).
3. If the Site Plan is consistent with the approved PUD Concept Plan, the Planning Commission shall review the Site Plan in accordance with Section 6.04.
4. The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the Site Plan.

G. Expiration of PUD Concept Plan and Rezoning.

1. If an applicant fails to submit a Site Plan Review application within twelve (12) months as stated above, then the PUD Concept Plan shall be determined to be expired, and the property shall revert back to the prior zone district.
2. If the Site Plan submitted expires (see Section 6.04.I.) and there are no other active Site Plans for the PUD, the PUD Concept Plan shall be determined to be invalid, and the property shall revert back to the prior zone district.
3. No part of a PUD Concept Plan may be appealed to the Zoning Board of Appeals, and variances from PUD standards are not permitted. This provision shall not prevent an individual lot owner from seeking a variance to a Site Plan following final approval of the PUD Concept Plan, provided such variance does not involve alterations to open space or other common areas as shown on the approved PUD Concept Plan.

H. Development Agreement.

1. Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the City in recordable form, setting forth the applicant's obligations with respect to the PUD.
2. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the PUD Concept Plan, Site Plans, construction documents, and other documents that comprise the PUD, and all conditions attached to the preliminary plan approval by the City Council or Site Plan approval by the Planning Commission.
3. The agreement shall also establish the remedies of the City in the event of default by the applicant in carrying out the PUD, and such remedies shall be binding on all successors in interest to the applicant.
4. All documents shall be executed and recorded in the office of the Eaton County Register of Deeds.

I. Changes to an Approved PUD Concept Plan. The holder of an approved PUD Concept Plan shall notify the Zoning Administrator of any desired change to the approved PUD. Changes to an approved Concept Plan shall be permitted only under the following circumstances:

1. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, standards incorporated as part of the approved preliminary plan, or any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Replacement of landscaping with similar landscaping to an equal or greater extent that is consistent with the standards of this ordinance.
 - d. Changes in floor plans, which do not alter the character of the use or increase the amount of required parking.
 - e. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes required or requested by the City, Eaton County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
2. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD Concept Plan and shall be processed in the same manner as the original PUD application. Any resulting amendments to the Development Agreement must be approved by City Council.

Section 6.07. -- Site Condominiums.

A. **Purpose and Scope.** Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have a limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for the purpose of this Ordinance and other applicable laws, ordinances, and regulations.

1. The purpose of this Section is to ensure that the plans for developments within the City of Potterville proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, as amended shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It is further the intent of this Section to ensure that such development is in conformance with the requirements of this Ordinance, other applicable City ordinances, and state and federal regulations.
2. Site condominium projects may include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project.
3. Site condominium projects are subject to the zone district provisions applicable to the project’s location as shown on the official zoning map.

B. Site Condominium Preliminary Review Procedures (Step 1 Review).

1. **Preliminary Review Submission Requirements.** At least one (1) week prior to a preliminary review meeting, an applicant shall submit the following to the Zoning Administrator:
 - a. A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
 - b. A statement regarding the provision of sewer service and water supply.

2. **Preliminary Review Meeting.** An applicant shall schedule a preliminary review meeting with the Zoning Administrator at least forty-five (45) days prior to a site condominium being considered by the Planning Commission. The City Zoning Administrator may include other city officials or consultants in the meeting.
 - a. During the preliminary review meeting, the Zoning Administrator and other city officials, based on the information available, shall inform the applicant of the following:
 - i. General requirements of this Section and other applicable provisions of this Ordinance.
 - ii. Planned or anticipated sites of parks and recreation areas and other public uses.
 - iii. Utility system capabilities.
 - iv. Planned or anticipated public improvements, including streets, utility extensions, and the like.
 - v. Street plans and potential problems relative to the natural features of the area, including, but not limited to floodplains, soil conditions, topography, and groundwater tables.
 - vi. Additional information which will assist the applicant in proceeding reasonably and soundly toward the final approval of the site condominium project.
 - b. This review is intended for information purposes only and does not constitute binding commitments on the part of the City. Furthermore, the preliminary review meeting shall not imply tentative approval of any proposed site condominium project. Such discussions shall not carry the authority to proceed with construction or to sell or transfer property.
3. **State and County Applications.** Following preliminary review, the applicant shall submit the site condominium subdivision plans to the following agencies for their approval:
 - a. Relevant State of Michigan agencies
 - b. Eaton County Drain Commissioner
 - c. Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.

C. Site Condominium Review and Approval Procedures (Step 2 Review).

1. **Application.** An application for final review of a site condominium project shall be made to the City along with the appropriate fees. The application shall contain a complete Site Plan consistent with the requirements of Section 6.04. along with the following information:
 - a. Written comments and/or approvals from reviewing agencies resulting from their review of the site condominium subdivision plans, as applicable.
 - b. A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
 - c. A copy of any preliminary agreements which may be required before final plan approval is granted.
 - d. A copy of the proposed master deed of the project and the supportive information.
2. **Procedure.**
 - a. The applicant shall provide three (3) paper copies and one (1) electronic copy of the required application materials.

- b. The application and plans shall be submitted at least 30 days before the next regularly scheduled meeting of the Planning Commission.
- 3. **Review.** In reviewing the site condominium plan, the Planning Commission shall give particular attention to all information required to accompany the submission, in particular the deed restrictions and covenants, in order to determine that they are adequate to ensure ultimate completion of the project in accordance with the proposed project plan. The Planning Commission will review the Site Condominium Site Plan consistent with Site Plan Review procedures detailed in Section 6.04.
- 4. **Decisions.** The Planning Commission may approve, approve with conditions, or deny the requested site condominium plan consistent with Site Plan Review procedures in Section 6.04.
- 5. **Next Steps (Step 3+).**
 - a. **Master Deed.** The project developer shall furnish the City with one (1) copy of the proposed consolidated master deed, one (1) copy of the bylaws, and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this Ordinance to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements. The Master Deed shall be reviewed by the City assessor or his or her designee. Approval of the Master Deed by the City assessor is required prior to the issuance of any Zoning Referrals.
 - b. **Zoning Referrals and Occupancy.** Submission of a Zoning Referral is required for construction of one or two-unit dwelling units within the site condominium. Construction of other uses requires Site Plan approval according to Section 6.04. The Building official may allow occupancy of the project before all improvements required are installed, provided that a performance guarantee is submitted to the City, sufficient in amount and type to provide for the installation of improvements without expense to the City. The amount and form of the performance guarantee shall be determined by the Building official and deposited with the City Treasurer.
 - c. **Final By-Laws, Consolidated Master Deed, and Site Plan.** Upon approval of the development, the applicant shall provide the City one (1) paper copy of the by-laws and consolidated master deed and an electronic copy of the Site Plan.
- 6. **Modifications.**
 - a. **Subdivision of Unit Sites.** Subdivision of established condominium unit sites is permitted following Planning Commission review and approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on the conditions of zoning or Site Plan approval and shall be made as part of the by-laws and recorded as part of the master deed.
 - b. **Expansion and Conversion.** Expansion or changes to a site condominium project must adhere to the site plan amendment standards in Section 6.04.F.

Section 6.08. – Notice of Meetings and Public Hearings.

- A. **Notice Publishing Requirements.** Unless otherwise noted, whenever a Notice and hearing are required under this Ordinance, the City shall publish Notice according to the following standards:
 - 1. **Location.** Notice of the hearing shall be published in a newspaper of general circulation in the City of Pottersville and posted at the City Offices.
 - 2. **Method of Delivery and List.** Notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property being considered and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the

property or occupant is in the zoning jurisdiction. Notice shall also be sent to any public utilities, airport authorities, or other entities that request notice.

3. **Timeline.** Notice shall be given not less than fifteen (15) days before the date of the meeting during which the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection.
 4. **Notice Details.** The Notice shall do the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include all street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. Indicate where a copy of the application can be reviewed.
 5. **Exception for Large Class Rezoning.** The requirement to send notice to properties within 300 feet and the requirement to list all street addresses do not apply if rezoning is proposed for a group of eleven (11) or more properties.
 6. **Zoning Amendments.** Notice of time and place of a public hearing for adoption or a new Zoning Ordinance, or amendment to the existing Zoning Ordinance shall be given by mail to each gas, electric, and pipeline utility company, each telecommunications service provider, each railroad operating in the City of Pottersville, and the Airport Manager of any Airport that registers its name and mailing address with the City Clerk for the purpose of receiving such notice.
- B. **Hearing Requirement.** The Planning Commission shall hold a public hearing at a meeting within a reasonable time of receiving the application.
- C. **Compliance with Michigan Zoning Enabling Act (MZEA).** The procedures identified in this Section are to be used for all notifications and publications required under this Zoning Ordinance and are intended to comply with the MZEA, PA 110 of 2006, as amended, and other relevant Michigan laws.

Section 6.09. – Attachment of Conditions.

- A. The Planning Commission may attach conditions to a Site Plan Review, Special Land Use, PUD, or Site Condominium affirmative decision.
- B. Any condition imposed shall meet each of the following standards:
 1. The condition shall be necessary to meet the intent and purpose of the zoning regulations, be related to the standards established in the Ordinance for approval of the land use or activity under consideration and be necessary to ensure compliance with those standards.
 2. There is a rough proportionality between the scope of the proposed condition and the impact to be mitigated by the condition.
 3. There is a reasonable connection between the condition imposed and the impact it is mitigating.
- C. Any condition imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner or applicant. The approving authority shall maintain a record of changes granted in conditions.
- D. Conditions imposed are associated with the property and use for which approval is granted and not with the owner or operator of the property or use. A violation of a condition shall be considered a violation of this ordinance.

Section 6.10 Administrative Departures.

A. Purpose.

1. Administrative Departures are provided to permit development of individual lots or properties that generally fall within the requirements of the Zoning District, but, due to site characteristics or other related conditions, a limited degree of flexibility to meet the spirit and purpose of this Ordinance is appropriate.
2. Administrative Departures are not intended to be a general waiver or lessening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard. It is not intended as a substitute for a variance or as a means for relief from requirements of this Ordinance.

B. **Applicability.** Only those Administrative Departures that are specifically noted in this Ordinance may be requested and approved.

C. **Application Procedure.** Requests for Administrative Departures shall be submitted in a manner determined by the Zoning Administrator and shall include the following:

1. Information and materials, as listed in the application form, in sufficient detail to indicate the nature and necessity of the request, and a scaled drawing, if appropriate. Requested Administrative Departures shall be separately listed and clearly noted on the proposed development plan.
2. The applicable fee established by the City Council.

D. **Review Standards.** The Zoning Administrator shall consider whether the proposed alternative meets all of the following standards.

1. Zoning Ordinance. The proposed Departure is consistent with the purpose and intent of the Zoning District, and the specific requirements and conditions of the Administrative Departure approval criteria.
2. Neighborhood. The proposed Departure will be compatible with adjacent properties and the neighborhood.
3. Environment. The proposed Departure will retain as many natural features of the landscape as possible.
4. Public Facilities. The proposed Departure will not place a burden on existing infrastructure and services.
5. Other. The Departure request is necessitated by a condition of the site or structure, and not as a means to reduce costs or inconvenience.

E. Decision.

1. The Zoning Administrator may approve, approve with conditions, or deny the request.’
2. If the Zoning Administrator determines that the extent of the requested Departure(s) requires additional community review and input, the Administrator may refer the application to the Planning Commission.

F. **Prior to Other Approval.** Decisions on Administrative Departures shall be made prior to consideration of other approvals required by this Ordinance.

G. **Appeal.** A decision regarding an Administrative Departure may be appealed to the Zoning Board of Appeals. Individual conditions imposed as part of an Administrative Departure approval cannot be separately appealed.

ARTICLE 7 - PARKING

Section 7.01. – Purpose and Intent.

- A. **Purpose.** The purpose of this Article is to provide all Zone Districts with adequate and appropriate off-street parking for vehicles and bicycles.
- B. **Requirements.** Off-street parking and loading spaces for each use shall be provided in accordance with the requirements established in this Article to:
 - 1. Minimize any detrimental effects of off-street parking areas on adjacent lands;
 - 2. Ensure proper and appropriately located parking areas;
 - 3. Improve the visual aesthetics of parking areas;
 - 4. Prevent the establishment of excessive amounts of off-street parking;
 - 5. Encourage appropriate redevelopment and reinvestment; and
 - 6. Promote walkability and vibrancy so that the surrounding area retains its value.
- C. **Applicability.** The requirements of this Article shall apply to all new development and redevelopment in the City. Off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of zoning compliance as described within this Article.

Section 7.02. – General Requirements.

- A. **Applicability.** Unless otherwise stated, parking and loading shall be provided as outlined in this Article.
 - 1. **Defined Areas.** Off-street parking areas of three (3) or more spaces and off-street loading areas shall be striped and maintained in good condition to be clearly visible with lines to indicate parking space limits and loading areas. All striping shall comply with the Manual of Uniform Traffic Control Devices.
 - 2. **Location.** Except as otherwise permitted, all off-street parking areas shall be provided on the same lot, or contiguous lots under the same ownership, as the use it serves, or no farther than three hundred (300) feet from the nearest point of the building to the nearest point of the parking facility along public rights-of-way or publicly available sidewalk.
 - 3. **Change in Parking Location.** Once an area is designated as required off-street parking, it shall not be changed to any other use unless and until equal facilities meeting the standards of this Article are provided elsewhere, or the parking requirements of the site change.
 - 4. **Maximum Parking.** In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by greater than fifty percent (50%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required for the use, based on documented evidence by the property owner, leaseholder, or their designee.
 - 5. **Commercial Vehicle Parking Restrictions in Residential Districts.** Commercial semi-trailer trucks shall not be allowed to park on any residential lot, except for making drop-off deliveries or pickups, periodic loading and unloading, as in the case of a moving truck, providing necessary construction activities or at other such typical temporary occasions as determined by the Zoning Administrator.

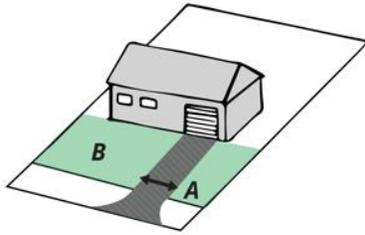
6. **Prohibited Use of Parking Area for Storage.** The use of required parking areas for material storage, refuse storage stations and dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited, except during construction activities for which a building permit has been issued. The use of semi-trailers or similar vehicles for storage purposes on the premises for five (5) or more consecutive calendar days is prohibited, unless approved as part of a site plan.
7. **Parking of Vehicles During Construction.** During construction, off-street parking (off the public right-of-way) shall be provided for all construction vehicles and employees. Construction period parking shall be on the lot or parcel where the construction is occurring or an adjacent lot. If parking is to occur on another lot or parcel, written permission shall be secured from the owner of the lot prior to the parking of vehicles. In all cases, the Zoning Administrator shall have the authority to require the rearranging and/or relocation of construction parking to assure public safety.

Section 7.03. – Residential Driveway Design.

The following standards apply to driveways for residential buildings with three (3) or fewer units and townhomes.

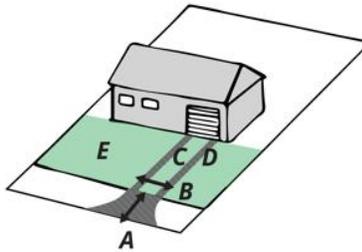
- A. **Residential Requirements.** Residential off-street parking spaces shall consist of a driveway, garage, or combination, and shall be located on the premises they are intended to serve. On any residential lot, the parking of vehicles shall be restricted to the driveway, carport, or garage. Except for the parking of recreational vehicles as provided for under Section 5.24, the front yard shall not be used for the parking of vehicles.
- B. **Types of Permitted Driveways.** The following types of driveways are permitted with the option to exceed the maximum width upon written approval from the Zoning Administrator:
 1. **Single-lane.** The width of single-lane driveways shall be between eight (8) feet and ten (10) feet.
 2. **Double-lane.** The width of double-lane driveways shall be between eighteen (18) feet and twenty (20) feet, unless the driveway serves an off-street loading area, where a larger driveway may be required based on Site Plan Review.
 3. **Double-track.** Double-track, wheel strip, or ribbon driveways are permitted as follows:
 - a. The first two (2) feet of the entire driveway width, measured from the property line, must be paved or covered with a permitted material;
 - b. The wheel strip shall be at least eighteen (18) inches in width; and
 - c. The area between the wheel strips must be landscaped with living ground cover.
 4. **Horseshoe or Semi-Circle Driveways.** A horseshoe or semi-circle driveway is permitted where the front yard has a minimum area of twenty-one thousand (2,100) square feet.
 5. **Residential Turn-Around Space.** Qualifying residential properties are permitted a turnaround space in the front yard under the following conditions:
 - a. The space is set back a minimum of twenty (20) feet from the front lot line;
 - b. The space is no larger than eighteen (18) feet by twenty (20) feet; and
 - c. Front yard lot coverage requirements are met.

Single-Lane Driveway



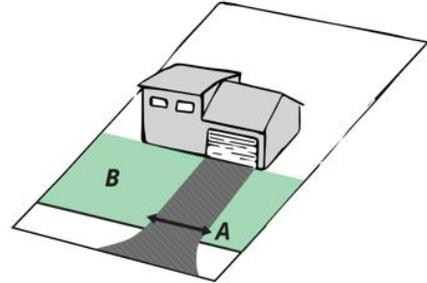
- (A) Driveway must be between 8 feet - 10 feet wide
- (B) Driveway area cannot be more than 30% of front yard area

Double-Track Driveway



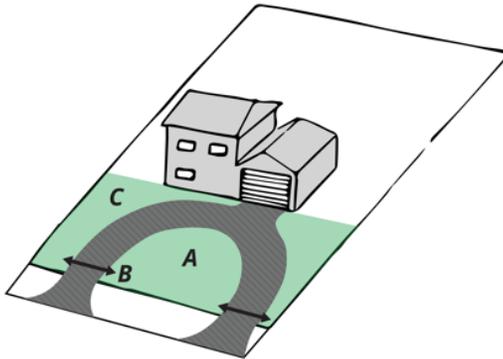
- (A) First 2 feet of driveway must be paved or constructed with a permitted material
- (B) Driveway must be between 8 feet - 10 feet wide
- (C) Area between wheel strips must be landscaped with living ground cover
- (D) Wheel strips must be at least 18 inches wide
- (E) Driveway area cannot be more than 30% of front yard area

Double-Lane Driveway



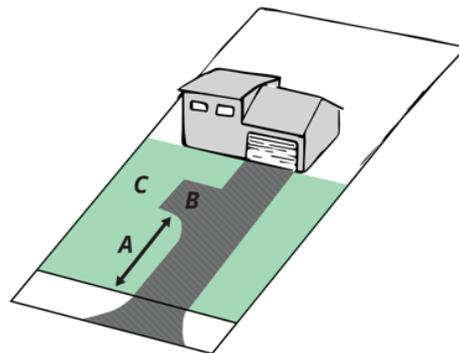
- (A) Driveway must be between 18 feet - 20 feet wide
- (B) Driveway area cannot be more than 30% of front yard area

Horseshoe or Semi-Circle Driveway



- (A) Front yard must be at least 2,100 square feet in area
- (B) Driveway must meet width standards for single or double lane driveway options
- (C) Driveway area cannot be more than 30% of front yard area

Residential Turnaround Space



- (A) The space must be set back at least 20 feet from the front lot line
- (B) The space is no larger than 12 feet x 20 feet in dimension
- (C) Driveway area cannot be more than 30% of front yard area

C. Maximum Coverage.

1. Driveways cannot account for more than thirty percent (30%) of the front yard of a lot. For corner lots, the requirement applies to the front yard where the driveway is located.

2. **Administrative Departure.** An Administrative Departure may be granted to allow driveways to account for more than thirty percent (30%) of the front yard if there are unique circumstances on the property that differ from those on the same block.
- D. **Materials.** Driveways may be designed with impervious or semi-pervious materials, such as concrete, asphalt, brick, and interlocking stone. Gravel and crushed stone are prohibited.
- E. **Clear Vision Area.** For residential driveways there shall be a clear vision zone of ten (10) feet along the lot line and the driveway starting at the intersection of the lot line and the closest edge of the driveway and connected by a straight line to form a triangular area.

Section 7.04. – Commercial and Multi-Family Driveway Design.

The following requirements apply to residential buildings with four (4) or more units and all other uses.

- A. **Width.** All driveways must be a minimum of at least twenty-four (24) feet wide.
- B. **Vertical Clearance.** The entire driveway width shall maintain a vertical clearance of not less than twelve (12) feet.
- C. **Point of Entry.** All driveway geometry at points of entry from the adjacent public or private roadway shall be reviewed and approved by the City of Pottersville Department of Public Works.
- D. **Surface.** The surface of a driveway shall be maintained at all times to allow the passage of emergency vehicles.
- E. **Spacing.** Driveways shall be adequately spaced to limit potential conflict between adjacent uses and drives. Driveway location on roadways owned by the Michigan Department of Transportation (MDOT) shall be per MDOT standards; all other commercial driveways shall, wherever possible, be aligned with driveways on the opposite side of the roadway.
- F. **Access Management.** Construction of shared access drives between adjacent commercial property owners is encouraged. An easement or similar legally binding agreement must be filed with the City of Pottersville. All shared access drives must be reviewed and approved by the Department of Public Works.
- G. **Length.** There must be sufficient space to accommodate at least two queued vehicles waiting to exit without using any portion of the right-of-way or in any other way interfering with street traffic. The Planning Commission may require more queue length if recommended by a traffic study.
- H. **Entrances.** Driveway entrances must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- I. **Loading and Unloading.** Driveway placement should be such that loading and unloading activities will in no way hinder vehicle ingress or egress.
- J. **Number of Driveways.** One driveway is permitted per road frontage. One additional driveway is permitted for properties with more than 300 feet of frontage along a single roadway.
- K. **Clear Vision Zone:** There shall be a clear vision zone at all corners of driveways and adjacent rights-of-way consisting of a triangular area defined by the point of intersection of the right-of-way line and the driveway and the two points extended along such lines a distance of twenty five (25) feet from the point of intersection, and within which area no obstruction to vision shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets. The Zoning Administrator or Planning Commission may require a greater clear vision area during Site Plan or Special Land Use review.

Section 7.05. – Vehicle Parking Space Requirements.

- A. **Requirements for Unlisted Uses.** Parking spaces will be provided as detailed in Table 7.05.C. If a use is not listed, the Zoning Administrator is authorized to apply standards for a use deemed similar. In the instance where an equivalent may not be clearly determined, the Zoning Administrator may require a parking study, transportation management plan, or other evidence that will help determine the appropriate requirements.
- B. **Exempt Areas.**
 - 1. Parcels in the Mixed-Use Business (MUB) District are exempt from the requirement to provide off-street parking spaces. Spaces that are provided must adhere to all applicable requirements, including design, layout, and landscaping.

C. **Required Parking Table.**

| Table 7.05.C. Required Parking | |
|---|---|
| Use | Required Spaces |
| Single-family detached | 1 driveway |
| 2–3-Unit Dwellings | 2 per dwelling unit; a driveway with parking spaces is permitted |
| Multi-Family Dwellings | 2 per dwelling unit |
| Nursing home/Assisted Living/rehab center/adult foster care/daycare | 1 per employee on largest shift; 1.0 per facility vehicle; 1 per 10 beds or people served |
| Hotel/motel/bed-and-breakfast | 1 per 1 guest room, plus 1.0 per employee on the largest shift |
| Religious and assembly uses, eating and drinking establishments | 1 per 10 persons at maximum occupancy; 1.0 per employee on the largest shift |
| Retail, services and Office | 1 per 500 square feet |
| Industrial and warehousing or wholesale uses | 1 space per 4 employees on the largest working shift |

- D. **Wheelchair access.** Barrier-free spaces must be signed and marked and provided at a convenient location in accordance with state and federal law.
- E. **Fractions.** In determining the number of spaces required, a fraction equal to or greater than one-half (1/2) shall be rounded up to count as one (1) space.
- F. **Credit for Shared Parking.** Credit for shared parking is calculated as follows:
 - 1. **Off-site location.** Space in off-site parking facilities within three hundred (300) feet may be applied to the parking requirements for a lot.
 - a. A shared parking agreement shall be submitted to the approving authority, outlining the number of shared spaces and the length of the agreement.
 - 2. **Multiple uses credit.** When multiple users share parking facilities, the quantity of spaces provided should be calculated as follows.
 - a. Shared peak demand times. Businesses with the same peak parking demand times that share parking facilities shall reduce the quantity provided by five percent (5%).
 - b. Different peak demand times. Businesses with different peak parking demand times can reduce their parking spaces by fifty percent (50%).
 - c. Peak demand times shall be specified in the shared parking agreement.

3. Parking may be owned, leased, or shared by the owner of the building with another building owner upon providing evidence of agreements or easements to the Zoning Administrator. In the event that the agreement is no longer in effect, parking requirements shall be satisfied by each property that was a party to the shared agreement.

G. Stacking Space Requirements. Where the use requires a stacking of vehicles, such as for a drive-through or vehicle wash facility, the following standards shall apply:

1. Conflict With Other Traffic. Stacking spaces shall not conflict with traffic accessing the use, nor adjacent uses.
2. Length. Each stacking space shall be at least twenty-five (25) feet in length.
3. Blocking of Parking Spaces. Parking spaces blocked by stacking spaces shall not be included in calculating the required number of parking spaces.
4. Use of Public or Private Street. The use of a public or private street for the stacking of vehicles is prohibited.
5. Additional Spaces Required. Additional stacking spaces may be required if it is determined, during Site Plan Review, that such spaces are necessary for proper traffic safety and control.

Section 7.06. – Off-Street Parking Lot Design.

A. Space and Aisle Dimensions. Vehicular parking space design shall follow the dimensions in Table 7.06.A.

| Table 7.06.A. Parking Space and Aisle Dimensions Table. | | | | | |
|--|--------------------|--------------------|--------------------|-------------------|----------------|
| Angle of Parking (degrees) | Stall Dimensions | | | Drive Aisle Width | |
| | Curb length (feet) | Stall width (feet) | Stall depth (feet) | One way (feet) | Two-way (feet) |
| 0° (parallel) | 18 | 9 | 18 | 12 | 20 |
| 45° | 12 | 9 | 18 | 12 | 20 |
| 60° | 10 | 9 | 18 | 18 | 20 |
| 90° | 8.5 | 9 | 20 | 20 | 20 |

B. Other Vehicular Parking Design Requirements.

1. **Wheel stops or sidewalks.** Wheel stops or bumper guards are required for spaces adjacent to property lines, landscape buffers, and pedestrian pathways, internal to the site or in public right-of-way, or in lieu of wheel stops, a seven (7) foot-wide sidewalk with a curb shall be required.
2. **Slope.** All parking areas, driveways, and sidewalk access to parking areas shall meet the requirements of the American Disabilities Act.
3. **Materials.** Parking areas may be designed with impervious or semi-pervious materials, such as concrete, asphalt, brick, and interlocking stone. Gravel and crushed stone are prohibited.

C. Landscape Areas.

1. Areas not used for sidewalks, parking spaces, drive aisles, loading, or refuse shall be constructed and maintained as landscaped areas.
2. The perimeter of a parking lot shall be treated with fencing and/or landscaping along all property lines, as outlined in Article 8.

- D. **Pedestrian Access.** Parking lots with more than two (2) double-loaded aisles will provide internal pedestrian access both through the lot and, if directly adjacent to right-of-way, from the adjacent right-of-way to the structure(s).
1. Dimension. The pedestrian access pathway shall be at least six (6) feet in width.
 2. Location. The pathway(s) shall be centrally located.
 3. Buffer. The pathway shall be buffered from drive aisles with landscaping or designated parking stalls and delineated with paint where it crosses drive aisles.
- E. **Access.** All spaces, unless otherwise noted, shall front a drive aisle or driveway providing direct access to the parking space. Parallel parking is permitted, but spaces that back into the right-of-way are prohibited.
- F. **Parking in Yards.** Motorcycles and vehicles must be parked on driveways, permitted parking areas, or within a structure.

Section 7.07. – Reduction in Parking Requirement.

The Zoning Administrator may reduce off-street parking requirements up to fifty percent (50%), and the Planning Commission may reduce parking requirements by up to one hundred percent (100%) upon finding that the following two standards have been met:

- A. The property owner or their designee has demonstrated that the required minimum number of parking spaces is excessive based on similar uses, past experience, or a parking/traffic study completed by a licensed engineer or similar professional.
- B. The reduction in parking spaces will not have a negative impact on surrounding uses.

ARTICLE 8 – LANDSCAPING, SCREENING AND LIGHTING

Section 8.01. – Purpose and Intent.

It is the intent of this article to specify landscape and lighting requirements and to provide for landscape and lighting techniques and standards to achieve compatibility between abutting and adjacent land uses, including public and private streets. The regulations in this article are further intended to:

- A. Promote public health, safety, and general welfare by reducing noise, air, and visual pollution, air temperature, and light glare.
- B. Minimize the adverse effects of certain outdoor activities upon their surroundings.
- C. Prevent soil erosion.
- D. Improve the appearance of parking areas, vehicular-use areas, and property abutting public rights-of-way.
- E. Improve the aesthetics and safety on sidewalks.
- F. Provide screening between incompatible land uses and protect residential privacy.
- G. Provide adequate lighting without creating light pollution.

Section 8.02. – General Landscaping Requirements.

A. Applicability.

1. The landscaping standards of this Article shall apply to all new development and redevelopment, unless otherwise exempted in this Ordinance.

2. Exemptions:

- a. Individual single-family or duplex (two-family) residential uses that are not part of a new subdivision or site condominium parking lot are exempt from these requirements.
- b. Minor site improvement projects such as parking lot resurfacing and restriping.
- c. Expansions or Enlargements. An addition to a building or expansion of a use on an existing site shall be required to come into compliance with this article if one (1) of the following conditions is met:
 - i. The gross floor area of an existing structure is expanded by twenty-five percent (25%) or more; or
 - ii. There is a change of use of the existing building that requires an increase of off-street parking by twenty-five percent (25%) or more; or
 - iii. The expansion or enlargement requires Special Land Use approval from the Planning Commission.

B. Percentage of Lot to be Landscaped. The minimum percentage of site area to be landscaped is as follows:

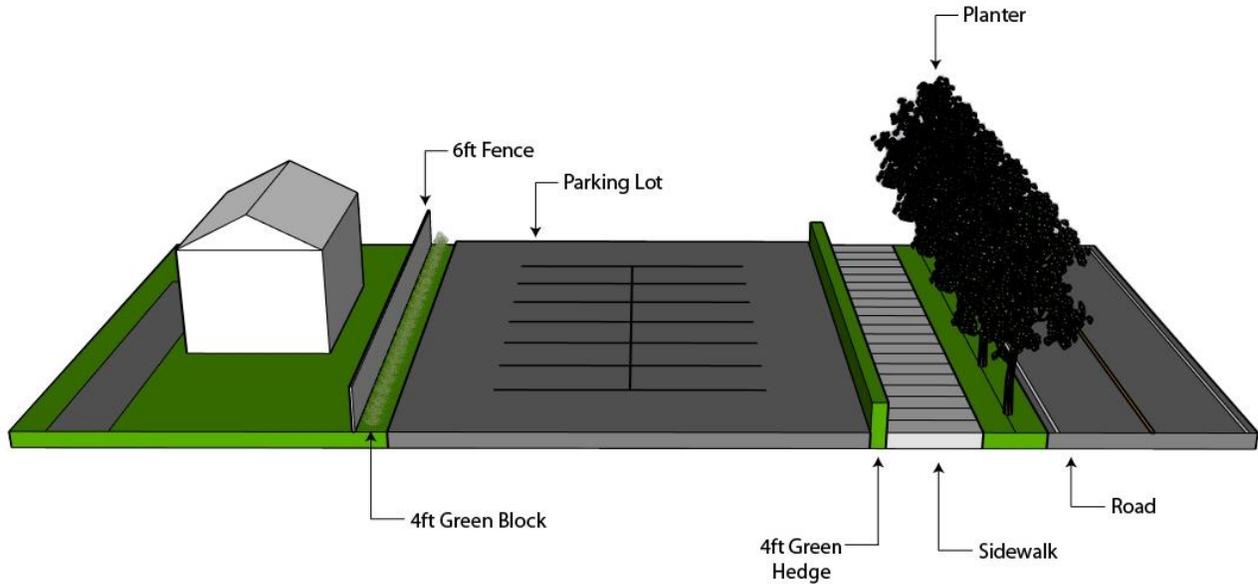
1. Residential Zone Districts: twenty-five percent (25%)
2. Mixed-Use and Commercial Zone Districts: fifteen percent (15%)
3. Industrial Zone Districts: fifteen percent (15%)

C. Plantings. Trees, plants, shrubs, flowers, and other landscaping features should be identified as native by a local or state institution, such as the Michigan State University Extension. It is recommended that turfgrass be a low-maintenance cultivar, such as tall fescue.

1. Minimum installation standards. Selected plants shall meet the following minimum standards:
 - a. A minimum of seventy-five percent (75%) of plant species on a development site shall be native species;
 - b. All required trees shall be a minimum of eight (8) feet high at planting; and
 - c. All required shrubs shall be a minimum of two (2) feet high at planting.
 2. Planting standards. Any of the following tree planting methods may be used singly or in combination:
 - a. Open soil landscape islands with a minimum area of two hundred fifty (250) square feet, and at least seven (7) feet wide.
 - b. Covered soil landscape areas specially designed to accommodate tree root growth are permitted with engineered design methods, including structural soil, sidewalk support, and soil cells. A minimum tree opening of three (3) feet by three (3) feet is required. Minimum soil volume shall be seven hundred fifty (750) cubic feet per tree.
 - c. Open soil and covered soil planting hybrids connected to green space with root paths. Minimum soil volume shall be seven hundred fifty (750) cubic feet per tree. Green space area shall be included in soil volume calculations. Root paths may be used to connect to other covered soil landscape areas.
 3. Tree planting areas may be aggregated. Site corners may count as approved planting areas.
 4. If a pedestrian pathway is included as a component of a landscape island, the island shall be at least eleven (11) feet wide. The pathway shall be five (5) feet wide, with three (3) feet wide landscape areas.
- D. **Grades, Elevation Differentials and Retaining Walls.** The grading of all building lots shall divert water away from buildings and prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property. However, water should not be diverted to adjacent properties.

Section 8.03. – Parking Lots and Loading Areas.

- A. **Purpose.** This Section sets minimum landscape design standards and requirements for parking lots and loading areas, including the visual and physical separation of parking lots and structures from sidewalks, streets, and residential uses.
- B. **Minimum Screening.** Any side of a parking lot or loading area that abuts a public right-of-way or public walkway, located in the Mixed-Use Business District (MUB) shall be screened by a five (5) foot wide landscape buffer, three (3) foot high masonry wall, or four (4) foot decorative fence. Where a wall or fence is used, a three (3) foot landscape strip comprised of groundcover, ornamental grasses, annual or perennial flowers, shrubs, trees or a combination thereof may be used to soften the appearance of the wall or fence.



- C. **Changes in Grade.** In situations where the parking area is more than three (3) feet below or above grade at a lot line, a landscape buffer having a minimum width of three (3) feet shall be provided at the grade of the sidewalk.
- D. **Administrative Departure.** Screening requirements of this Section may be waived by the Zoning Administrator in whole or in part for any side of a parking lot where screening would serve no beneficial purpose or alternate screening methods are needed for the purposes of security.

Section 8.04. – Residential Buffers.

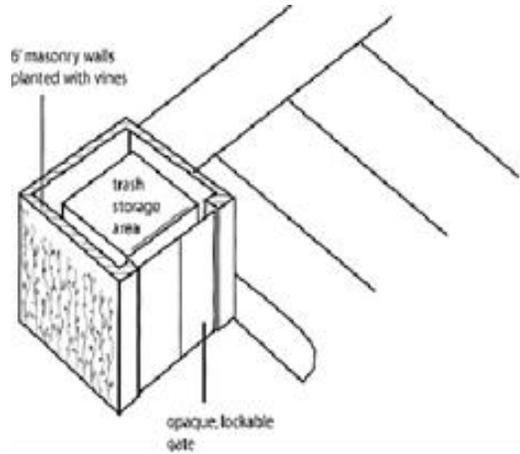
- A. **Buffer Required.** Non-residential uses (commercial, institutional, industrial, etc.) abutting a residential use or zone district shall provide a buffer to reduce noise, headlight glare, or other disturbances that may impair quality of life.
- B. **Buffer Standards.** The buffer shall consist of a six (6) foot privacy fence, a three (3) foot high landscaped berm, or a 4-season screen consisting of evergreen and deciduous trees. The Planning Commission, in its Site Plan Review, shall determine the appropriate buffering method.
- C. **Administrative Departure.** When an alley separates the residential use from a non-residential use, the Zoning Administrator may waive the buffer requirement provided that the residential use will be undisturbed.

Section 8.05. – Commercial Waste Enclosures.

- A. **Applicability.** The requirements of this Section shall apply to all properties using a waste receptacle, other than a residential waste container, that is used for the purpose of waste removal, recycling, or reuse of household waste, household goods, clothing, or similar materials.
- B. **Enclosure.** All outdoor waste, recycling, and compost receptacles, including grease barrels, shall be enclosed on three (3) sides and screened. The fourth side of the enclosure shall consist of a gate, made of wood, vinyl, or other high-quality material, as determined by the Zoning Administrator. If the waste receptacle is a dumpster, it shall have an enclosing lid or cover that shall remain closed when not in use.

C. **Materials.** The enclosure shall be constructed of brick or decorative textured block wall and be consistent with the building materials of the main building. Steel or concrete bollards shall be installed to assist in the positioning of dumpsters and to protect the enclosure.

D. **Size.** The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed on six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater.



E. **Placement.**

1. Waste receptacles and enclosures shall be placed a minimum of twenty (20) feet from an adjacent residential use.
2. Waste receptacles and enclosures shall not be placed in a front yard.

F. **Distance to Lot Lines.** Waste Receptacles can be placed in the rear or side yard, not closer than three (3) feet to the lot line.

G. **Administrative Departure.** An Administrative Departure for enclosure materials and the placement of an enclosure may be granted. In granting a waiver from the placement requirements, the Zoning Administrator shall take into consideration the proximity of adjacent residential structures, topography, natural features, existing screening or other barriers, and operational requirements for trash removal that would mitigate potentially adverse effects.

Section 8.06. – Fences, Walls, and Screening.

A. **Design.** Fences, walls, and screening are subject to the following:

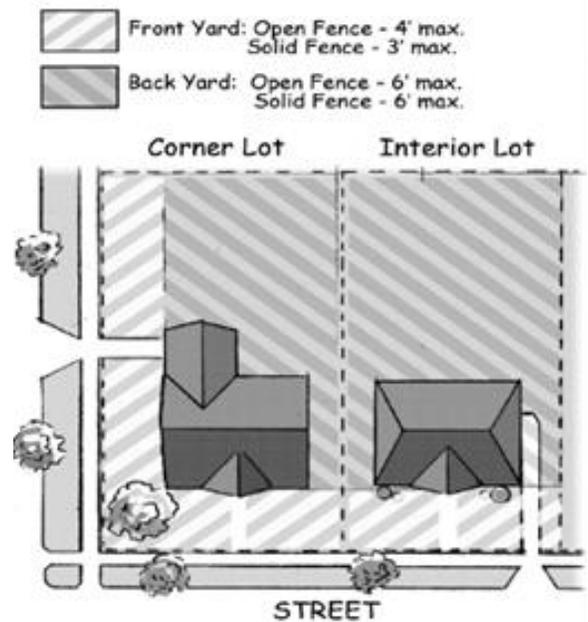
1. The erection, construction or alteration of any fence, wall, or privacy screen as defined herein shall be constructed to meet all relevant codes.
2. Fences with barbed wire are only permitted in the Industrial Districts.
3. Fences shall be made of high-quality, durable materials. The finished side of a fence or wall shall face outward toward abutting lots and rights-of-way.
4. Fences in residential zone districts shall consist of materials that are customarily found in residential settings, such as a wooden or vinyl privacy fence, ornamental metal or wooden picket fence, or coated chain link.
5. Walls shall be made of masonry, decorative block, poured concrete, brick, stone, or other high-quality, appropriate material. The material used shall be compatible with the material used in the construction of the main building.
6. Densely landscaped areas, such as hedges and closely spaced bushes or other plant materials, may be considered a fence when they have the effect or accomplish the purposes normally associated with fences, such as creating privacy or separation.

B. **Placement.**

1. **Survey.** A survey must be completed prior to the installation of a fence and submitted to the Zoning Administrator for approval. The following standards must be met:
 - a. Fences, walls, and screens shall be outside of the public right-of-way and set back at least one (1) foot from the right-of-way line. Fences may otherwise be on the property line.
 - b. The footings of a wall cannot encroach on other properties or within the right-of-way.
 - c. Where underground utilities interfere with the placement of the wall or fence at the property line, the fence or wall shall be placed on the utility easement line nearest the property line.

C. Height.

1. **Measurement.** The height of the fence or the wall shall be measured from the lowest ground level elevation at a distance of three (3) feet from each side of the wall or fence.
2. **Front Yard.** Open fences (decorative metal, chain link) shall not be taller than four (4) feet in a required front yard. Solid fences and walls shall not be higher than three (3) feet in a required front yard.
3. **Side and Rear Yards.** Fences and walls cannot be higher than six (6) feet in the side or rear yard, except as allowed below.
4. Fences which enclose school grounds, playgrounds, tennis courts, or other public areas may be erected to a height in excess of six (6) feet.
5. Fences on parcels located in an Industrial District may be up to ten (10) feet in height.
6. **Administrative Departure.** A departure may be granted by the Zoning Administrator for up to six (6) inches to take into account post tops, site grade, or other considerations.



Residential Fence Heights

- D. **Maintenance.** Walls and fences shall be maintained in good repair and in safe and attractive condition, including but not limited to replacement of missing, decayed or broken structural and decorative elements with the same materials and removal of graffiti.

Section 8.07. – Lighting.

- A. **Applicability.** This Section applies to lighting on all properties located within the City of Pottersville, including lighting associated with essential services facilities. Lighting that does not conform to the standards of this Section shall be brought into conformance based on the requirements of Section 11.06.
- B. **Intensity.**
 1. **Measurement.** Light intensity is measured in lumens and footcandles. A lumen is a unit of luminous flux. One footcandle equals one lumen per square foot.
 2. The intensity of light within a site shall not exceed ten (10) footcandles within any part of a site.
 3. Intensity shall not exceed one (1) footcandle at any lot line.

4. Where a lot is adjacent to or across a street from a Residential Zone District or residential use, a maximum of half a (0.5) footcandles is permitted at the subject lot line.
- C. **Uniformity Ratios.** To maintain uniformity in light levels across a development and minimize dark areas, the ratio of maximum to minimum lighting levels on a given lot shall not exceed a ratio of fifteen-to-one (15:1). Parking lots shall maintain the same uniformity ratios as the main building or principal use served.
- D. **Height.** Height shall be measured from the ground to the top of the light fixture. Except as otherwise required, the height of fixtures in a Residential Zone District or within two hundred (200) feet of a Residential Zone District shall not exceed the following light source to ground level height limits, except as permitted by the Planning Commission.
1. Twenty-two (22) feet for parking lots.
 2. Twenty (20) feet for sidewalks and pathways.
- E. **Fixtures.**
1. All outdoor lighting, including freestanding, canopy, pole, and building-mounted, shall be fully shielded and directed downward to prevent off-site glare and illumination. No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield.
 2. Poles for lighting fixtures shall be of a fixed height. Adjustable poles are prohibited.
 3. The Zoning Administrator may approve decorative light fixtures as an alternative to shielded fixtures when it can be demonstrated that there shall be no off-site glare or illumination and the proposed fixtures will improve the appearance of the site.
 4. The Zoning Administrator may require that existing light fixtures be redirected in conditions where excessive glare onto adjacent properties and roadways creates a nuisance or safety concern.
- F. **Building Lighting.**
1. **Direction of Lights.** Lighting fixtures shall be carefully sited, aimed, and shielded so that light is directed only onto the face of a building. Lighting fixtures shall not be directed toward adjacent streets or properties.
 2. **Façade Lighting.** Lighting fixtures mounted on the building and designed to wash the façade with light are permitted. Ground or pole-mounted floodlights are not permitted for façade lighting.
 3. **Accent Lighting and Prohibited Lighting.**
 - a. Luminous tube (neon), string lighting, LED, or fluorescent lighting may be allowed as an architectural detail on the exterior of any structure, provided that such lighting shall not completely outline or define property lines, sales areas, roofs, doors, windows, or similar areas in a manner that is not primarily for safety purposes.
 - b. Accent lighting may be approved by the Zoning Administrator upon determining that the accents would not cause off-site glare or light pollution and that lighting is not intended to be used as the equivalent of a sign. Lighting shall not consist of or have the appearance of movement or flashing components.
 - c. The use of a laser light source, search lights, or any similar high-intensity light for outdoor advertisement or entertainment is prohibited.

G. **Exemptions.** The following outdoor light fixtures are exempt from the provisions of this Section.

1. Outdoor light fixtures that were installed prior to the effective date of this Ordinance. Fixture replacements shall comply with the requirements of this Section to the extent that the overall appearance of the site is not adversely affected.
2. Streetlights are within a public right-of-way.
3. Landscaping lighting that does not generate excessive light levels, cause glare, or direct light beyond the landscaping.
4. Lighting necessary for designated recreational fields or similar uses that cannot reasonably comply with the standards and provide sufficient illumination of the recreational field for safe use, following Illuminating Engineering Society of North America standards. The fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area. Lights shall be turned off within one-half (½) hour of the completion of the event. Landscape screening or buffers may be required per Article 8.

H. **Lighting Plan.** Commercial, industrial, and multi-family residential buildings shall submit plans for review prior to lighting installation. The following information shall be included for all Site Plan Reviews in accordance with Section 6.04.

1. A drawing of the site, to a scale of no more than one (1) inch to forty (40) feet, showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting, including the building lighting.
2. A photometric plan indicating lighting levels at ground level projecting twenty-five (25) feet onto adjacent properties. Illumination levels shall also be indicated for all surrounding streets at the public right-of-way.
3. An analysis showing that the proposed installation conforms to the lighting level standards in this Ordinance. All lighting shall have the intensities and uniformity ratio consistent with the Lighting Handbook of the Illumination Engineering Society of North America (IESNA) or similar resource.
4. Specifications for all proposed lighting fixtures, including mounting heights, photometric data, designation as full cut-off, shielded fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.

I. **Nuisance.** The Zoning Administrator may require a Lighting Plan to be submitted for any property that may be in violation of this ordinance for reasons of excess glare, lighting intensity, or other reasons that may create a nuisance.

J. **Administrative Departure.** An Administrative Departure from the requirements of this Section may be granted by the Zoning Administrator if it is determined that proposed lighting otherwise meets the purposes of this Section and does not adversely affect the health, safety, and welfare of the public.

ARTICLE 9 – STREETS AND CONNECTIVITY

Section 9.01. – Purpose and Intent.

All streets shall be interconnected with each other and with streets on abutting properties in a systematic grid pattern. Street connectivity and continuity is necessary to circulate traffic, provide emergency service access, ensure network reliability and redundancy, develop a logical system to facilitate the movement of all transportation system modes and users, and sustainably and efficiently manage uses of land and the provision of utilities and public services. Connectivity, for the purposes of this Ordinance, refers to the structure of the transportation network of the City of Pottersville consisting of blocks, intersections, and connecting points.

Section 9.02. – Applicability.

Development shall occur using a combination of both the existing street network and new streets added to establish an improved circulation system. Streets may be public or private. Where existing streets are being improved, these standards along with the other standards overseeing such road development, shall guide the design of the improvements.

Section 9.03. – Blocks.

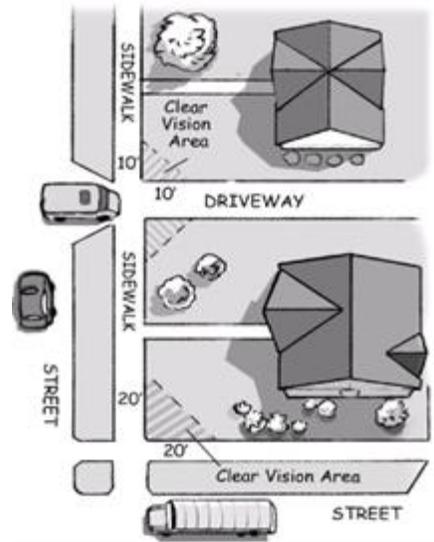
- A. **Requirements.** The following requirements shall apply to ensure that Pottersville’s street network develops as an interconnected network of streets.
1. The street network shall be laid out in defined blocks to connect with one another.
 2. Where adjoining areas are not subdivided, the arrangement of streets shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
 3. A minimum of one (1) Stub Street shall be provided for each six hundred and sixty (660) feet or fraction thereof along such property lines.
 4. No block perimeter, measured along the block face at the public right-of-way or private road easement, shall exceed two thousand four hundred (2,400) feet.
 5. Blocks should be designed so that at the terminus of street intersections, street alignment, or the curvature of a street produces "terminal vistas" of civic buildings, public art, play fields, meadows, wetlands, or other notable structures or Natural Features.
 6. Privately held reserve strips controlling access to streets shall be prohibited.

Section 9.04. – Street Intersections.

- A. **Intersection Angles.** Streets shall intersect as nearly as possible to ninety (90) degrees and in no case less than eighty (80) degrees.
- B. **Alignment with Existing Streets.** Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect closer than two hundred (200) feet from the opposite existing street, as measured from the centerlines of the existing and proposed street.

Section 9.05. – Clear Vision Areas.

- A. **Applicability.** Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists, and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway. No structure, wall, fence, shrubbery, parked vehicle, stored material, or trees shall be placed, erected, planted, or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection or driveway.
- B. **Measurement.** At the intersection of two (2) streets or the intersection of a street and a driveway, the required clear vision area shall be established as follows:
 - 1. **Street Corners.** For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines and connected by a straight line to form a triangular area. In the case of a rounded corner, the measurement shall be taken from the intersection of the front lot lines extended.
 - 2. **Residential Driveways.** See Section 7.03.
 - 3. **Commercial Driveways.** See Section 7.04.



Section 9.06. – Connections.

- A. **Adjacent Lots and Land.** Streets shall connect to existing lots in adjacent developments and shall provide for future connections to adjacent land that is presently undeveloped.
- B. **Right of Way.** Where adjoining areas are undeveloped and the street must temporarily dead-end, the right-of-way shall be extended to the property line to provide for the future projection of the street.
- C. **Sidewalks and Pathways.** Sidewalks or non-motorized paths shall be provided within developments to connect to adjacent properties over time for the health, safety, and enjoyment of residents. The Planning Commission shall review opportunities for connectivity as part of its Site Plan Review process per Section 6.04.
- D. **Basis for Denial.** Failure of a development to properly connect to logical street connections (public and/or private) may be detrimental to the mobility network and/or emergency response needs and can be the basis for project denial.

Section 9.07. – Dead-End Streets.

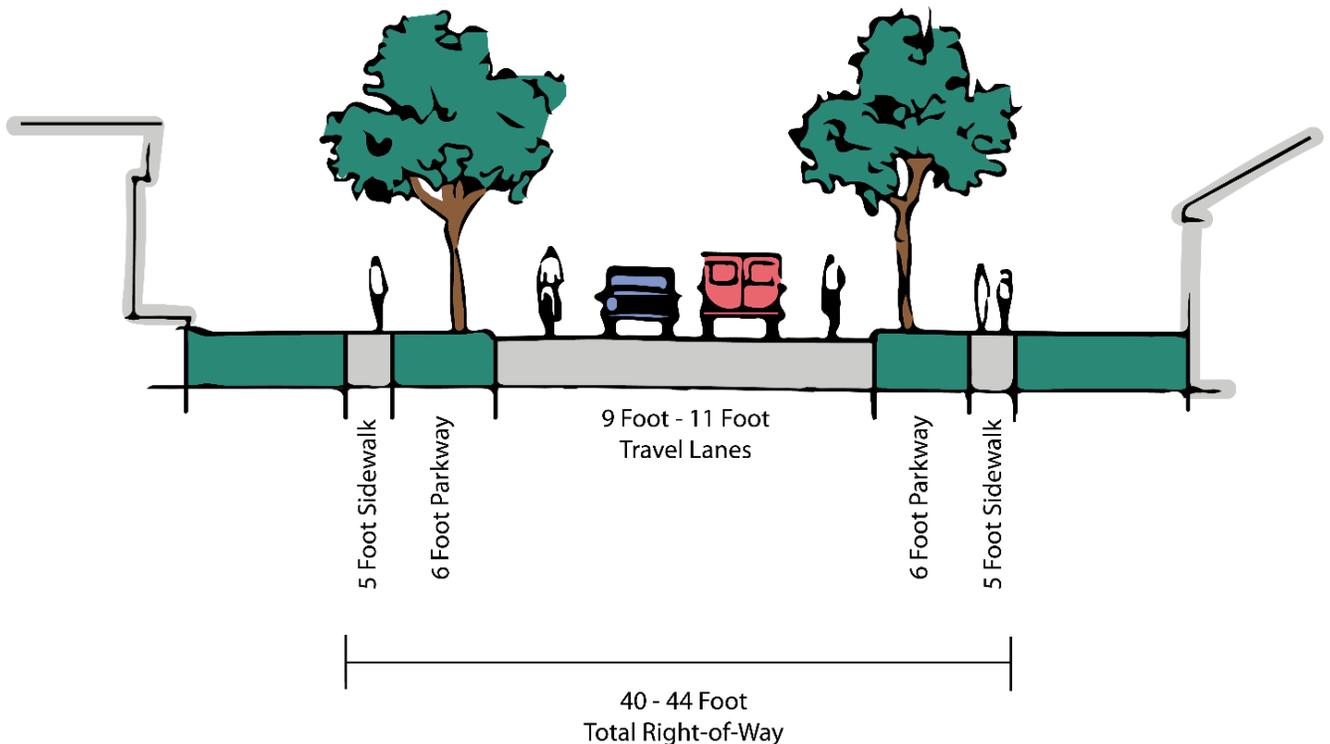
- A. **Practical Difficulty.** A permanent dead-end street shall only be permitted where the topography of the area, streams, wetlands, other Natural Features or existing adjacent development of the area causes practical difficulties in connection and can be granted without creating any safety concerns. The applicant shall clearly provide evidence of difficulties to be considered.
- B. **Planning Commission Approval.** A dead-end public right-of-way or private street easement (whether temporary or permanent) in excess of six hundred and sixty (660) feet in length, as measured from the nearest public right-of-way or private street easement to the dead-end street, shall be prohibited except as approved by the Planning Commission and an extension can be granted without creating a safety hazard.

C. **Turnaround Options.** A cul-de-sac turnaround will be provided at the end of a permanent dead-end street or a temporary dead-end street (and associated temporary right-of-way). The City may require an easement or a reservation of easement to accommodate drainage facilities, pedestrian access, or utilities. The Planning Commission may find a hammerhead “T” or a continuous loop layout acceptable to terminate a private dead-end street where public or private utilities are unaffected and sufficient space is provided for vehicle maneuvering.

Section 9.08. – Street Cross-Sections.

A. **Public and private street cross-sections.** Shall consist of the following:

1. Travel lanes shall be ten (10) feet each where no truck traffic is anticipated. Where trucks or other large vehicles may be present, the travel lane width may be eleven (11) feet. Low-volume streets may be nine (9) feet in width.
2. If a center turn lane is required, it shall be ten (10) feet wide.
3. A six (6) foot tree lawn/parkway shall be required between the edge of pavement or back of curb and sidewalks. Trees shall be planted in the tree lawn every thirty-five (35) feet.
4. On-street parking is permitted.
5. To allow for the installation of private utilities, the total road right-of-way width shall be between fifty (50) and sixty-six (66) feet.



Section 9.09. – Private Streets.

A. **Purpose and Intent.** The purpose of this Section is to provide access to residential, nonresidential, and site condominium developments, and as tracts of land are divided, sold, and transferred. The City has determined it is in the best interest of the public health, safety, and welfare to regulate the design,

construction, improvement, extension, relocation, maintenance, and use of private streets to ensure they provide for the safe passage and maneuverability of emergency vehicles and multiple public and private users; and that such streets are constructed of suitable materials to maximize their durability. Private streets may also help preserve safe and efficient traffic movement by providing reasonable access to public roadways.

- B. **Authorization.** Private streets shall be permitted where there is limited or no opportunity or potential to establish a public street or plat the land. Private streets shall not be constructed, extended or relocated without express written approval by the City Manager or designee. If approved as a private street, the City shall have no obligation or liability for the private street or maintenance thereof.
- C. **Agreement.** All improvements installed or constructed as required under the terms of this Ordinance shall be made and maintained at the expense of the property owner(s) or developer. The City may enter into an agreement with the owner/developer of the private street that would also benefit the public and the City for reasons of additional access, connectivity, and mobility.
- D. **Street Frontage.** All lots and parcels of land with access to a private street shall have frontage on the approved private street right-of-way equal to the minimum lot width requirement of the Zone District in which the lot is located.

Section 9.10. – Sidewalks.

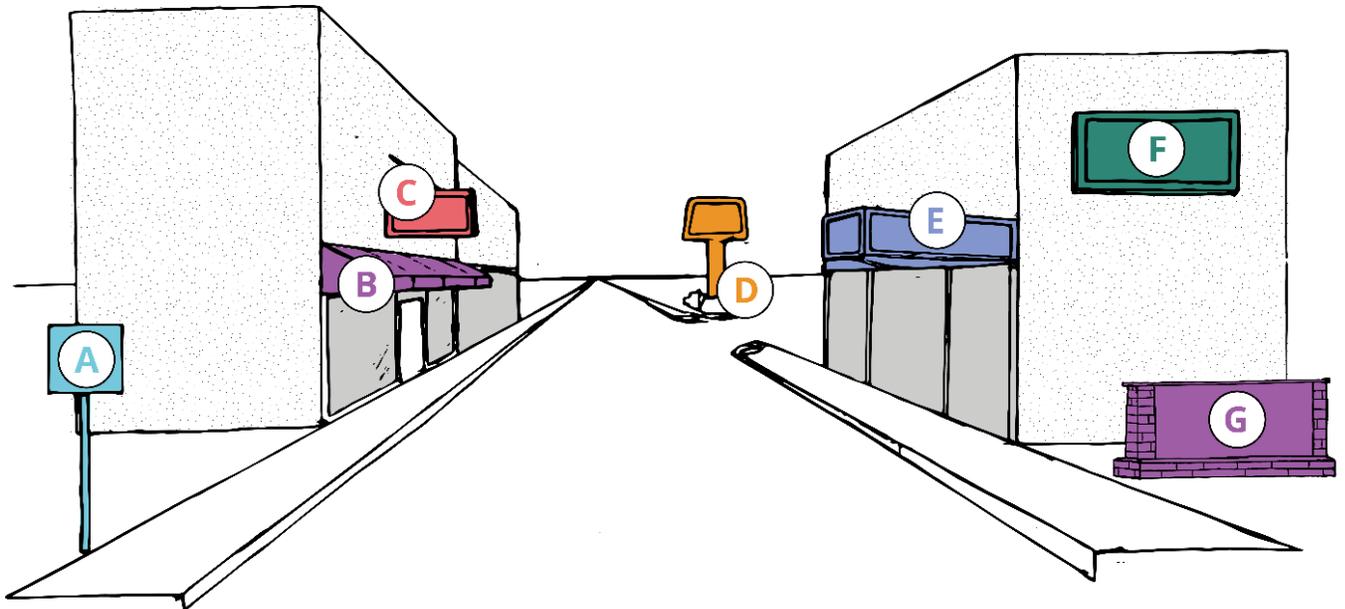
- A. **Sidewalks Required.** A sidewalk shall be installed for all new developments.
- B. **Width.** In areas where there will be a high concentration of people, the sidewalk must be a minimum of five (5) feet wide. On lower-volume residential streets sidewalks may be four (4) feet wide.
- C. **Both Sides of Streets.** All sidewalks shall be included within the dedicated non-pavement portion of the right-of-way on both sides of all roads within a plat, subdivision, site condominium, or multi-family development.
- D. **Slopes.** All sidewalks shall be aligned horizontally and vertically with existing facilities on adjacent properties. and designed to maintain the existing direction and flow of storm water and to avoid damming or flooding.
- E. **Sidewalks at Driveway Crossings.** Sidewalks shall be maintained across driveways and the driveway shall retain the elevation of the sidewalk.

ARTICLE 10 – SIGNS

Section 10.01. – Purpose and Intent.

- A. **Purpose.** The purpose of this Article is to promote traffic safety, public safety, and the conservation of property values through the application of reasonable controls over the use, size, placement, and general appearance of signs, billboards, and other advertising structures. It is the intent of this article to ensure content neutrality in the regulation of signs, conserve community character, and maintain and improve the appearance of the City.
- B. **Sign Definitions.** For ease, all definitions referenced in this Section as related to signs are located within this Article, Section 10.02.

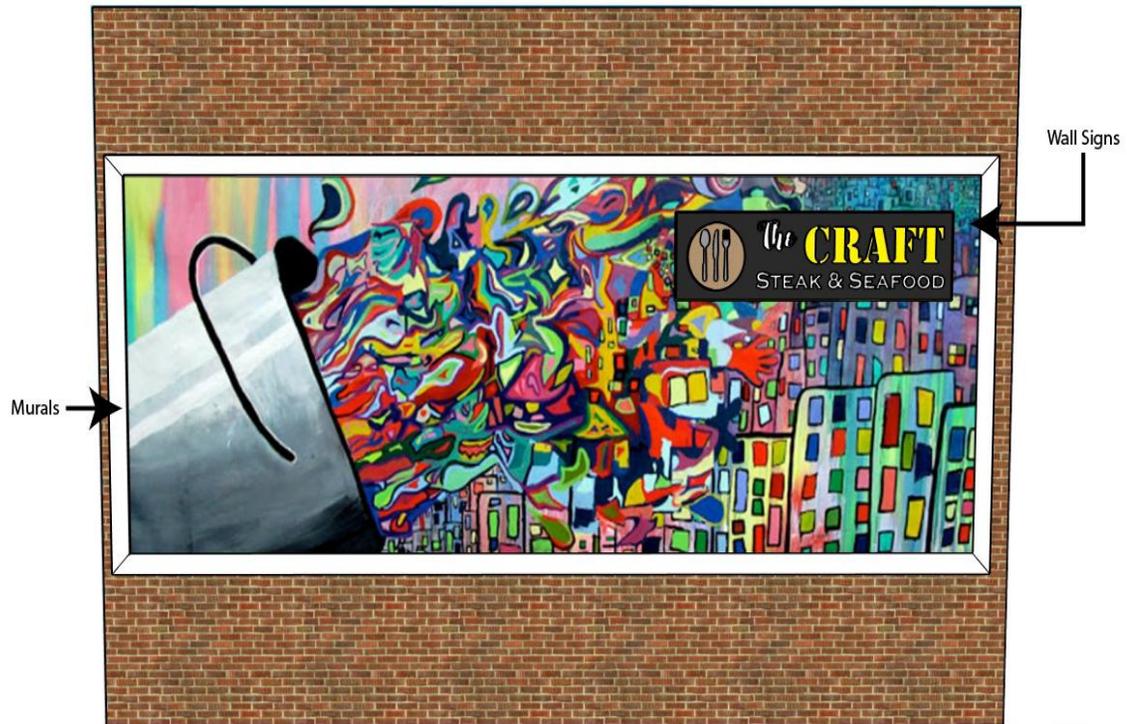
Section 10.02. – Sign Definitions.



- | | | | |
|---------------------------|--------------------------|-----------------------|----------------------|
| A Directional Sign | C Projecting Sign | E Marquee Sign | G Ground Sign |
| B Awning | D Pylon/Pole Sign | F Wall Sign | |

- A. *Sign:* Any surface, device, letter, word, model, balloon, pennant, insignia, emblem, logo, icon, painting, placard, poster, flag or representation, object, device, display, or part thereof, which is visible from a public place, including, but not limited to highways, streets, alleys, or publicly-owned property, or is located on private property and exposed to the public, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, person, activity, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
- B. *Address Sign:* A sign depicting the street number of the property in which it is located.
- C. *Awning:* A retractable or fixed shelter constructed on a supporting framework that projects from the exterior wall of a building.

- D. *Balloon Sign*: A type of portable sign filled with air or gas.
- E. *Banner*: A temporary sign made of fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- F. *Billboard*: A permanent outdoor sign advertising services or products, activities, persons, or events not available on a site or parcel on which the billboard is located.
- G. *Construction Sign*: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, that may contain project information.
- H. *Directional Sign*: Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- I. *Electronic Message Board*: A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means, including time and temperature signs.
- J. *Feather Sign*: Any sign that is comprised of material that is suspended or attached in such a manner to a pole or stake as to attract attention by waving, moving or fluttering from natural wind currents.
- K. *Flag Sign*: A permanent or temporary sign made of a rectangular piece of fabric of distinctive design used as a symbol or signaling device that includes the official insignia or flag of the United States of America, the State of Michigan, or that of any religious, institutional, or business establishment.
- L. *Government Sign*: A temporary or permanent sign erected by the City of Potterville, Eaton County, the State of Michigan, or the federal government, either on public land or within the right-of-way.
- M. *Ground Sign*: Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure.
- N. *Historical Sign*: A sign, monument, or marker designating a location or structure of historical significance, on a site approved by the city, state, or federal government. Historical Signs are exempt from regulation by this Ordinance.
- O. *Incidental Sign*: A temporary or permanent on-premises sign that is intended to provide information or direction for the convenience and necessity of the public, not exceeding two (2) square feet, and whose purpose is secondary to the use of the lot on which it is located. Such signs include but are not limited to open/closed signs, hours of operation, warning or caution signs, no trespassing signs, dangerous animal signs, and similar signs.
- P. *Marquee Sign*: A sign that is mounted, painted, or attached to an awning, canopy, or Marquee that is otherwise permitted by ordinance.
- Q. *Mural*: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.



- R. *On-Premises Sign*: A temporary or permanent sign that pertains to the use of the premises on which it is located.
- S. *Permanent Sign*: Any sign of durable material permanently anchored or secured to a building, accessory structure, or the ground.
- T. *Pole Sign*: A sign supported by one (1) or more poles, posts, braces, or pylons located in or upon the ground and not attached to a building.
- U. *Portable Sign*: A sign that is not permanent, affixed to a building, structure, or the ground, such as an A-frame sign.
- V. *Projecting Sign*: A permanent sign that is wholly or partly dependent upon a building for support.
- W. *Reader Board*: A portion of a sign on which copy is changed manually
- X. *Roof Sign*: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
- Y. *Sign area*: The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure.
- Z. *Snipe Sign*: An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.
- AA. *Special Event*: A temporary sign containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.

- BB. *Suspended*: A sign hanging down from a marquee, awning, or porch that would exist without the sign.
- CC. *Temporary Sign*: A sign erected for a period not to exceed six (6) months within any twelve (12) month period for a specific purpose or event, which is not intended to be permanent, and is not otherwise defined in this Article.
- DD. *Wall Sign*: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.
- EE. *Window Sign*: A temporary or permanent sign attached to, or in close proximity to, the window surface to be clearly and comprehensively visible from the outside. Window signs include, but are not limited to, decals, static clings, posters, paint directly applied to the window pane, or other methods.
- FF. *Yard Sign*: A sign of impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.
- GG. *Zoning Referral*: A document signed by the Zoning Administrator that is required prior to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a sign. A Zoning Referral acknowledges that such use, structure, or building complies with the provisions of this Ordinance.

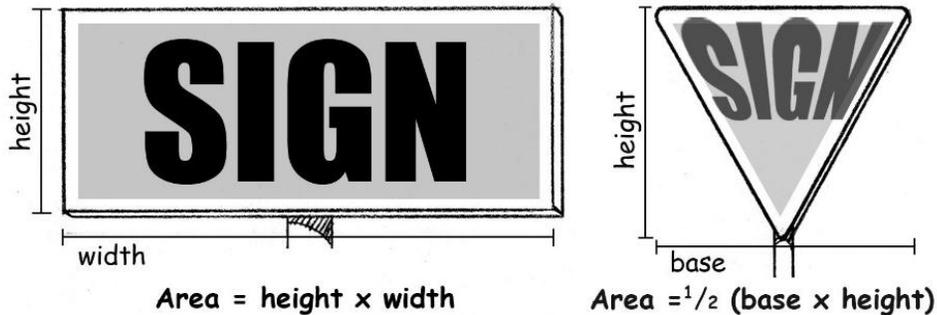
Section 10.03. – General Requirements.

- A. **Applicability.** All signs shall conform to all applicable codes and shall be approved by the Building official or Zoning Administrator.
- B. **Setbacks.** Signs shall be setback a minimum of two (2) feet from the property line where a sidewalk is present adjacent to the parcel. Where there is no sidewalk, signs shall be setback a minimum of fifteen (15) feet from the curb/road edge.

C. Measurements.

1. Area.

- a. The area of a sign shall be measured as the space within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- b. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back, are of equal size, and are no more than two (2) feet apart at any point, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the 2 back-to-back faces are of unequal size, the larger of the two (2) faces shall be counted as one (1) face.
- c. For buildings with multiple tenants, the sign areas for wall signs (see also Section 10.07), projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.



2. Height.

- a. Sign height shall be measured as the distance from the highest portion of the sign to the finished grade of the ground immediately beneath the sign, excluding any artificially constructed earthen berms.
- b. A sign shall not extend above the roof line of a building to which it is attached.
- c. The permitted maximum height for all signs is determined by the sign type and the Zone District or use in which the sign is located.
- d. Projecting, Awning, and Marquee Signs.
 - i. Signs that are located at or above the first level of a building must be a minimum of nine (9) feet above the grade or sidewalk, a distance measured as the smallest vertical distance between the finished grade and the lowest point of the sign, including any framework or other structural elements.
 - ii. Signs shall not project more than forty-eight (48) inches from the face of a building or wall.
- e. Utility Separation. A minimum of ten (10) foot horizontal separation shall be maintained between any sign and overhead utility. The nearest part of any sign, including support structures, shall be at least four (4) feet from any electrical conductor, electrical light pole, road lamp, traffic light, or other public utility pole or structure.

D. Maintenance. All signs and sign structures shall be properly maintained and kept in a good state of repair.

1. Signs shall be maintained free of peeling paint or paper, staining, rust, or other condition that impairs legibility or intelligibility.
2. Sign supports, braces, guys, and anchors shall be maintained in such a manner as not to cause a hazard.
3. If signs are not properly maintained and/or the condition poses a threat to public safety, the City shall have the right to remove the sign. All removal costs will be the responsibility of the sign owner.

E. Design standards for Awnings. Awnings shall meet the following standards in all Zone Districts:

1. Awnings shall be constructed of opaque material only.
2. Lighting shall be downward facing illuminating the area beneath the awning, downward facing illuminating the awning, or upward facing directed at the sign upon the awning.

- F. **Illumination.** Unless further regulated elsewhere in the ordinance, sign illumination shall be opaque background with internally lit lettering, facelit channel lettering, backlit lettering, or externally lit. When illumination of signs is permitted, illumination shall comply with the following requirements:
1. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
 2. Illumination shall not be flashing, blinking, intermittent, or an on-and-off type of lighting.
 3. External illuminated sign. Any external lighting of signs shall be downward facing, shielded, or otherwise directed to illuminate only the sign face.
 4. Internal illuminated sign. Sign faces shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face. Only the sign face may be internally illuminated.
 5. Backlit illuminated sign. Individual bulbs and light sources shall not be visible.
- G. **Substitution.** Any commercial message lawfully established on a sign may be replaced with a non-commercial message provided that the regulations of this Article are otherwise met.

Section 10.04. – Administrative Approval.

- A. **Applicability.** Before the erection or structural alteration of a sign, a Zoning Referral shall be secured from the Zoning Administrator in accordance with Section 6.04. It is unlawful for any person to construct, re-erect, move, alter, enlarge, or illuminate any sign unless a Zoning Referral is first obtained from the City of Pottersville or it is a sign type identified in Section 10.05 that does not require a Zoning Referral.
- B. **Maintenance and Repairs.** A Zoning Referral is not required for the maintenance and repair of a sign, including painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring and electrical devices, provided the size, structure, or cabinet are not changed or removed.

Section 10.05. – Signs Not Requiring a Referral.

The following signs are permitted and are not required to obtain a Zoning Referral, but are subject to other applicable general requirements:

- A. Address Signs up to two (2) square feet in area.
- B. Any Government Signs, including Historical Signs.
- C. Directional Signs approved by the Zoning Administrator on public or private property.
- D. Flag Signs that do not exceed forty (40) square feet in residential districts and the Mixed-Use Business (MUB) District or eighty (80) feet in non-residential districts are allowed. Where affixed to a pole, the pole shall not exceed twenty-five (25) feet in height. Up to three (3) flag signs are permitted per parcel, provided that in no case shall the total area of all flags exceed the area allowed.
- E. Time and temperature signs. Electronic Message Boards limited to time and temperature information shall be permitted provided that the message be displayed not more than every five (5) seconds, and sign size shall not exceed six (6) square feet. This square footage shall not count against allowable sign sizes.
- F. Holiday lights and decorations with no commercial message.
- G. Incidental Signs at a maximum of two (2) square feet.
- H. Murals or other works of art that do not contain a commercial message.

- I. Window Signs that do not exceed twenty-five (25) percent of the window area per building elevation.
- J. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.
- K. Special Event Signs.
 - 1. Special Event Signs are permitted upon written approval from the Zoning Administrator in the form of a letter or email addressed to the City of Pottersville.
 - 2. All Special Event Signs shall be removed within forty-eight (48) hours of the conclusion of the advertised event.
- L. Temporary Signs.
 - 1. All Temporary Yard Signs:
 - a. A lot or parcel shall be limited to one (1) sign per street frontage.
 - b. Signs shall not exceed six (6) square feet in area on residential property and twelve (12) square feet in area on non-residential property.
 - c. Feather Signs may not obstruct a right-of-way, must be made of durable material, and must be kept in good repair.
 - d. Location:
 - i. Signs shall be setback a minimum of two (2) feet from the property line where a sidewalk is present adjacent to the parcel.
 - ii. Signs shall be setback a minimum of fifteen (15) feet from the curb/road edge on parcels without an adjacent sidewalk.
 - 2. Additional Signs. Extra signs are permitted during a period of thirty (30) days prior to an election date to seven (7) days after the election date, and during times of emergency to allow businesses the ability to adequately advertise business practices.
 - 3. Banner Signs.
 - a. Number Permitted. One (1) sign per street frontage.
 - b. Location.
 - i. Flat on a wall or projected vertically at an angle of ninety (90) degrees to the structure.
 - ii. The Banner cannot cover architectural details.
 - c. Area. One (1) square foot for every two (2) feet of building frontage with a maximum size of twenty-four (24) square feet.
- M. Signs on residential or commercial construction sites:
 - 1. A lot or parcel shall be limited to one (1) sign per street frontage.
 - 2. Signs shall not exceed twelve (12) square feet in area in residential districts and twenty-four (24) square feet in nonresidential districts.
 - 3. Signs shall not exceed eight (8) feet in height.
 - 4. Signs shall be subject to a five (5) foot setback from any sidewalk.
 - 5. Signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after the issuance of an occupancy permit.

- N. Portable A-Frame signs or sandwich board signs are permitted in the Mixed-Use Business (MUB) District and the Highway Commercial (HC) District and must meet the following standards:
1. One (1) non-illuminated sandwich board sign shall be permitted per business in a building. The sign must be professionally constructed of weather-proof, durable material and kept in good repair.
 2. Sandwich board signs shall not exceed twelve (12) square feet in area per side, shall not be taller than four (4) feet in height, or wider than three (3) feet across.
 3. The placement of sandwich board signs shall not affect accessibility and safety. Signs shall not obstruct doorways, crosswalks, or interfere with pedestrian movement on a public or private sidewalk. The sign must be placed at least three (3) feet from the back of the curb.
 4. Sandwich board signs shall not be moored or anchored to any object but shall be designed or weighted to prevent instability or movement by wind or other natural forces.
 5. Sandwich board signs shall be permitted only during operating business hours or from the hours of 8:00 AM to 10:00 PM, whichever is less, and must be stored inside when the establishment is not open to the general public.

Section 10.06. – Prohibited Signs.

The following signs are prohibited in the City:

- A. Signs placed in, upon, or over any public right-of-way, alley, or other public place, except for permitted highway and government signs and other signs permitted to be located in the right-of-way by this Article.
- B. Any simulation or imitation in size, color, lettering, or design of any traffic sign or signal or other word, phrase, symbol, or character in such manner as to interfere with, mislead, confuse, or create a visual impediment or safety hazard to pedestrians or vehicular traffic.
- C. Signs incorporating any manner of flashing, strobe, or moving lights, with the exception of approved Electronic Message Signs.
- D. Signs on park-type benches, trees, fences, utility poles, and light poles.
- E. Balloon signs.
- F. Roof Signs.
- G. Portable and vehicle signs parked primarily for the purpose of attracting attention to the message contained within.
- H. Any sign unlawfully installed, erected, or maintained, or signs that are out of compliance with applicable building and electrical codes.
- I. Signs that completely block the view of other signs.
- J. Any additional signage for a business that has an existing nonconforming sign.

Section 10.07. – Signs that Require a Referral.

- A. The following signs are permitted in combination (unless otherwise noted) in each Zone District, subject to the requirements described in the tables 10.07.A.1 and 10.07.A.2 and all other applicable regulations of the Article. Receipt of a Zoning Referral from the City is required prior to the installation of any of the signs in accordance with Section 10.04. Additional approvals may be required as indicated in the following tables.

| Table 10.07.A.1 Residential Districts: TR, MH | |
|--|--|
| Wall Sign for Dwelling with a Home Occupation | |
| Max. Number | 1 |
| Max. Wall Sign Area | 2 sq. ft. |
| Illumination | Not permitted |
| Wall Sign for Nonresidential Uses | |
| Max. Number | 1 per frontage |
| Max. Sign Area | 5% of the wall area not to exceed 18 sq. ft. |
| Illumination | Downward facing external. |

| Ground Sign for Nonresidential Uses | |
|--|--|
| Max. Number | 1 per frontage |
| Max. Sign Area | 24 sq. ft. |
| Max. Height | 6 feet |
| Illumination | Downward facing external, see Section 10.03.F. |
| Ground Sign for Subdivisions and Developments | |
| Max. Number | 1 per vehicle entrance |
| Max. Sign Area | 24 sq. ft. |
| Max. Height | 6 feet |
| Illumination | Downward facing external. |

| Table 10.07.A.2 Mixed-Use, Industrial, and Special Districts: MUB, HC, LI, HI, PUD | |
|---|---|
| Wall, Awning, Canopy, and Projecting Signs | |
| Max. Number | 2 of 4 sign types per street frontage. Gas Station Canopies are permitted 1 sign per side of canopy fascia facing a right-of-way |
| Max. Sign Area for all signs | 1 sq ft for every 2 feet of building frontage, not to exceed 32 sq ft in MUB and PUD, and 64 sq ft in HC, LI, and HI |
| Illumination | Permitted, see Section 10.03.F. |
| Ground Sign | |
| Max. Number | 1 per frontage |
| Max. Sign Area | 32 sq ft in MUB, HC and PUD; and 64 sq ft in LI and HI |
| Max. Height | 6 feet |
| Illumination | Permitted, see Section 10.03.F. |

| Pole Sign (Prohibited in MUB and PUD) | |
|---|---|
| Max. Number | 1 per frontage |
| Max. Sign Area | 50 sq. ft. |
| Max. Height | 25 feet |
| Min. Setback | 2 feet from the property line if sidewalk exists, 15 feet from the curb/road edge otherwise, see Section 10.03. |
| Illumination | Permitted, see Section 10.03.F. |
| Billboards | |
| Max. Number | 1 per frontage |
| Max. Sign Area | 672 sq. ft. (14 ft. x 48 ft.) |
| Max. Height | 40 feet |
| Min. Setback | 25 feet |
| Illumination | Permitted, see Section 10.03.F. |
| Separation | One billboard sign is permitted per 1,000 feet of right-of-way. Billboard signs must be separated by a minimum distance of 1,000 feet. |
| Mixed Use Development or Multi-Tenant Commercial Development | |
| Max. Number | 1 directory wall sign per building entrance |
| Max. Sign Area | 24 square feet |
| Illumination | Permitted, see Section 10.03.F. |
| Electronic Message Boards | |
| Max. Number | 1 per individual retail use or service business |
| Max. Sign Area | 24 sq. ft. or 50% of the total sign area, whichever is less (applies to electronic portion of sign) |
| Sign Type | Allowed as an integral component of a ground or wall sign, as permitted within the Zone District, and meeting all associated sign requirements |
| Display Regulations | Scrolling or traveling of a message onto and/or off the display shall be allowed provided the message is coming from one (1) direction only and that no message shall take more than five (5) seconds to be displayed in its entirety. |
| | A screen may not change at a rate greater than every five (5) seconds. |
| | The display shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or other similar movements. |
| | Any sign within one hundred fifty (150) feet of a residential Zone District that is directly visible from a residential use shall discontinue the display between the hours of 11:00 p.m. and 6:00 a.m. |

Section 10.08. – Nonconforming Signs.

- A. Every permanent sign which was erected legally, and which lawfully exists at the time of the enactment of this Ordinance, but which does not conform to the height, size, area, or location requirements of this Ordinance as of the date of the adoption of these regulations, is hereby deemed to be nonconforming. This status shall not be granted to any temporary sign, banner, placard, or other non-permanent sign.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired to continue the useful life of the sign.
- C. A nonconforming sign may be diminished in size or dimension without jeopardizing its nonconforming status. If a sign is nonconforming in its setback, this Section shall not apply, and the sign may not be altered.
- D. Any nonconforming sign destroyed by fire, wind, or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty percent (50%) of the value of the sign on the date of loss as determined by a sign company.
- E. Any sign that for a period of six (6) months or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign for nonconforming use may be erected in the City in accordance with the sign regulations for the District in which the property is located.

Section 10.09. – Enforcement and Fees.

- A. **Enforcement.** The City may use any lawful remedy or enforcement powers against the owner or responsible person for any violation of this Article, as described in Article 14 Administration and Enforcement.
- B. **Fees.** Fees shall be charged for the following:
 - 1. **Zoning Referral Fees.** Before issuance of any required Zoning Referral, the City shall collect an application fee in accordance with a fee schedule adopted by resolution of the City Council.
 - 2. **Second and Additional Inspections.** An additional inspection fee shall be charged if more than one (1) inspection is needed or requested to determine compliance with this Article. Second and additional inspections include but are not limited to: Court requested, Attorney requested, progress inspection, inspection at the request of the owner or responsible person, or any inspection in addition to the first inspection. The Zoning Referral fee includes the cost of the first inspection, and additional fees as permitted by this Section may be collected for second and additional inspections.
 - 3. **Work without a Referral.** Any work started without a referral, or any work beyond the authorized scope of a Zoning Referral, constitutes a violation and is grounds for the designated enforcement staff to issue a notice of violation or take other enforcement actions until appropriate referrals are obtained.
 - 4. **Zoning Referral and Inspection Fee Schedule.** Zoning Referrals and inspection services are hereby authorized, and fees established by resolution of the City Council.
 - 5. **Responsible Person.** The owner or responsible person shall be responsible for the payment of fees associated with Sign Referrals, inspection services, and code enforcement actions related to bringing a sign(s) into compliance with this Article.

- C. **Declaration of Nuisance.** Any sign installed, altered, or maintained in violation of any provision of this Article constitutes a public nuisance per se and is subject to abatement.
- D. **Confiscated Signs.** Any cost incurred by the City for the removal, alteration, or relocation of a sign pursuant to the provisions of this Article shall be paid prior to the issuance or renewal of any zoning referral for that property. Signs removed by City personnel shall be held for ten (10) days. An owner or responsible person may claim the sign within ten (10) days of removal, provided that any costs associated with the sign removal have been paid to the City. After ten (10) days, the City shall be permitted to destroy the sign.
- E. **Appeals.** The ZBA may hear an administrative appeal taken from any person or any governmental official affected or aggrieved by any order, requirement, decision, or determination, as permitted by this Article.

ARTICLE 11 – NONCONFORMITIES

Section 11.01. – Purpose and Intent.

Nonconformities are uses, structures, buildings, or lots which do not conform to one (1) or more provisions of this Ordinance or a subsequent amendment, but which are lawfully established prior to the time of the adoption of the Ordinance or subsequent amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located.

Accordingly, the purpose of this Article is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

Section 11.02. – General Provisions for Nonconformities.

- A. **Previous Ordinances.** Any lot, use of land, building, or structure which has been established in violation of the provisions of a previous zoning ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, building, or structure which has been lawfully established under a previous zoning ordinance and subsequently violates the terms of the referral under which it was established, shall continue to be in violation of this Ordinance.
- B. **Existing Legal Nonconformities.** An existing lot, use of land, building, or structure which does not fully comply with the provisions of this ordinance, as amended, and either was lawfully established under a previous zoning ordinance, created or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a referral issued at that time, shall be permitted to continue, provided that such lot, use of land, building, or structure is in compliance with this Article.
- C. **Tenancy.** A change of tenancy, ownership, or management of any existing nonconforming lots, uses of land, buildings, or structures, shall be permitted. Such changes shall not affect the nonconforming status of a nonconforming lot, use of land, building, or structure.
- D. **Change of Status.** If a nonconformity existing prior to the effective date of this Ordinance becomes conforming because of the adoption of any subsequent amendment thereto, then it shall no longer have nonconforming status.
- E. **Removal of Nonconforming Uses and Structures.** The City may acquire by purchase, condemnation, or otherwise, private property if it finds that its continuance constitutes a nuisance or is detrimental to the health, safety, and welfare of the City and its residents.

Section 11.03. – Nonconforming Uses of Land.

- A. **Existing Nonconforming Uses.** If a lawful use of land exists on the effective date of this Ordinance, or the effective date of an amendment to this Ordinance, that is no longer permissible under the terms of this Ordinance, the use may continue so long as it remains otherwise lawful. No nonconforming use shall be moved to another portion of a building or lot, enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, except as provided below.
- B. **Special Land Uses.** When any amendment to this Ordinance changes a Permitted Use to a Special Land Use in whole or in part, any use legally established before that amendment shall be considered a legal Special Land Use on and after the effective date of the amendment unless additional development occurs that was not permitted by the previous ordinance or this Ordinance, in which case a new Special Land Use will be required.

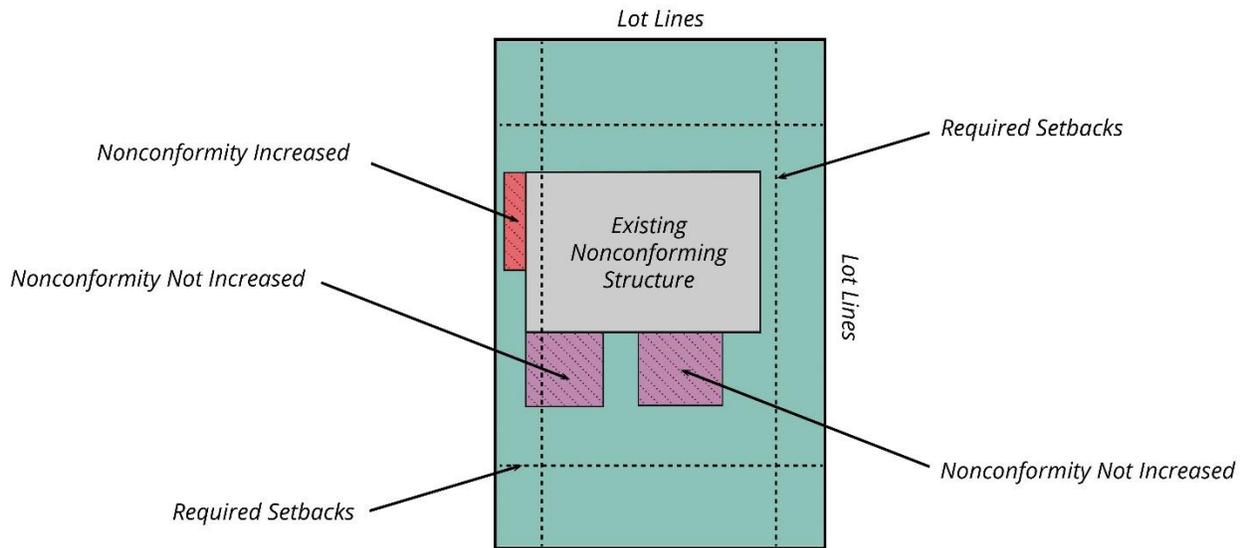
- C. **Substitution of Uses.** A nonconforming use may be changed to another nonconforming use provided the Planning Commission makes all of the following determinations:
1. The proposed use is equally compatible, or more compatible, with the surrounding area and the use is equal to or more conforming to the uses allowed in the zone district than the previous nonconforming use.
 2. The new proposed nonconforming use is not enlarged or increased, nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by the Planning Commission.
 3. If the Planning Commission permits an expansion of the area related to the proposed new nonconforming use, the nonconforming use must comply with all applicable parking, landscaping, or other site development regulations.
- D. **Expansion.** A nonconforming use within an existing building shall not be substantially enlarged or increased, nor extended to occupy a greater portion of land or building than was occupied at the effective date of the adoption or amendment of this ordinance, unless it is approved by the Planning Commission after reviewing the following criteria:
1. Roads and streets leading to and from the nonconforming use are adequate and no additional traffic flow problems will be created by said expansion.
 2. There will be no increase in noise, odor, fumes, lights, glare, waste, sewer discharge, or other like detrimental effects created by the proposed expansion.
 3. The proposed expansion of the nonconforming use is compatible with the surrounding areas and properties.
 4. Whether the proposed expansion could be made less detrimental to surrounding properties and areas using appropriate buffering and screening.
- E. **Conditions.** In consideration of the substitution or expansion of a nonconforming use, the Planning Commission may impose reasonable conditions that are necessary to ensure that the proposed substitution, enlargement, increase, or greater area will not prove detrimental to adjacent properties, the neighborhood, or the community.
- F. **Abandonment.** If a nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, the Planning Commission may declare the use abandoned and any subsequent use of such land shall conform to the regulations specified in this Ordinance for the district in which such land is located. In applying this Section to seasonal uses, the time during the off-season shall not be counted. To declare a nonconforming use abandoned, the Planning Commission must determine that there is a clear intent to abandon the use. Prior to declaring nonconforming use abandoned, the Planning Commission shall send notice to the current property owner and hold a public hearing, consistent with the requirements of Section 6.08. During the public hearing, the Planning Commission shall consider the following factors to determine whether there was an intent to abandon the use:
1. Reports from the building inspection or health department indicating the property is or has not been suitable for occupation.

2. Whether utilities have been disconnected to the building.
3. Signs or other evidence stating that the use or business has moved to another location.
4. Removal of equipment or fixtures necessary for the operation of the nonconforming use.
5. Requests from the property owner for changes in property tax classification inconsistent with the nonconforming use.
6. Other actions by the property owner or lessee that demonstrate an intent to abandon the nonconforming use.

Section 11.04. – Nonconforming Structures.

- A. **Existing Structures.** Where a lawful structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance due to its height, size, setback, lot coverage or other dimensional standard, such structure may be continued so long as it remains otherwise lawful.
- B. **Modification.** Structures that are nonconforming by reason of height, yards, area, or parking provisions may be extended, altered, or modernized, provided that no additional encroachment(s) are realized.
- C. **Relocation.** Should such a structure be moved to another lot, it shall conform to the regulations of the district to which it is relocated.
- D. **Damage of Structures.** In the event any Nonconforming Structure is damaged by fire, wind, an act of God, or lack of maintenance, it may be rebuilt or restored provided the cost of restoration does not exceed sixty percent (60%) of the replacement value of the building or structure as determined by the applicant’s insurance adjuster or mortgage company. If the cost of restoration exceeds sixty percent (60%) of the replacement value of the building or structure as determined by the City, the building or structure shall only be rebuilt in conformance with all provisions of this Ordinance.
 1. In determining the replacement value, the City shall not include the costs of demolition of the building or structure.
 2. Restoration must be started within a period of twelve (12) months after the time such damage occurred. Extensions to begin restoration may be granted by the Planning Commission for just cause.
 3. Repairs or maintenance considered necessary by the Building official to keep nonconforming structures safe and sound are permitted.
 4. The Zoning Board of Appeals may permit the rebuilding or restoration of a Nonconforming Building or Structure where the cost of restoration exceeds sixty percent (60%) of the replacement value as determined by the applicant’s insurance adjuster or mortgage company, and is subject to the usual standards as well as the following:
 - a. Such rebuilding or restoration will not substantially extend the probable duration of such non-conforming use, had such damage not occurred; or
 - b. Circumstances are such that the land previously occupied by such non-conforming use cannot be reasonably used for a use or structure conforming to the regulations of the district.
- E. **Alterations.** If a Nonconforming Structure is altered such that it is made conforming, it shall not be altered in any way to make it again nonconforming.

Additions to a Nonconforming Structure



Section 11.05. – Nonconforming Lots.

- A. A nonconforming lot may be used for the purposes permitted in the zone district in which it is located, provided that if the lot area or lot width is less than the minimum requirements of this Ordinance, the lot shall not be divided or reduced in dimensions or area to increase the degree of nonconformance with the minimum requirements of this Ordinance.
- B. Where an existing lot has a lot area that is less than ninety percent (90%) of its district requirements, the lot may be used for purposes permitted in that zoning district, and the required side and rear yards may be reduced by the same percentage as the lot area. However, in no case shall a side yard be less than five (5) feet, no rear yard less than twenty-five (25) feet (unless the specific district requirements permit a lesser side or rear yard), and all off-street parking requirements must be met.

Section 11.06. – Nonconforming Site Elements.

Improvements and minor modifications to nonconforming sites and building elements that pre-date this Ordinance may be brought into gradual compliance with landscaping, lighting, paving, transparency, and building material requirements under the Administrative Review process or by the Planning Commission during the Site Plan Review or Special Land Use processes without requiring full compliance with the provisions of this Ordinance subject to the following:

- A. Efforts must be made to meet the intent of the Ordinance’s provisions and goals of the Master Plan while balancing considerations such as topography, Natural Features, or other site constraints.
- B. Site element and/or building element improvements shall be comparable to the scale and the construction cost of the building improvement.
- C. Site and building elements shall be brought into full compliance with this Ordinance as follows:
 - 1. **Building Exteriors.** Where improvements or modifications to the exterior of the building elements exceed more than fifty percent (50%) of the exterior wall area, building elements shall be brought into full compliance with this Ordinance. Improvements or modifications involving less than fifty percent

(50%) of the exterior wall area are not required to meet the full façade variation, transparency, and building material requirements of the zone district.

2. **Parking and Landscaping.** Where a parking or landscape area is expanded or reconstructed (existing pavement and/or landscape materials and ground cover removed and replaced) by twenty-five percent (25%) or more of the original nonconforming area, parking and landscaping shall be brought into full compliance with the requirements of this Ordinance.
3. **Fencing.** When a nonconforming fence is in poor condition, the fence shall be fully replaced, in a manner consistent with this Ordinance.
4. **Lighting.** Where the size of the nonconforming site covered by existing lighting is expanded by an area that is fifty percent (50%) or more of the original nonconforming area; and/or seventy percent (70%) or more of the existing light poles and/or fixtures are replaced by new poles, bases, or fixtures, lighting shall be brought into full compliance with requirements of this Ordinance.
5. **Drive-through.** Where a drive-through is present and the drive-through use is being enlarged, site landscaping and buffers shall meet the requirements of this Ordinance.
6. **Cumulative Impact.** Full compliance is required where the cumulative percentage of improvements exceeds the percentages provided above, over a ten (10) year period.

ARTICLE 12 – AMENDMENTS

Section 12.01. – Purpose and Intent.

This Article is intended to provide the process for amending this Ordinance as new circumstances or uses arise, areas change in character, or other conditions warrant a change to the text of this Ordinance or a change in the official Zoning Map.

Section 12.02. – Applicability.

An amendment to the text of this Ordinance or Zone District boundaries may be initiated by the City Council, the Planning Commission, a resident of the City of Pottersville, or an owner or person having a legal interest in property in the City.

Section 12.03. – Application Procedures.

- A. An application shall be filed with the City for any proposed amendment to this Ordinance.
- B. Applications shall be submitted on a form provided by the City, completed in full and signed by the applicant, and shall include a detailed description of the proposed amendment and certify the accuracy of the information.
- C. An application for a text amendment or map amendment shall include a detailed statement of how the proposed amendment complies with the applicable review standards in Section 12.05, as well as any additional information required by the Planning Commission or City Council to assist in its review.
- D. For Zoning Ordinance text amendments, a copy of the existing language, the language of the proposed change(s), and the reason(s) for the requested change.
- E. For Zoning Map amendments:
 1. The current and requested Zone District.
 2. The following site and related information:
 - a. Location of Natural Features such as existing drainage courses, wetlands, flood plains, streams, wood lots, and steep slopes;
 - b. All existing easements or rights-of-way within or adjacent to the property or properties;
 - c. Location, size, and/or capacity of all existing utility lines abutting or entering to service the site.
 - d. Location of property lines and properties within 300 feet of the subject parcel(s).

Section 12.04. – Planning Commission Review Procedures.

- A. **Application Completeness.** Upon acceptance of a complete application, the Zoning Administrator shall assign the application a public hearing date and time. A complete application must be submitted at least thirty (30) days prior to the Planning Commission meeting at which a public hearing will be held.
- B. **Planning Commission Public Hearing.** The Planning Commission shall hold a public hearing in accordance with Section 6.08.
- C. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall make its recommendation to the City Council, including a summary of the comments from the public and findings on the review standards used in making its recommendation.

Section 12.05. – Review Standards.

- A. **Text Amendment.** For a change to the text of the Zoning Ordinance, the Planning Commission shall consider, and the City Council may consider, whether the proposed amendment meets the following standards.
1. **Consistency with the Master Plan and Zoning Ordinance.** The proposed amendment:
 - a. Is consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including those of the proposed Zone District.
 - b. Will enhance the functionality or character of the future development in the City.
 - c. Will not negatively impact the health, safety, and general welfare of the public.
 2. **Clarity and Consistency.** The proposed amendment:
 - a. Is needed to correct an error or omission in the original text.
 - b. Will not result in the creation of a significant number of new nonconformities in the City.
- B. **Zone District (Zoning Map) Amendment.** For a change to a new Zone District, the Planning Commission shall consider, and the City Council may consider, the following standards:
1. **Master Plan/Zoning Ordinance.** The proposed new Zone District is compatible with the Master Plan and the Zoning Ordinance.
 - a. The proposed Zone District designation is consistent with the purpose and intent of the Master Plan, including the Future Land Use Map.
 - b. The proposed Zone District designation will further the themes and objectives of the Master Plan, as well as any relevant adopted plans of the City.
 - c. Any property to be rezoned can reasonably accommodate the requirements of the proposed Zone District.
 2. **Neighborhood.** The proposed new Zone District is compatible with the Zone District(s) in the neighborhood.
 3. **Environment.** The physical, geological, hydrological, and other environmental features of the property to be rezoned are compatible with the full range of uses in the proposed Zone District.
 4. **Public Facilities.** Adequate public facilities already exist or will be provided at no additional public cost and will safeguard the health, safety, and general welfare of the public. The proposed Zone District will not be detrimental to the financial stability and economic welfare of the City.

Section 12.06. – City Council Decision.

- A. **Public Hearing.** Upon receipt of the recommendation of the Planning Commission, the City Council may hold a public hearing in accordance with the Zoning Enabling Act prior to acting on the proposed amendment.
- B. **Action.** Following a public hearing, if held, at a date determined by the City Council, the Council shall approve or deny the proposed Zoning Ordinance amendment by a majority vote of its members. The City Council shall state the reason(s) for its decision in the minutes.
- C. **Effective Date.** Upon adoption of a Zoning Ordinance amendment, notice of adoption shall be published in accordance with the requirements of the Michigan Zoning Enabling Act. The Zoning Ordinance amendment shall take effect seven (7) days after the notice of adoption is published.

Section 12.07 – Resubmission.

- A. Following the final action of a denial by the City Council on an amendment, no further applications shall be considered for any part of, or all of the same property, for at least one (1) year from the date of the City Council's action.
- B. The time limit on reconsiderations may be waived by a majority vote of the City Council when the City Council finds that there has been a substantial change in circumstances since the original vote on the Zone District amendment.

Section 12.08. – Master Plan Amendments.

- A. **Planning Act.** An amendment to the Master Plan shall be adopted by the City Council, following recommendation by the Planning Commission, following the procedural requirements of the Planning Enabling Act, PA 33 of 2008.
- B. **Review Criteria.** The following criteria shall be considered in the amendment of the Master Plan:
 - 1. **Errors and Omissions.** Whether the proposed amendment corrects an error or omission, or is the result of changing conditions, trends, or facts since the Master Plan's adoption;
 - 2. **Plan Elements.** Whether the proposed amendment is consistent with the Guiding Principles, Themes, Development Characters, Area Specific Plans, Visions, and Recommendations of the Master Plan;
 - 3. **Community Need.** Whether, and the extent to which, the proposed amendment addresses a demonstrated community need that was otherwise not considered in the Plan;
 - 4. **General Welfare.** Whether the proposed amendment shall protect the health, safety, and general welfare of the public;
 - 5. **Mitigation of Adverse Effects.** Whether the proposed amendment avoids adverse impacts on the natural and built environments, including air and water quality, noise, wildlife, vegetation, streets, and other infrastructure priorities;
 - 6. **Compatibility.** Whether the proposed amendment would result in development that is compatible with existing and proposed uses surrounding the subject property, and the proposed design considerations and land uses are appropriate for the land and neighborhood; and
 - 7. **Efficient and Orderly Development.** Whether the proposed land use amendment helps ensure efficient, logical, and orderly development within the City.

ARTICLE 13 – ZONING BOARD OF APPEALS

Section 13.01. – Intent and Purpose.

The purpose of this Article is to balance individual property rights with the overall community’s welfare by providing an avenue for the review of administrative decisions, interpretations of the zoning code, and the use or denial of zoning variances. The goal is to ensure fairness and consistency in the application of this ordinance within the City of Pottersville.

Section 13.02. – Authority.

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

Section 13.03. – Membership.

The ZBA shall consist of five (5) members appointed by the Mayor and confirmed by the City Council. One (1) member of such board shall be a member of the Planning Commission, and the commissioner's term on the board shall be co-terminus with the member’s term on the Planning Commission. An elected officer of the City shall not serve on the ZBA.

The term of each member shall be three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The expiration dates of terms for the Zoning Board of Appeals shall be such that at least one (1) member's term expires each year. With approval of the City Council, the Mayor may appoint up to two (2) alternate members, who shall serve for three (3) years.

Section 13.04. – Meeting Procedure.

- A. **Rules of Procedure.** The ZBA shall adopt rules and/or procedures for the conduct of its meetings and the performance of its powers and duties. The procedures shall be in accordance with the provisions of this Ordinance, the Michigan Zoning Enabling Act, and other applicable State and local laws.
- B. **Meeting Dates.** Meetings of the ZBA are to be scheduled at the beginning of every calendar year and shall be held monthly.
- C. **Quorum.** A majority of the total membership of the Board (three (3) members) shall comprise a quorum.
- D. **Minutes.** Minutes shall be kept of each meeting, and the ZBA shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each appeal case. All meetings and records shall be open to the public. All minutes shall be filed in the office of the City Clerk. The Zoning Administrator shall act as recording secretary to the ZBA, including recording the minutes, publishing legal notices, and providing notices to property owners and others required by law.
- E. **Additional Information.** The ZBA may adjourn any meeting to allow the obtaining of additional information or to provide further notice as it deems necessary.
- F. **Performance Guarantees.** The ZBA may require an applicant to file a bond or deposit a sum of money, determined by the City, to ensure compliance with required improvements such as utilities, parking, or landscaping that impact the public. The sum or bond is to be deposited with the City Treasurer at the time of the issuance of the permit authorizing the project.

Section 13.05. – Applications and Public Notice.

- A. **Applications.** Applications shall not be accepted unless all of the following information is submitted:

1. A completed application form and fee;
2. An accurate, scaled Sketch Plan with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of such plans;
3. A written explanation from the applicant indicating why the application meets the applicable review standards of this Ordinance.

B. **Public Notice.** Upon receipt of an application as required by this Ordinance, notice shall be given consistent with the requirements of Section 6.08, and a public hearing shall take place at the next regularly scheduled Planning Commission meeting.

Section 13.06. – Jurisdiction.

The ZBA shall not have the power to make changes to the Zoning Ordinance. The powers of the ZBA include:

- A. **Appeals of Administrative Decisions.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- B. **Interpretations.** The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zone district in question and carry out the intent and purpose of this Ordinance, the Master Plan or any sub-area plans.
- C. **Variances.** The Zoning Board of Appeals shall have the authority to authorize non-use variances from the specific requirements of this Ordinance by varying or modifying rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. To grant a variance, all standards in Section 13.08 must be met.
- D. **Nonconforming Structures.** The Zoning Board of Appeals shall have the authority to permit the rebuilding or restoration of a nonconforming building or structure where the cost of restoration exceeds sixty percent (60%) of the replacement value as determined by the applicant’s insurance adjuster or mortgage company. This determination shall be made according to the standards set out in Section 11.04.D.4.

Section 13.07. – Appeals of Administrative Decisions.

A. Applicability.

1. The ZBA shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance.
2. The ZBA may hear an appeal of a Planning Commission decision on a Special Land Use request.

B. Procedure.

1. Such appeals may be taken to the ZBA by the person, firm, or corporation aggrieved, or by an officer, department, board, or bureau of the City affected by the order, requirement, decision or determination, provided that a complete application is filed with the City within thirty (30) days of the decision being appealed.
2. An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the City Building Official certifies to the ZBA that, by reason of facts stated in the certificate, a stay in the opinion of the City Building Official would cause imminent danger to life or property.

C. ZBA Decision.

1. The ZBA shall reverse an administrative decision only after finding that the order, requirement, decision, or determination meets at least one of the following standards:
 - a. Was arbitrary or capricious.
 - b. Was based upon an erroneous finding of a material fact.
 - c. Constituted an abuse of discretion.
 - d. Was based upon an erroneous interpretation of the Zoning Ordinance.

Section 13.08. – Interpretations.

The Zoning Board of Appeals shall consider any questions concerning Zoning Ordinance provisions, including the classification of uses that are not specifically listed in the Zoning Ordinance, when such an issue arises. In exercising this authority, the Zoning Board of Appeals shall use the following standards:

- A. The Zoning Board of Appeals shall utilize the rules for interpretation of text found in Section 2.01.
- B. In undertaking the classification of a use that is not specifically listed in the Zoning Ordinance, the Zoning Board of Appeals shall request a recommendation from the Planning Commission. In classifying a use, the Zoning Board of Appeals shall not classify a use as falling into a general category of one zone district when that use is specifically listed as a use in another zoning district. For example, if gas stations are specifically listed as a use in zone district “A”, the Zoning Board of Appeals shall not find that gas stations fall under the category of general retail establishment in zone district “B”.
- C. The Zoning Board of Appeals’ review is to determine the clear meaning of the text as adopted by the City Council. The Zoning Board of Appeals shall not take actions that constitute a change in the meaning of the text.

Section 13.09. – Variances.

- A. **Non-Use Variances.** The ZBA may grant a requested Non-Use Variance only upon finding that the requirements in the Ordinance present practical difficulties. To demonstrate practical difficulty, the ZBA must find that the applicant has demonstrated each of the following standards has been met. To deny a Non-Use Variance, the ZBA must find that just one (1) of the following standards has failed to be met.
 1. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density, or other non-use matters will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 2. The variance will do substantial justice to the applicant, as well as to other property owners.
 3. The variance requested is the minimum variance needed to provide substantial relief to the applicant and be consistent with justice to other property owners.
 4. The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zone district.
 5. The problem and resulting need for the variance have been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant’s predecessors
- B. **Use Variances.** The ZBA may not grant a variance from the permitted use of land in a particular zone district.
- C. **Conditions of Approval.** The ZBA may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision. Conditions shall be imposed in a manner in accordance with the Michigan Zoning Enabling Act, Section 6.09.

- D. **Resubmission.** No variance request which has been decided by the ZBA shall be submitted for reconsideration within a one (1) year period from the date of the original decision, unless the ZBA finds that new conditions or circumstances exist which change the nature of the original request.

Section 13.10. – Appeals to Circuit Court.

The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court of Eaton County. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.

ARTICLE 14 – ENFORCEMENT

Section 14.01 – Purpose and Intent.

- A. **Compliance with Ordinance.** Ensure that land, parcels, and lots are appropriately developed so that their use and operation comply with all applicable requirements of this Ordinance; and
- B. **Provide for Health, Safety, and General Welfare.** Advance development in compliance with this Ordinance that shall be generally harmonious with surrounding properties and shall not endanger the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public.

Section 14.02 – Ordinance Violations.

- A. **Nuisance Per Se.** Any building or structure moved, erected, razed, converted, or used, and any use of land or premises which is carried on in violation of this Ordinance, is declared to be a nuisance per se.
- B. **Procedure.** Violations of this Ordinance shall be deemed a municipal civil infraction per the City of Pottersville Code of Ordinances.