

**ARTICLE 7.17 - GENERAL PROVISIONS**

**A. CONFLICTING REGULATIONS:**

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

**B. SCOPE:**

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

**C. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES:**

1. Intent

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

It is further recognized that certain nonconforming uses and structures do not significantly depress the value of nearby properties and are not to be contrary to the public health, safety and welfare and that such use or structure was lawful at the time of its inception and that no useful purpose would be served by the strict applications of

requirements for nonconformities under this Ordinance and, therefore, two classes of nonconforming use and structure are designated, being Class A and Class B.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

## 2. Class A Nonconforming Uses or Structures

Those nonconforming uses or structures which have been designated by the Planning Commission, after hearing, shall be designated Class A providing findings that the following conditions exist with respect to the use or structure:

- a. The use or structure was lawful at its inception.
- b. Continuance of the use or structure does not significantly depress property values of nearby properties.
- c. Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of the Ordinance.
- d. No useful purpose would be served by strict application of the provisions of this Ordinance with which the use or structure does not conform.

The decision to grant a Class A designation shall be made in writing setting forth the findings and reasons on which it is based. Conditions may be attached, including time limits where deemed necessary to assure the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of the Ordinance.

No Class A nonconforming use or structure shall be resumed if it has been discontinued for six (6) consecutive months or eighteen (18) months in any three (3) year period.

No Class A nonconforming use or structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

## 3. Revocation of Class A Designation

Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

4. Class B Nonconforming Uses or Structures

All nonconforming uses or structures, not designated Class A, shall be Class B, nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this Ordinance relative to nonconforming uses and structures.

5. Nonconforming Lots

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

6. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

7. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs, exclusive of the foundations, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

8. Nonconforming Uses of Structures and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification. In those instances where uncertainty exists with respect to a change in use, the Board of Appeals, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

- e. When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

9. Repairs and Maintenance

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

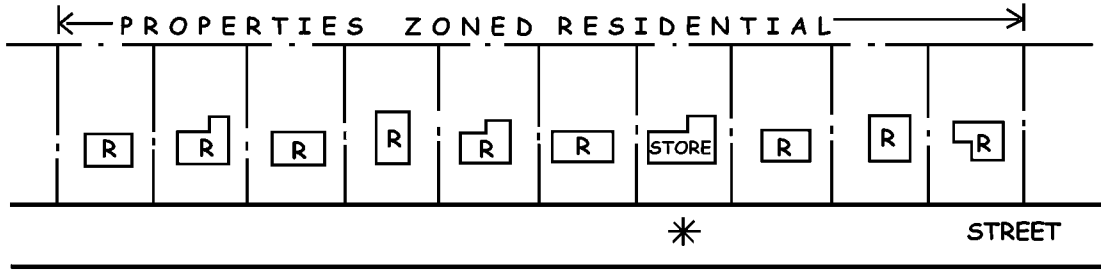
Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

10. Uses Under Exception Provisions Not Nonconforming Uses

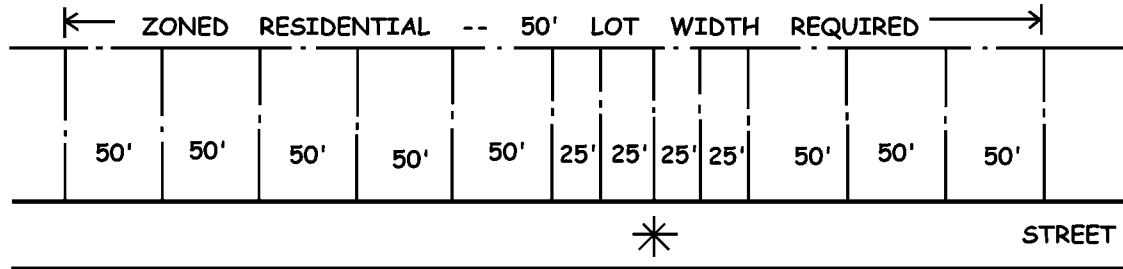
Any existing use for which a special exception or a use permitted subject to special conditions is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

11. Change of Tenancy or Ownership

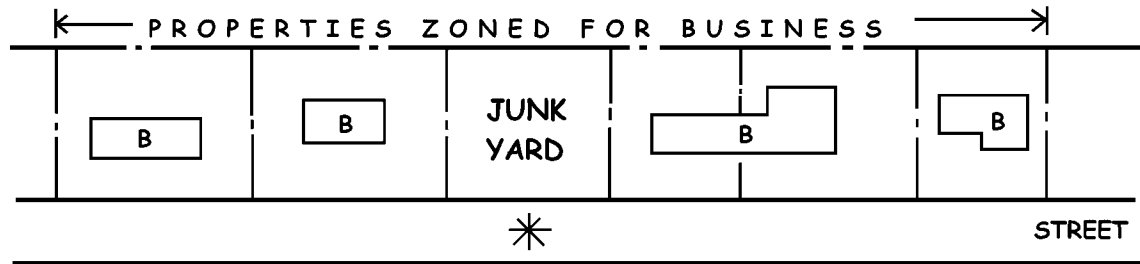
There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, of structures or of structures and land in combination.



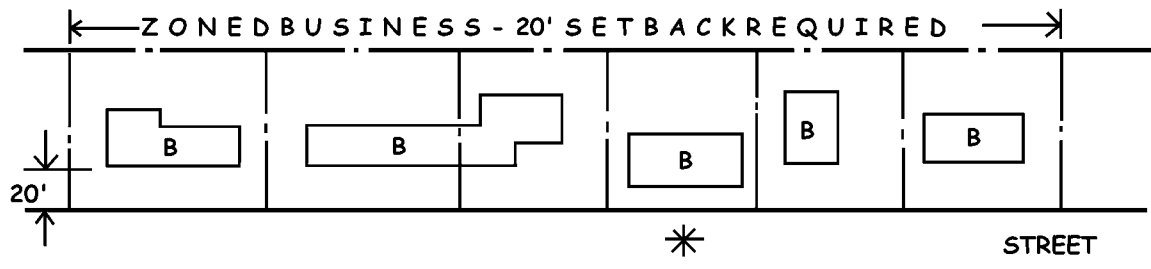
**NON CONFORMING USE OF STRUCTURE AND LAND**



**NON CONFORMING LOTS**



**NON CONFORMING USE OF LAND**



**NON CONFORMING STRUCTURE**

**NON CONFORMITIES**

**D. ACCESSORY BUILDINGS AND USES:**

Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.
2. Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard.
3. A building accessory to a residential building shall not occupy more than twenty-five (25) percent of a required rear yard, provided that in a residential district, the combined areas of accessory buildings shall not exceed the ground floor area of the main building.
4. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line.

In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.

5. No detached accessory building in R-1 through R-7, RT, RM, RM-1, RM-2, MHP, OS-1 and P-1 Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district.

EFFECTIVE DATE: JANUARY 12,1994

6. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than twenty (20) feet to a street right-of-way line.
7. When an accessory building in any Residence, Business or Office District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Board of Appeals.

8. Recreational equipment owned by residents of the City may be stored on their individual lots and shall be stored only within the confines of the rear yard and shall further respect the requirements of this Section applicable to Accessory Buildings, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where the rear yard is not accessible by means of a driveway or alley or has insufficient side yard clearance for the passage of recreational equipment, the Building Inspector may allow the parking or storage of such recreational equipment in the side yard. Recreational equipment may be parked in a front yard only on the driveway portion of such yard for a period of not to exceed seventy two (72) hours.
9. A resident of a dwelling unit may have not more than one (1) motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property. In no instance shall vehicles for sale be displayed or repaired in a front yard other than on the driveway portion of such yard.
10. Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
11. Wind generators may be permitted in rear yards when the following conditions are met:
  - a. The highest point of any portion of the generator shall not exceed thirty-five (35) feet above the average grade of the lot.
  - b. The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
  - c. The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind activated surfaces shall not exceed thirty (30) percent of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
  - d. The construction of the towers blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.
12. Satellite reception antenna may be permitted as an accessory use in any district subject to the following conditions.
  - (1) Roof Mounted - Residential Districts

- (a) The dish portion of roof mounted satellite reception antenna shall not exceed a diameter of three (3) feet.
  - (b) Satellite reception antenna shall be mounted directly upon the roof of the main or accessory building and shall not be upon appurtenances such as chimneys, towers, or poles.
  - (c) Satellite reception antenna shall not exceed a height of more than three (3) feet above the roof on which it is mounted.
  - (d) Satellite reception antenna shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
  - (e) Satellite reception antenna shall be bonded to a grounding rod.
- (2) Roof Mounted - Nonresidential Districts
- (a) The dish portion of roof mounted satellite reception antenna shall not exceed a diameter of eight (8) feet.
  - (b) Satellite reception antenna shall not exceed the maximum height of structure requirements for the district in which it is located.
  - (c) Satellite reception antenna shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
  - (d) Satellite reception antenna shall be bonded to a grounding rod.
- (3) Ground Mounted - Residential Districts
- (a) No satellite reception antenna shall be constructed in any front or side yard, but shall be constructed to the rear of the main building.
  - (b) No satellite reception antenna, including its concrete base slab or other substructures shall be constructed less than ten (10) feet from any property line or easement.
  - (c) No satellite reception antenna shall be constructed without appropriate landscaping to reasonably conceal said satellite reception antenna from view, and the planting shall be completed before final approval by the Building Inspector.
  - (d) No satellite reception antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the satellite reception antenna.

- (e) A satellite reception antenna shall not exceed a height of sixteen (16) feet.
  - (f) Wiring between a satellite reception antenna and a receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.
  - (g) Such satellite reception antenna shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
- (4) Ground Mounted - Nonresidential Districts
- (a) No satellite reception antenna, including its concrete base slab or other substructure, shall be constructed less than five (5) feet from a property line or easement.
  - (b) No satellite reception antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the satellite reception antenna.
  - (c) A satellite reception antenna shall not exceed a height of fourteen (14) feet.
  - (d) Wiring between a satellite reception antenna and a receiver shall be placed at least four (4) inches beneath the surface of the ground within a rigid conduit.
  - (e) Such satellite reception antenna shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of supporting guy wires.
  - (f) A satellite reception antenna must be bonded to a grounding rod.
- (5) Satellite reception antenna mobile units utilized for sales demonstration may be granted temporary permits for periods not to exceed 72 hours by the Building Inspector. Such unit shall be located in accord with locational requirements for a permanent installation or as nearly thereto as possible. In those instances where a front yard installation may be required, such temporary installation shall not be permitted to exceed a 24 hour period. Locations for temporary installation shall be established prior to issuance of a permit for such installation.

**E. OFF STREET PARKING REQUIREMENTS:**

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

1. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard nor within a minimum side yard setback unless otherwise provided in this Ordinance.
2. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
3. Required residential off-street parking spaces shall consist of a parking strip parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions of 7.17 D., ACCESSORY BUILDINGS AND USES of this Ordinance.
4. Required off-street parking for single- and two-family dwellings may be provided in a stacking configuration in a driveway or garage or combination thereof. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.  
  
Required off-street parking for all other uses shall consist of an unencumbered parking stall or strip, parking bay, vehicle maneuvering space or driveway, garage or combinations thereof. All residential parking shall be located on the premises it is intended to serve. Parking garages or structures, when accessory to a principal use, shall be subject to the applicable provisions of this Ordinance.
5. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
6. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
7. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
8. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.

9. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited.
10. The sale or storage of construction trailers, merchandise, motor vehicles or trailers for sale or rent, trucks, or the repair of vehicles is prohibited on off-street parking lots.
11. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type.
12. When units or measurements determining the number of required parking spaces result in the requirement for a fractional space, any fraction up to and including one-half (2) shall be disregarded and fractions over one-half (2) shall require one (1) parking space.
13. For the purpose of computing the number of parking spaces required, the definition of USABLE FLOOR AREA in 7.02, B. DEFINITIONS, shall govern.
14. Wherever the City shall establish off-street parking facilities by means of a special assessment district, or by any other means, the City may determine, upon completion and acceptance of such off-street parking facilities by the City, all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district, or districts, shall be exempt from the requirements of this Section for privately supplied off-street parking facilities.
15. The requirements of subsection 16 of this Section E shall not apply to property located within the area zoned CBD-1 Central Business District and shall be reduced to one-half (1/2) the requirements of subsection 16 for that area zoned CBD-2 Central Business District.
16. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
a) RESIDENTIAL	
(1) Residential, - One-Family and Two-Family	Two (2) for each dwelling unit.
(2) Residential - Multiple-Family	Two (2) for each dwelling unit having two (2) or less bedrooms and two and one-half (2½) for each dwelling unit having three (3) or more bedrooms.
(3) Housing for the - Elderly	One (1) for each three (3) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
(4) Mobile Home Park -	Three (3) for each mobile home site and one (1) for each employee of the mobile home park.

(EFFECTIVE DATE OF AMENDMENT: OCTOBER 14, 1987)

	Two (2) for each mobile home site and one (1) for each employee of the mobile home park.
(5) Boarding and rooming houses	Two (2) for the owner-occupant and one (1) space for each roomer.
b. INSTITUTIONAL	
(1) Churches and Temples	One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship
(2) Hospitals	Two (2) for each one (1) bed plus parking for related uses.
(3) Convalescent and/or Nursing Homes	One (1) for each four (4) beds.
(4) Elementary and junior high schools	One (1) for each one (1) teacher, employee, or administrator, in addition to the requirements of auditorium.
(5) Senior High Schools	One (1) for each one (1) teacher, employee, or administrator, and one (1) for each ten (10) students, in addition to the requirements of the auditorium.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
(6) Private clubs or lodge halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.
(7) Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals plus spaces required for each accessory use such as a restaurant or bar.
(8) Golf courses open to the general public, except miniature or Apar-3" courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
(9) Fraternity or sorority	One (1) for each five (5) permitted active members; or one (1) for each two (2) beds, whichever is greater.
(10) Stadium, sports arena or similar place of outdoor assembly	One (1) for each three (3) seats or five (5) feet of benches.
(11) Theaters and auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees.
(12) Nursery school, day nurseries or child care centers	One (1) for each three hundred and fifty (350) square feet of usable floor area plus one (1) space for each employee.
(13) Library, museum, post office	One (1) for each one hundred and fifty (150) square feet of usable floor area.

c. BUSINESS AND COMMERCIAL

(1) Retail stores with 100,000 ft. GFA or less, unless otherwise specified.	One (1) for each two hundred (200) square feet sq. GFA, including outdoor sales space.
Retail stores, Planned Commercial Center or Regional Retailer with over 100,000 sq. ft. GFA.	One (1) for each two hundred twenty five (225) square feet GFA, including outdoor sales space.

EFFECTIVE DATE OF AMENDMENT: July 26, 2007.

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

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| (2)   | Auto Wash (automatic)  | One (1) for each employee, plus stacking space equal to five (5) times the maximum number of possible vehicles undergoing some phase of washing at the same time.  |
| EFFECTIVE DATE OF AMENDMENT: April 12, 2007.    |  |  |
| (3)   | Auto Wash (self-service or coin operated)  | Five (5) for each washing stall in addition to the stall itself.   |
| (4)   | Beauty parlor or barber shop   | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.   |
| (5)   | Bowling alleys   | Five (5) for each one (1) bowling lane plus parking for accessory uses.  |
| (6)   | Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls and assembly halls without fixed seats | One (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes.   |
| (7)   | Drive-thru restaurant  | One (1) for each fifty (50) square feet of usable floor area, plus stacking space as required by Article 7.17.E.16.g.  |
| EFFECTIVE DATE OF AMENDMENT: November 30, 2006. |  |  |
| EFFECTIVE DATE OF AMENDMNET: April 12, 2007.    |  |  |
| (8)   | Carry-out (with no eating on premises)   | One (1) for each sixty (60) square feet of usable floor area with a minimum of four (4) spaces.  |
| (9)   | Establishment for sale and consumption on the premises of beverages, food or refreshments                            | One (1) for each seventy-five (75) square feet of usable floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is the greater. |

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
(10) Household equipment, repair shops, showroom of a plumber or decorator, electrician or similar trade, shoe repair, and other similar uses.	One (1) for each eight hundred (800) square feet UFA.
EFFECTIVE DATE OF AMENDMENT: July 26, 2007.	
(11) Gasoline fueling stations (self service)	One (1) for each fifty (50) square feet of useable floor area in the cashier's, office and convenience store area, plus stacking space as required in Article 7.17.E.16.g.
EFFECTIVE DATE OF AMENDMENT: April 12, 2007.	
(12) Ice skating or roller rink	One (1) for each seat or six (6) feet of benches, or one (1) for each one hundred fifty (150) square feet of skating area, whichever is the greater.
EFFECTIVE DATE OF AMENDMENT: April 12, 2007.	
(13) Laundromats and coin operated dry cleaners	One (1) for each two (2) washing and dry-cleaning machines.
(14) Miniature or "par-3" golf courses	Three (3) for each one (1) hole plus one (1) for each employee.
(15) Minor auto service or repair	One (1) for each employee, plus one (1) for each vehicle used as part of the equipment of the service station, plus stacking space as required in Article 7.17.E.16.g.
EFFECTIVE DATE OF AMENDMENT: April 12, 2007.	
(16) Mortuary establishments	One (1) for each fifty (50) square feet of usable floor area.
(17) Motel, hotel or other commercial lodging establishments	One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee.
(18) Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of usable floor area of sales room and one (1) for each one (1) auto service stall in the service room.

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
(19) Furniture and appliance, carpeting and flooring, hardware and home improvement stores.	<p>100,000 sq. ft. GFA or less: One (1) for each two hundred twenty five (225) square feet GFA, including outdoor sales space.</p> <p>Over 100,000 sq ft. GFA: One (1) for each two hundred fifty (250) square feet GFA, including outdoor sales space.</p>
EFFECTIVE DATE OF AMENDMENT: July 26, 2007.	
(20) Public utility structures	One (1) for each employee on the maximum work shift.
(21) Indoor tennis facility	Five (5) for each court plus spaces as required for each accessory use such as a full service bar or restaurant.
(22) Amusement arcade	One (1) for each one (1) game table and one (1) for each amusement device.
(23) Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar uses.	One (1) parking space for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes plus one (1) space per employee. In those instances where memberships are provided for, not less than one (1) space per each three (3) memberships shall be provided plus one (1) space per employee.
(24) Drive-thru pharmacy	Parking spaces per "Retail stores" standard, plus stacking space as required in Article 7.17.E.16.g.
EFFECTIVE DATE OF AMENDMENT: April 12, 2007.	
(25) Wholesale establishments Warehouse Clubs.	One (1) for each five hundred (500) square feet and GFA, including outdoor sales space.
EFFECTIVE DATE OF AMENDMENT: July 26, 2007.	

USE NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

d. OFFICES

- (1) Banks, with or without drive-thru service One (1) for each one hundred (100) square feet of usable floor area, plus stacking space for drive-thru windows as required in Article 7.17.E.16.g.

EFFECTIVE DATE OF AMENDMENT: April 12, 2007.

- (2) Business or professional offices, except as indicated in the following item (3) One (1) for each two hundred fifty (250) square feet of usable floor area.

EFFECTIVE DATE OF AMENDMENT: April 12, 2007.

- (3) Professional office of doctor, dentist or similar professions One (1) for each twenty-five (25) square feet of usable floor area in waiting rooms, and one (1) for each examining room, dental chair, office, laboratory, x-ray therapy room or similar use area.

EFFECTIVE DATE OF AMENDMENT: April 12, 2007.

e. INDUSTRIAL

- (1) Industrial or research establishments and related accessory offices Five (5) plus one (1) for every one and one half (12) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.

- (2) Warehouses and wholesale establishments and related accessory offices Five (5) plus one (1) for every one (1) employee in the largest working shift, or five (5) plus one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is the greater.

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

f. PARKING FOR HANDICAPPED (ALL DISTRICTS)

“Total Parking in Lot”	“Required Number of Accessible Spaces”
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

g. STACKING REQUIREMENTS FOR DRIVE-THRU FACILITIES

In addition to the parking requirements, establishments with drive-thru facilities shall provide stacking space for vehicles awaiting service as follows:

Drive-thru restaurant	8 spaces per window
Minor automobile service or repair	2 spaces per service stall
Gasoline fueling station	2 spaces per fueling station
Drive-thru banking	4 spaces per window
Drive-thru pharmacy	3 spaces per window

Each stacking space shall be measured at not less than twenty (20) feet in length. In no instance shall stacking spaces interfere with required parking or maneuvering lanes.

EFFECTIVE DATE OF AMENDMENT: April 12, 2007.

**F. OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE:**

Whenever the off-street parking requirements in 7.17, E. above require the building of an off-street parking facility, or where P-1 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued. Applications for a permit shall be submitted with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of Act 230 of the Public Acts of the State of Michigan 1972, as amended.

Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements except as modified by Act 230 (parking space width requirement of not less than twelve (12) feet):

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width Of One Tier Of Spaces Plus Maneuvering Lane	Total Width Of Two Tiers Of Spaces Plus Maneuvering Lane
0°(parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53°	12 ft.	8 ft.- 6 in.	20 ft.	32 ft.	52 ft.
54° to 74°	15 ft.	8 ft.- 6 in.	20 ft.	36 ft. – 6 in.	58 ft.
75° to 90°	20 ft	9 ft	20 ft.	40 ft.	60 ft.

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single family residential use.

5. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.

6. Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet six inches (4'-6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes required under this Section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the City. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued. See 7.17 F, I, K and M for layout standards, surfacing and lighting standards and for screening and landscaping standards.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
11. The City, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section.
12. The parking area shall be so designed as to provide a tree planting plan showing an even distribution of trees throughout the plan. Trees of two (2) inch caliper or greater shall be planted at the rate of one (1) tree for each eight (8) vehicles to be provided for. The trees shall be planted prior to the issuance of a Certificate of Occupancy. All trees shall be maintained in a healthy, growing condition.

**G. OFF-STREET LOADING AND UNLOADING:**

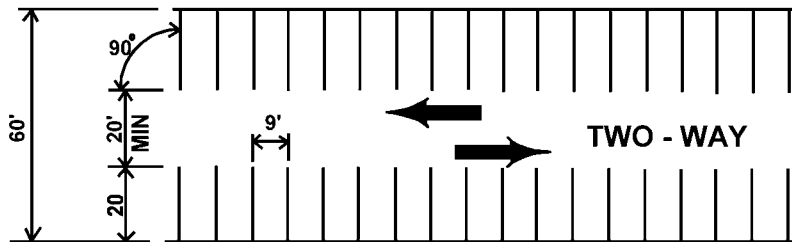
On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use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

1. All spaces shall be provided as required in the SCHEDULE OF REGULATIONS under Minimum Rear Yards (footnote 1.), except as hereinafter provided for I Districts.
2. Within an I District, all spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in I Districts shall be provided in the following ratio of spaces to floor area:

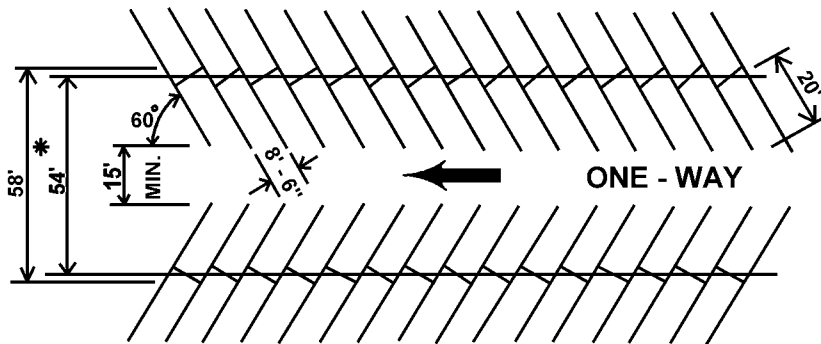
<b>GROSS FLOOR AREA (IN SQUARE FEET)</b>	<b>LOADING AND UNLOADING SPACE REQUIRED</b>
0 - 1400	None
1,401 - 20,000	one (1) space
20,001 - 100,000	one (1) space plus one (1) space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet
100,001 and over	Five (5) spaces

3. All loading and unloading in an I District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

90 DEGREE

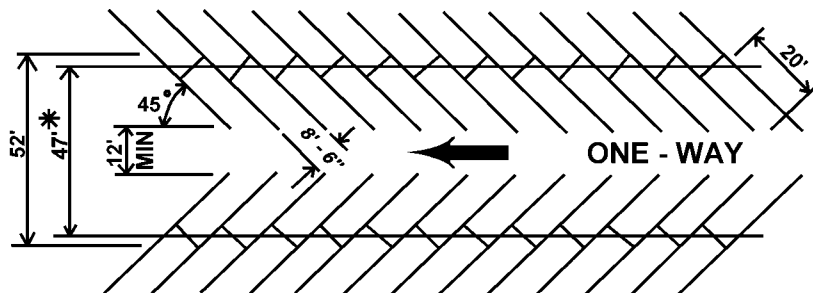


60 DEGREE



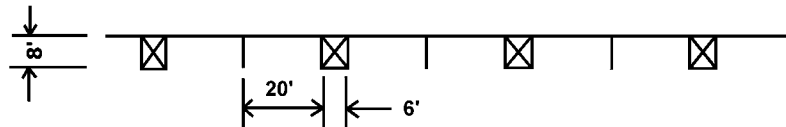
\* OVERLAPPING DIMENSION

45 DEGREE



\* OVERLAPPING DIMENSION (INCLUDING HERRINGBONE PATTERN)

PARALLEL



## PARKING LAYOUTS

## **H. USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:**

Because the uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district classification, they may be permitted by the Planning Commission under the conditions specified, and after public hearing held in accordance with ARTICLE 7.18, Section I. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential Districts, unless otherwise specified.

These uses require special consideration since they service an area larger than the City or require sizable land areas creating problems of control with reference to abutting use districts, Reference to those uses falling specifically within the intent of this Section is as follows:

### **1. Outdoor Theaters**

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 Districts only. Outdoor theaters shall further be subject to the following conditions:

- a. The proposed internal design shall receive approval from the Building Inspector and the (City Manager) as to adequacy of drainage, lighting and other technical aspects.
- b. Outdoor theaters shall abut a major thorofare and points of ingress and egress shall be available only from such major thorofare.
- c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thorofares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

### **2. Commercial Television and Radio Towers and Public Utility Microwaves, and Public Utility T.V. Transmitting Towers**

Radio and television towers, public utility microwaves and public utility T.V. transmitting towers, and their attendant facilities shall be permitted in I-1 Districts provided said use shall be located centrally on a continuous parcel of not less than one and one-half (1-1/2) times the height of the tower measured from the base of said tower to all points on each property line.

## **I. PLANT MATERIALS:**

Whenever in this Ordinance a greenbelt or planting is required, it shall be planted to completion within three (3) months, and no later than November 30, from the date of issuance of a certificate of occupancy if said certificate is issued during the April 1 - September 30 period; if the certificate is issued during the October 1 - March 31 period, the planting shall be completed no later than the ensuing May 31; plantings shall thereafter be reasonably maintained, including permanence and health of plant materials to provide a screen to abutting properties and including the absence of weeds and refuse, Spacing, as required by this Section, shall be provided in any greenbelt or planting.

### **1. Plant Material Spacing and Size**

- a. Plant material shall not be located within four (4) feet of the property line.
- b. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.
- c. Evergreen trees shall not be less than seven (7) feet in height. When planted informally, they shall be spaced not more than twenty (20) feet on centers. When planted in rows, they shall be spaced not more than twelve (12) feet on centers.
- d. Narrow evergreen trees shall not be less than five (5) feet in height. When planted informally, they shall be spaced not more than ten (10) feet on centers. When planted in rows, they shall be planted not more than five (5) feet on centers.
- e. Large shrubs shall not be less than thirty (30) inches in height. When planted informally, they shall be spaced not more than six (6) feet on centers. When planted in rows, they shall not be more than four (4) feet on centers.
- f. Small shrubs shall not be less than thirty (30) inches in spread. They shall be planted not more than four (4) feet on centers.
- g. Large deciduous trees shall not be less than two (2) inches in caliper. When placed informally, they shall be planted not more than thirty (30) feet on centers.
- h. Small deciduous trees shall not be less than one and one-half (12) inches in caliper. When planted informally, they shall be spaced not more than fifteen (15) feet on centers.

2. A mixture of plant materials (evergreen and deciduous trees and shrubs) is suggested in all landscape plans as a protective measure against disease and insect infestation.

Plant materials used together informally shall meet the following on-center minimum spacing requirements:

**MINIMUM DISTANCE BETWEEN PLANT MATERIALS**

Plant Material Types	Evergreen Trees	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	Min. 10'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 12'	Min. 5'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20'	Min. 15'	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8'	Min. 6'	Min. 3'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4'	Min. 5'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3'

**SUGGESTED PLANT MATERIALS**

EVERGREEN TREES:	Fir Spruce	Pine Hemlock	Douglas Fir
NARROW EVERGREEN TREES:	Red Cedar Arborvitae	Junipers	
LARGE DECIDUOUS TREES:	Oaks Hard Maples Beech Lindens	Ash Ginkgo (male only) Honeylocust (seedless and thornless varieties) Birch	
SMALL DECIDUOUS TREES:	Flowering Dogwood Hawthorn Redbud	Mountain Ash Hornbeam Russian Olive	

Magnolia

Flowering Crabapple  
(disease resistant varieties)

**LARGE SHRUBS:**

Deciduous:

Honeysuckle  
Lilac  
Border Privet  
Sumac  
Buckthorn  
Pyracantha

Flowering Quince  
Barberry  
Forsythia  
Cotoneaster  
(Peking, Spreading)  
Sargent Crabapple  
Dogwood (Red Osier, Grey)

Evergreen:

Irish Yew  
Hicks Yew  
Mugo Pine

Pfitzer Juniper  
Savin Juniper

**SMALL SHRUBS:**

Deciduous:

Compact Burning Bush  
Regal Privet  
Fragrant Sumac

Japanese Quince  
Cotoneaster  
(Cranberry, Rockspray)  
Potentilla

Evergreen:

Spreading Yews  
(Dense, Brown=s, Ward, Etc.)  
Low Spreading Junipers  
(Andora, Hughes, Tamarack, Etc.)

Dwarf Mugo Pine  
Big Leaf Winter-creeper

**TREES NOT PERMITTED**

Box Elders  
Tree of Heaven

Poplars  
Willows

Catalpa  
Horse Chestnut  
(nut bearing)

Elms  
Soft Maples  
(Red-Silver)

**J. SIGNS:**

1. General Requirements for all Signs

- a. Wind Pressure and Dead Load Requirements. Ground projecting wall and marquee signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area and shall be constructed to receive dead loads as required elsewhere in the City Building Code.
- b. Illumination. Internally and externally lighted reflectorized, glowing and other forms of illumination shall be permitted on all signs. ALL illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code. Any signs shall be of a wattage of not to exceed 60 watts per bulb. No lights shall be permitted in excess of 60 watts per bulb and in no instance shall such light be located as to be hazardous to traffic.
- c. Obstructions to Doors, Windows and Fire Escapes. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
- d. Signs Not to Construct A Traffic Hazard. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop", "A Look", "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. At street intersections, no signs other than municipal traffic control signs shall be located within eight (8) feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of twenty-five (25) feet each way from the intersection of the right-of-way lines at the corner lot.
- e. Face of Sign Shall Be Smooth. No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure.
- f. Removal of Certain Signs. Any sign now or hereafter existing which no longer advertises a bonafide business conducted, or a product, or entertainment, service or commodity offered or sold on the lot, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found within thirty (30) days after written notice from the Building Inspector.

**2. PERMITTED SIGNS.** In all areas designated as office, business and industrial districts, as defined by this Ordinance, the following requirements shall be met:

a. Ground Signs. Every ground sign over fifty (50) square feet in total surface area and/or more than eight (8) feet in height shall have a surface or facing of noncombustible material.

(1) Letters, etc. to be Secured. All letters, figures, characters- or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

(2) Height and Area Limitations. It shall be unlawful to erect any ground sign to a height greater than the height of the building which it advertises or twenty (20) feet above the level of the street upon which the sign faces, whichever is the lesser. No ground sign shall have a single surface area exceeding eighty (80) square feet for a single face sign and one-hundred sixty (160) square feet for signs of two (2) or more faces and shall be placed on the same parcel of property as the building or use to which it is accessory.

EFFECTIVE DATE: DECEMBER 15, 1993

(3) Anchorage and Support. All ground signs shall be securely built, constructed and erected upon posts (other than wood) and standard sunk at least forty-two (42) inches below the material surface of the ground embedded in concrete. A lightning grounding device shall be provided.

(4) Number of Signs. Not more than one (1) ground sign may be erected accessory to any one development regardless of the number of buildings, separate parties, tenants or uses contained therein.

b. Wall Signs

(1) Materials Required. All wall signs of a greater area than fifty (50) square feet shall have a surface or facing of noncombustible material.

(2) Limitation on Placement. No wall sign shall cover wholly or partially any wall opening nor project beyond the ends or top of the wall to which it is attached.

(3) Projection and Height. No wall sign shall have a greater thickness than twelve (12) inches measured from the wall to which it is attached to the outer surface and shall not be attached to a wall at a height of less than eight (8) feet above the ground. Wall signs may project over the public right-of-way to the limits set forth in this Section.

- (4) Area Limitations. The total surface area of all wall signs placed on the front, side or rear of a building shall not exceed one-tenth (1/10th) of the area of the front face (including doors and windows of the principal building) or three (3) square feet for each lineal foot of building frontage, whichever is less.

Where a single principal building is devoted to two (2) or more businesses, or commercial uses, the operator of each such use may install a front wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion of the total sign area permitted for the front wall of the building.

- (5) Supports and Attachments. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.

c. Projecting Signs

- (1) Construction. Every part of a projecting sign, with a total surface area greater than ten (10) square feet, shall be constructed of noncombustible material.
- (2) Movable Parts to be Secured. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
- (3) Area Limitations. All projecting signs shall be limited to thirty-two (32) square feet.
- (4) Thickness Limitation. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.
- (5) Projection over Public Property. Except as permitted hereinafter under sub-section k, no projecting sign may project beyond the property line.  
(EFFECTIVE DATE OF AMENDMENT: JANUARY 27, 1993)
- (6) Bracing, Anchorage and Supports. Projecting signs of a greater total surface area than ten (10) square feet or fifty (50) pounds in weight shall not be attached to nor supported by frame buildings nor the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces.

- (7) Height Limitation. No projecting sign shall exceed in height greater than the front wall height of the building to which it is attached or extended below a minimum height of eight (8) feet.
- d. Marquee Signs
- (1) Material Required. Every marquee sign, including the upright supports and braces thereof, shall be constructed entirely of noncombustible materials.
  - (2) Height and Area Limitations. No marquee sign shall have a total surface area exceeding thirty (30) square feet nor shall be of a greater overall height than four (4) feet.
  - (3) Bracing, Anchorage and Supports. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods or braces.
- e. Awning or Canopy Signs. Letters may be painted or otherwise affixed to any permissible awning or canopy subject the following regulations:
- (1) Lettering or letters shall not project above, below or beyond the physical dimensions of the awning or canopy.
  - (2) Lettering or letters shall not be larger from top to bottom than nine (9) inches.
  - (3) Lettering or letters shall not denote other than the name and address of the business conducted on the premises, and/or service rendered therein.
- f. Special Regulation on For Sale or Lease Signs. For sale or rental of individual units, there shall be no more than one (1) such sign, except that on a corner lot two (2) signs, one facing each street, shall be permitted. No such sign shall exceed six (6) square feet in area, and no such sign shall be illuminated. All such signs shall be removed within two (2) weeks after a lease or sale contract has been signed.
- g. Temporary Signs. The following regulations shall be applicable to all temporary signs placed or situated at any place other than inside a "building" as defined in this Ordinance:
- (1) Permits Required. Permits are required to erect any temporary sign in excess of four (4) square feet.
  - (2) Display Period. Cloth or canvas signs, pennants or banners may be erected for a period of not to exceed thirty (30) days in any six (6) month

period. Temporary signs may be displayed for any new business or owner, for a period of time not to exceed three (3) months, except as otherwise permitted by the City Commission.

- (3) Projection Into Right-of-Way. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the City Commission.
  - (4) Area and Height. No temporary sign may have a single face greater than allowed by subsection b. Wall Signs, paragraph (4) of this Section, nor be of greater height than the top of the wall to which it is attached. If the temporary sign is not attached to a wall, the sign shall not be of greater height than five (5) feet above the ground.
  - (5) Temporary signs shall be removed promptly at the end of the display period provided for above.
  - (6) Any temporary sign found by the Building Inspector to be in a torn, damaged or unsafe condition must be removed the owner within three (3) days after his receipt of notice to do so from the Building Inspector.
  - (7) The number of temporary signs permitted shall be limited to one (1) per building, per twelve (12) month period.
- h. Signs Advertising Buildings Under Construction. Such signs may be erected for the period of construction and shall not exceed a face area of sixty-four (64) square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, building or materials and equipment used.
- i. Portable Sign. Not exceeding thirty-two (32) square feet in area shall be allowed only in nonresidential districts and shall be licensed as temporary signs for periods not to exceed fourteen (14) days in a one (1) year period. In no instance shall such sign occupy a required yard or be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not be located so as to obstruct traffic vision and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle drivers. Connections to an energy source for lighting shall be in accord with all codes of the City and shall not be exposed in any way that may constitute a safety hazard to the public.
- j. Non-Accessory Signs shall be allowed only in Planned Industrial Districts (I-2) subject to the following limitations:
- (1) Such signs shall be restricted to a total surface area not to exceed 175 square feet per side.

- (2) Such signs shall be allowed on premises with a minimum total area of one (1) acre and a minimum dimension of 200 feet on any one side. (Based on the deed or recorded legal description.)
- (3) Such signs must be on property fronting an expressway or State trunkline highway.
- (4) Such signs shall comply with the height limitations and with the front, rear, and side set-back provisions of the I-2 zoning district.

(EFFECTIVE DATE OF AMENDMENT: AUGUST 26, 1992)

k. Projecting or Hanging Signs - Public Right of Way. Projecting or hanging signs, including those affixed to a canopy or awning, that project over public right-of-way are permitted in the CBD-1 and CBD-2 zoning districts subject to the following conditions:

- (1) Area Limitations. All projecting or hanging signs permitted under this section shall be limited to a total surface area of nine square feet (4.5 square feet per side).
- (2) Thickness Limitations. The distance measured between the proposed faces of any projecting or hanging sign permitted under this section shall not exceed two inches.
- (3) Projecting Over Public Right-of-Way. Signs permitted under this section shall be allowed to project over public sidewalk in the Central Business District no more than four feet.
- (4) Height Limitations. Any projecting or hanging signs permitted by this section shall be installed leaving a minimum clearance of eight feet from the sidewalk surface.
- (5) Hanging signs affixed to an awning or canopy shall be limited in total surface area to three square feet.

(EFFECTIVE DATE OF AMENDMENT: JANUARY 27, 1993)

l. Reader Boards: Electronic or manual copy reader boards are permitted subject to the following restrictions:

- (1) Area Limitations. No reader board shall have a single surface area exceeding one-third (1/3) of the total signage permitted for a particular location, according to the area limitations set forth in other sections of this ordinance, up to a maximum of twenty-four (24) feet.
- (2) Lights. Strobe lights or rapidly flashing lights used to attract attention to the sign are prohibited.

(3) Exceptions:

- i. Reader boards owned by government entities, public agencies, and community organizations displaying community information are exempt from the area limitations set forth in subsection (1) above. Such signs must comply with all other applicable provisions in this ordinance.
- ii. Electronic signs of private and parochial schools (public schools are exempt by statute) shall be exempt from the provisions in subsection (2) above.

EFFECTIVE DATE OF AMENDMENT: April 14, 2004

2.1. Permitted Portable Sidewalk Signs

Portable sidewalk signs may be placed within the Central Business District (CBD) and CBD-1 and CBD-2 zoning districts at the public entrances to retail, personal service or restaurant businesses located within those districts, on either private property or the public sidewalk, subject to the following requirements:

EFFECTIVE DATE OF AMENDMENT: June 11, 2008

- (1) There shall be only one sign permitted for each building address for which there is provided a separate entrance, regardless of the number of tenants in the building;
- (2) Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times. Any sign which is found to be not in compliance with this requirement may be confiscated by City Code Enforcement officials. A second violation will result in loss of the sign permit for a period of one (1) year;

EFFECTIVE DATE OF AMENDMENT: June 11, 2008

- (3) Each sign shall be placed next to the building wall or adjacent to the curb in a manner which is safe for and does not interfere with normal pedestrian or auto traffic;
- (4) A portable sidewalk sign shall not occupy or obstruct the use of any fire lane or required off-street parking. Any sign which creates a visual or safety hazard may be ordered to be removed by the Public Safety Director;

EFFECTIVE DATE OF AMENDMENT: June 11, 2008

- (5) Each sign shall not exceed an overall height of forty-two (42) inches and an overall width of twenty-four (24) inches (as built);
- (6) All sign frames shall be constructed of a weather proof material and shall be kept in good repair;

- (7) Directional sidewalk signs for downtown businesses not fronting on Nepessing Street are permitted to be placed on Nepessing Street corners subject to the following provisions:
  - a. One (1) directional sidewalk sign is allowed per corner, representing multiple businesses if necessary;
  - b. The sign shall be placed in a location that does not interfere with other signage or features in the vicinity;
  - c. All other provisions of the sign ordinance shall be complied with.

EFFECTIV DATE OF AMENDMENT: June 11, 2008

- (8) No portable sidewalk sign shall be placed on display without the owner first obtaining a permit from the City of Lapeer;
- (9) Hand-lettered or stenciled sign faces are prohibited, with the exception of restaurant daily specials. All sign faces shall be professionally created in conformance with the specifications for sidewalk signs adopted by the City of Lapeer Downtown Development Authority.

EFFECTIVE DATE OF AMENDMENT: MAY 1996

EFFECTIVE DATE OF AMENDMENT: June 11, 2008

3. Signs in Residential Areas. Ground and wall type signs are permitted in residential zone districts as defined in this Ordinance and shall satisfy the following conditions:

- a. Banners and Pennants. No cloth pennants, banners or advertising devices of a similar nature may be erected in these districts.
- b. Sign Advertising the Rental, Sale or Lease of the Property Upon Which it is Located Subject to the following Conditions:
  - (1) Not more than four (4) feet in height nor more than five (5) square feet in area, including attachments.
  - (2) No sign may be erected within a public right-of-way, nor in such manner on private property as to create a sight restriction for automotive traffic.
  - (3) No such sign shall be lighted or otherwise artificially illuminated.
  - (4) All such signs shall be removed within two (2) weeks after the consummation of a lease or sales contract covering that property.
  - (5) There shall not be more than one (1) such sign per zoning lot.

- c. Dwelling Nameplate. For each dwelling unit, one (1) nameplate not exceeding two (2) square feet in area indicating name of occupant. Such sign shall not contain advertising of any nature.
  - d. Sign Advertising the lots and/or Buildings Erected in Any Subdivision or Multiple-Family Development. It shall be permissible for a real estate broker or builder to erect one (1) sign not to exceed a total surface area of sixty-four (64) square feet nor an overall height of ten (10) feet, the lower edge of which shall not be less than eighteen (18) inches above the surrounding ground level, to advertise the lots and/or building erected in any one (1) subdivision, provided that said real estate broker or builder owns, has listed for sale or has the owner's permission to sell a minimum of ten (10) lots in said subdivision. No such sign or billboard shall be erected or maintained within one hundred (100) feet of any occupied residence unless the written consent of the owner and occupant of such residence is first obtained.
  - e. Multiple-Family Residential Units. Any person owning or operating any multiple-family residential unit may erect a sign bearing the name of the residential unit, such sign not to exceed twenty-four (24) square feet in area and not to exceed an overall height of six (6) feet above the ground level, which sign shall be made of noncombustible material and may be lighted during the hours of darkness, and which shall contain no advertising or information other than the name of the residential unit and status of occupancy. No more than one (1) sign may be erected for each development entrance.
4. Parking Area Signs. Signs in areas designated as P District or accessory to parking areas as defined or required by this Ordinance shall meet the following requirements:
- a. One (1) wall or ground sign may be erected to designate each entrance to or exit from a parking area; each sign shall be not more than three (3) square feet in area.
  - b. One (1) wall or ground sign designating the conditions of use shall be permitted for each parking area; each such sign shall be limited to a maximum area of nine (9) square feet; but shall be screened from adjoining property.
5. Signs Accessory to Churches, Schools or Nonprofit Institutions. Churches, colleges, schools, buildings housing governmental functions and utilities of the City, County or State or any subdivision thereof, are permitted to erect a sign. Such signs, when of a permanent nature, shall be constructed of noncombustible material and shall meet all the requirements of this Ordinance, except as provided hereafter:
- a. There shall be not more than one (1) sign.
  - b. Such signs shall be set back from the lot line at least one-third (1/3) of the distance from the lot line to the nearest building, but need not be set back more than one hundred (100) feet from the property line.

- c. No sign shall exceed twenty (20) square feet in area, unless the sign is located more than fifty (50) feet behind the property line, then said sign may be increased by five (5) additional square feet for each additional ten (10) feet of setback, but in no event shall such sign exceed fifty (50) square feet in area.
6. Permits Required, It shall be unlawful for any person to erect, repair, paint, alter or relocate any sign within the City of Lapeer as defined in this Ordinance without first obtaining a permit from the Building Inspector with the exception of the following;
- a. Signs for Which A Permit is Not Required
    - (1) Wall signs, which are used as nameplates, not exceeding two (2) square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two (2) square feet in area.
    - (2) Bulletin boards not over twenty (20) square feet in area for religious institutions when the same are located on the premises of said institutions; provided, however, if said signs are electrically illuminated, an electrical permit must be obtained.
    - (3) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
    - (4) Traffic or other municipal signs, legal notices, danger and such temporary emergency or nonadvertising signs as may be approved by the City.
    - (5) Sign advertising the rental, sale or lease of the property upon which it is located, if such sign does not exceed eight (8) square feet.
  - b. Application for Permit. Applications for permits shall be made upon forms provided by the Building Inspector and shall contain or have attached thereto the following information:
    - (1) Name, address and telephone number of the applicant.
    - (2) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
    - (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
    - (4) Two (2) blueprints or drawings of the plans and specifications and methods of construction and attachment to the building or in the ground.

- (5) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City. Provided, further, that where the Building Inspector deems it advisable, he may require the approval of the structural design by a registered architect or engineer.
  - (6) Name of person, firm, corporation or association erecting structure.
  - (7) Written consent of the owner where the sign is to be erected on vacant land.
  - (8) In all cases where wiring is to be used in connection with the structure, it shall comply with the National Electrical Code. The Electrical Inspector shall approve and affix his signature to said permit.
  - (9) Insurance policy or bond as required by Section 7.
  - (10) Such other information as the Building Inspector shall require to show full compliance with this and all other Ordinances of the City.
- c. Permit Issued If Application in Order. It shall be the duty of the Building Inspector, upon the filing of an application for an erection permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and, if it shall appear that the proposed structure is in compliance with all requirements of the City, he shall then issue the erection permit. In the case of illuminated signs, both an electrical permit and an erection permit must be issued.
- d. Permit Fee. It shall be unlawful in the City of Lapeer for any person to erect or alter any sign, except those signs specifically exempted herein, unless a permit shall first have been obtained from the Building Inspector for such erection or alteration, and a permit fee paid to the City according to the schedule as shall be established from time to time by resolution of the City Commission.
- e. Permit Revocable At Any Time. All rights and privileges accrued under the provisions of this Ordinance or any amendment thereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
7. Licenses and Bonds for Sign Erectors. Every person, firm or corporation engaged in the business of erecting or installing signs for which permits are required by this Ordinance (excluding the general maintenance or painting thereof) shall obtain a license, hereinafter referred to as a sign erector's license, from the Building Inspector.
- a. The sign erector's license shall be renewed annually.

- b. License Fee. Every applicant, before being granted a sign erector's license, shall pay to the City the fees as established from time to time by resolution of the City Commission.
  - c. Revoking of Licenses. The Building Inspector shall revoke the license of any sign erector who does not comply with the requirements of this Ordinance.
  - d. Bond. Prior to the issuance of a sign erectors license, the person, firm or corporation desiring such license shall file with the City Clerk a good and sufficient bond running to the City of Lapeer in the penal sum of \$10,000.00 to indemnify, save and keep harmless the City of Lapeer from any and all costs, damages or expenses of any kind whatsoever which may be suffered by the City of Lapeer or which it may be put to, or which may accrue against it by charging to or recovering from said City from or by reason of the granting of permission to erect said sign or by reason of negligence, failure or refusal of any person, firm or corporation to comply with all the provisions of this Ordinance applicable to such signs.
8. Nonconforming Signs. All existing signs that do not conform to the provisions of this Ordinance shall be permitted to continue as nonconforming signs until such time as they are removed or until any changes are necessary, at which time they shall conform to the provisions of this ordinance. The provision of this paragraph shall not apply to electrical advertisement or copy. Freestanding signs that exist prior to the adoption of this Ordinance shall be removed within one (1) year of the date of adoption of this Ordinance.
9. Political or Campaign Signs. Any sign advocating or opposing a candidate for public office or a position on an issue to be determined at an election shall be removed within fourteen (14) days after the election to which it pertains. The candidate or the person or persons responsible for posting such sign shall be responsible for the removal of the sign.
10. Prohibited Signs. The following signs are prohibited within the City:
- a. No sign or banner shall be placed across any public right-of-way except by permission of the City Commission.
  - b. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.
  - c. Signs which incorporate in any strobe lights or rapidly flashing lights to attract attention to the sign. Private and parochial schools (but not home schools) subject to regulations (even if not specifically for signs) by the State Board of Education are exempt from this provision. (Public schools are exempt by statute.)
- EFFECTIVE DATE OF AMENDMENT: April 14, 2004

- d. String lights used in connection with business premises for commercial purposes, other than Christmas decorations.
- e. Any sign unlawfully installed, erected, or maintained.
- f. Any sign which directs attention to a business entertainment, service or commodity unless such business, entertainment, service, or commodity shall be offered, conducted, or sold on the premises on which the sign is located, except real estate signs and except nonaccessory signs specifically allowed in specified districts.
- g. Business signs on trees or utility poles, whether public or private.
- h. Signs on park-type benches.
- i. Any sign on the roof of any building.
- j. Freestanding signs.

11. Enforcement

- a. Subsection 10 above may be enforced by the building inspector, code enforcement officer, or any police officer.
- b. Any owner or occupant allowing the placement of prohibited signs, or any person placing or assisting in the placing of prohibited signs shall be responsible for a civil infraction. In addition to any other penalty or remedies available, the City may immediately cause prohibited signs to be removed and disposed of without notice.
- c. The enforcement and penalty for violations of other sections or subsections of this ordinance shall be as otherwise provided in this zoning ordinance.

(EFFECTIVE JUNE 1996)

12. Unsafe, Damaged and Unlawful Signs.

- a. Unsafe Signs. When any sign becomes insecure, in danger of failing, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of the Ordinance, the owner or lessee shall, upon receipt of a written notice from the Building Inspector, forthwith in the case of immediate danger, and in any case not more than ten (10) days, make such sign conform to the provisions of this Ordinance or shall cause it to be removed. If the order is not complied with within ten (10) days, the Building Inspector may remove such sign at the expense of the owner or lessee.

- b. Damaged Signs. Any sign or advertising structure or supporting structure which is torn, damaged, defaced or destroyed shall be repaired replaced, or removed within ten (10) days of the damage. If a sign or structure is torn, damaged, defaced or destroyed and not repaired or replaced within ten (10) days of said casualty, the Building Inspector shall issue a written notice to the owner or lessee of the sign requiring the repair. replacement, or removal within twenty (20) days. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Building Inspector is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed.
13. Sign Maintenance. The Building Inspector may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.
- a. Maintenance. All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order; and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance, All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair.
  - b. Housekeeping. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
  - c. Signs which indicate the time or temperature must indicate the correct information to public view.
14. Appeals. Any person who shall feel aggrieved by any action or order taken under the terms of this Ordinance shall have the right of appeal to the Board of Appeals. Notice of such appeal shall be filed with the Building Inspector and shall be heard by the Board of Appeals at their next regular meeting.

**K. EXTERIOR LIGHTING:**

- 1. All outdoor lighting in all Use Districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- 2. All outdoor lighting in all Use Districts shall be directed toward and confined to the ground areas of lawns or parking lots.

3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

**L. 1. RESIDENTIAL ENTRANCEWAY:**

In all Residential Districts, so called entranceway structures including but not limited to walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in CORNER CLEARANCE, Section 7.17, N provided that such entranceway structures shall comply to all codes of the municipality, and shall be approved by the Building Department and a permit issued.

**2. GARBAGE AND RUBBISH RECEPTACLES:**

1. For all properties, except those being used for permitted uses in zoning districts R-1, R-2, R-3, R-4 and RT, outdoor garbage and rubbish receptacles shall be located within side or rear yards and shall be screened by an obscuring barrier from residentially zoned property and from public view.
2. The obscuring barrier shall be no more than eight (8) feet above ground level and shall always be at least one (1) foot above the height of the garbage or rubbish receptacle.
3. The obscuring barrier shall be constructed of materials which are durable, weather resistant, rust proof, fire resistant, and shall be maintained in good condition by the property owner or person in possession of the property.
4. All such obscuring barriers shall meet the requirements for wind pressure provided for ground signs in this ordinance.
5. Wood or wood products when utilized, shall be treated and/or painted and shall be so maintained at all times. Chain link or other wire fence utilizing metal, plastic or wood slats, shall not be considered an obscuring barrier for the purpose of this section.
6. No obscuring barrier shall be used as a sign or otherwise for advertising purposes.  
(EFFECTIVE DATE OF SECTION L.2: 6/10/87)

**M. WALLS**

1. For those Use Districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except otherwise required in subsection 5 of this Section).

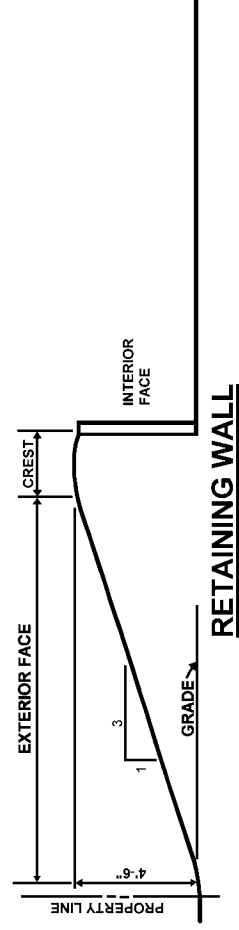
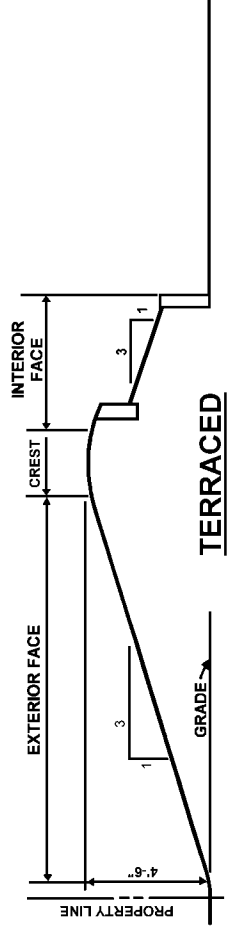
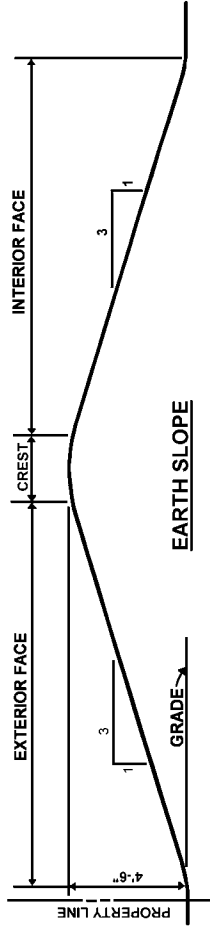
	USE	REQUIREMENTS
a.	P-1 Vehicular Parking District	4' - 6" high wall
b.	Off-Street Parking Area (Other than P-1 Districts)	4'-6" high wall
c.	OS-1, B-1, CBD and B-2 Districts	4'-6" high wall
d.	I-1 and I-2 Districts - open storage areas, loading or unloading areas, service areas.	6' to 8' high wall or fence. (Height shall provide the most complete obscuring possible) (See Section 7.12).
e.	Auto wash, drive-in restaurants	6'-0" high wall
f.	Hospital - ambulance and delivery areas	6'-0" high wall
g.	Utility buildings, stations and/or substations	6'-0" high wall

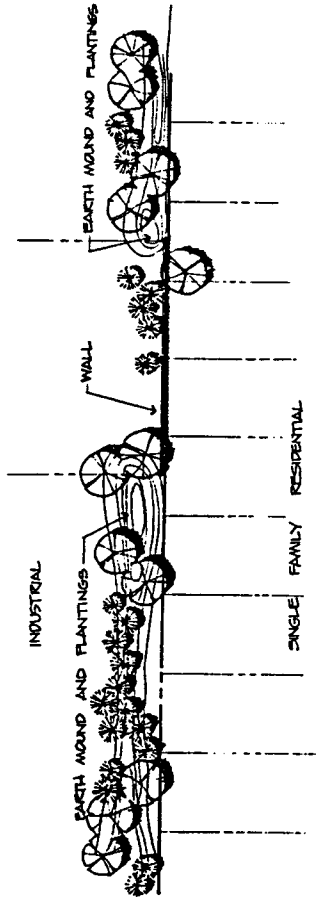
2. Chain link or other wire fence utilizing metal, plastic or wood slats shall not be considered an obscuring wall for the purpose of this Ordinance. The City may in its review of site plans for specific uses allow or require the provision of a greenbelt planting consisting of trees and shrubs to serve as an obscuring wall, where such obscuring walls are required under this Ordinance, and where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Review and approval shall be required by the City of types of plant materials and their location in such greenbelt.

3. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the City may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Board of Appeals in reviewing such request.

4. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Chief of Police and the Building Inspector. All walls herein required shall be constructed of materials approved by the Building Inspector to be durable, weather resistant, rustproof and shall be maintained by the property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated and/or painted and shall be so maintained at all times.

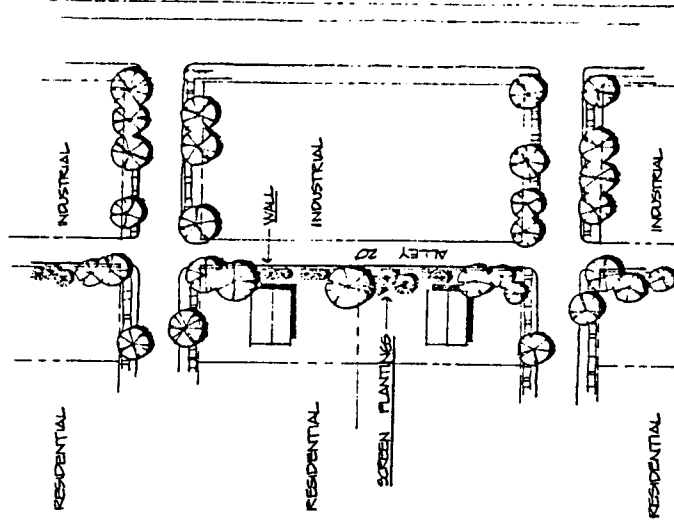
Walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building Inspector.





SCHEME SHOWING BUFFERED TRANSITIONAL AREA BETWEEN INDUSTRIAL AND RESIDENTIAL USES - INTERMITTENT WALLS AND EARTH MOUNDS

SCHEME SHOWING ALLEY TREATMENT SEPARATING INDUSTRIAL AND RESIDENTIAL



TRANSITIONAL DETAILS  
 VULCAN-LEMAN AND ASSOCIATES, INC.

5. The City may require that suitable maintenance guarantee be provided for the continued maintenance of walls required under this Ordinance.
6. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential districts shall not be required when such areas are located more than two hundred (200) feet distant from such abutting residential district.
7. The Board of Appeals may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served, provided that in no instance shall a required wall be permitted to be less than four feet six inches (4' - 6") in height, except where Section 7.17, N applies.

In consideration of request to waive wall requirements between nonresidential and residential districts, the Board shall refer the request to the Planning Commission for a determination as to whether or not the residential district is considered to be an area in transition and will become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Board may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinafter described, for each subsequent waiver prior to the granting of such waiver by the Board.

**N. CORNER CLEARANCE:**

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

**O. FENCES (RESIDENTIAL):**

The installation, erection and/or maintenance of a fence is hereby prohibited except in strict compliance with the requirements herein. If the work authorized under a fence permit has not been completed within six months of the date of issuance, said permit shall become null and void.

1. A permit shall be required prior to the construction of any fence over three (3) feet in height or over sixteen (16) feet in total length.
2. Location
  - a. Residential fences may be located along the property line.

- b. In the case of adjoining properties, only one fence between the two properties may be erected.
- c. The City of Lapeer shall not be responsible for the determination of the location of any fence to be erected on a lot line.

### 3. Height and Design

- a. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater.
- b. Ornamental fences not exceeding three and one-half (3-1/2) feet in height are permitted within front yards. Ornamental fences are to be constructed of approved materials as specified in subsection 4, of a design as to be non-sight obscuring and of a fence type listed below:
  - 1. Post and rail
  - 2. Split rail
  - 3. Picket
  - 4. Wrought iron
  - 5. Other types of ornamental fences must be approved by the Planning Commission prior to placement in a front yard area.
- c. If a fence is constructed of pickets, such pickets must be made of not less than one inch by three-inch materials and shall have an angle at the top of not less than ninety (90) degrees.
- d. Fences shall match the design of those previously installed on an abutting parcel(s); however, the Planning Commission may waive this requirement upon a finding that it would detract from or be inconsistent with, the style or materials of the single-family dwelling unit contained on the same zoning lot.
- e. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.

### 4. Materials and Construction

- a. Fences, including fence posts, shall be constructed with cedar, redwood, pressure treated material, wrought iron or vinyl. Chain link is permitted in rear and interior side yards only. Upon Planning Commission or Planning Department approval,

brick or stone may be used as an accent material, comprising not more than twenty-five (25) percent of the surface area of the fence.

- b. Dimensional lumber used in fence construction shall have a minimum thickness of three-quarter (3/4) inch, and fence posts shall be three and one half (3½ ) inch by three and one half (3½) inch or larger.
- c. Fences shall not contain barbed or razor wire, electric current or charge of electricity.
- d. All fences shall be constructed in such a manner that all structural members, including braces, posts, poles and other projects shall be on the interior side of the fence.

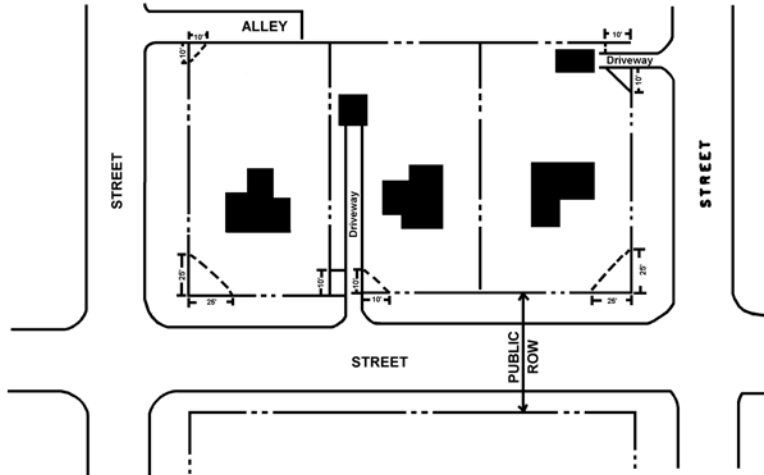
5. Maintenance

- a. All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence which is not maintained in accordance with this ordinance shall be removed or replaced (any required fence shall be replaced.)
- b. The City of Lapeer shall not be responsible for the enforcement of any agreements relative to the mutual or separate payments of the cost of construction, maintenance or repair of fences.

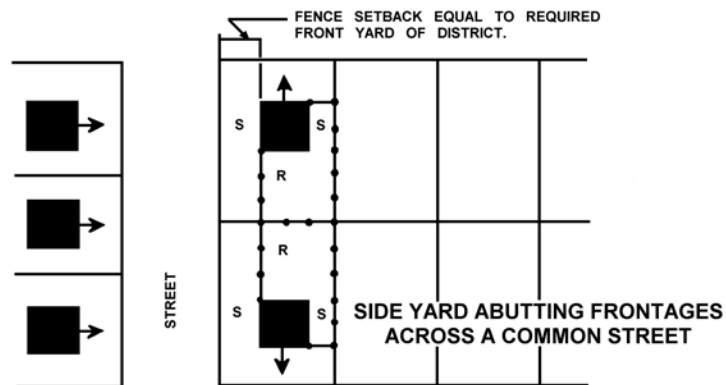
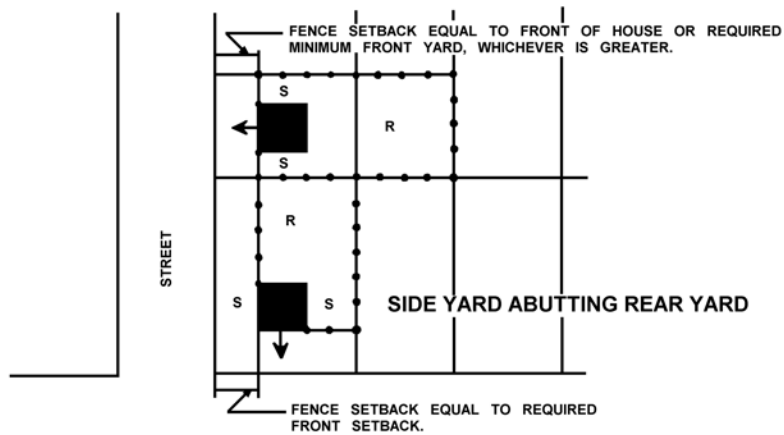
6. Exceptions

- a. Fences which serve as architectural or decorative landscaping and are not used to enclose property and/or are not placed on common lot lines, may be erected within the provisions of the minimum yard requirements for said yard as specified in article 7.15, Schedule of Regulations.
- b. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations."

EFFECTIVE DATE OF AMENDMENT: March 12, 2003



**CORNER CLEARANCE**



- ➔ FRONT YARD
- R REAR YARD
- S SIDE YARD
- FENCE LINE

**RESIDENTIAL FENCE SETBACKS**

**P. SITE PLAN REVIEW (ALL DISTRICTS):**

1. Site plan review shall be conducted by the City Manager and administrative and technical personnel as may be deemed necessary to properly evaluate a proposed plan. In those instances where the City Manager finds need for Planning Commission review of a site plan, such plan may be submitted to the Planning Commission for its review. All site plans shall be prepared in accordance with the requirements of this Ordinance and the City's site plan review procedure.

Site plans shall be reviewed by the Planning Commission for any proposed PRINCIPAL USE PERMITTED SUBJECT TO SPECIAL CONDITIONS and any USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT.

Site plans for all subdivisions, cluster housing and multiple-family developments involving more than one (1) building shall be reviewed by the Planning Commission.

2. A site plan shall be submitted to the City for approval of:
  - a. Any use or development for which the submission of a site plan is required by any provision of this Ordinance.
  - b. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in 7.17, E, OFFSTREET PARKING REQUIREMENTS,
  - c. Any use in an RM, RM-1, RM-2, MHP, OS-1, B-1, CBD, B-2, I-1 or I-2 District lying contiguous to, or across a street from, a single-family residential district.
  - d. Any use except single- or two-family residential which lies contiguous to a major thoroughfare or collector street.
  - e. All residentially related uses permitted in single-family district such as, but not limited to: churches, schools, and public facilities.
  - f. ALL PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.
  - g. ALL USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT.
3. The following information shall be included on the site plan:
  - a. Plan shall be 1 inch = 50 feet horizontally as a maximum and 1 inch = 5 feet vertically for profiles.  
EFFECTIVE DATE OF AMENDMENT: September 14, 2006.
  - b. Date, north point and scale.

- c. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
- d. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
- e. The location of all existing and proposed drives and parking areas.
- f. The location and right-of-way widths of all abutting streets and alleys.
- g. The names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan.
- h. Plan submittal shall comply with City of Lapeer Construction Specifications.  
EFFECTIVE DATE OF AMENDMENT: September 14, 2006.

4. In the process of reviewing the site plan, the City shall consider:

- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
  - (1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
  - (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- c. The City may further require landscaping, fences and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- d. In those instances wherein the City finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thorofares, thereby diminishing the carrying capacity of the thorofare, the City may require marginal access drives. For a narrow frontage, which will require a single outlet, the City may require that money be placed in escrow with the Municipality so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the City Clerk.

## SITE PLAN REVIEW CHECKLIST

		Yes	No	Not Applicable
1.	Correct scale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Name of person preparing plan*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.	Date, northpoint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Property line dimensions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Street right-of-way widths	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Existing utilities (sewer, water, gas, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Show adjacent property and buildings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Existing topography, trees and other features	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Off-site ground, parking lot, roadway, driveway and/or structure elevations for minimum distance of 50 feet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	On-site grid of maximum 100 feet intervals each way (closer where rolling terrain warrants) and minimum 2.0 feet contours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Location of new structures including side and front yard setbacks and building length and width (show a general floor plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Number of dwelling units per building	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13.	Height of structures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Percent one room apartments (efficiencies)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Total number of rooms if multiple-family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	Parking requirements met	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	Number of units and bedrooms each building	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	Parking lot layout (showing paved area) including ingress and egress, and service area	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	Parking lot space dimensions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	Loading and unloading space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21.	Site grading and drainage plan (on-site elevations for pavements, drives, parking lots, curbs, sidewalks and finish grade at building)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22.	Utility connections (sanitary sewer, water, storm sewers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23.	On-site storm water retention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	Fire hydrants (on and off site)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25.	Sidewalks and elevations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26.	Sedimentation and erosion control plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27.	Landscape plan showing plant materials to be used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28.	Sign requirements met	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29.	Require walls and fences or greenbelts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30.	Corner clearance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31.	Service drive needed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32.	Acceleration lanes and traffic pattern	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33.	Trash receptacle locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SITE PLAN REVIEW CHECKLIST**  
(continued)

	Yes	No	Not Applicable
34. Mail box locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. Air conditioner unit locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
36. Special site features (play areas, pools, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
37. Handicapped facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* Where property line surveys, topography, sewer, water or storm drains are shown, the name of the registered engineer or land surveyor preparing such elements of the plan shall be indicated on the plan.			

5. A preliminary and final site plan shall be submitted for review in accord with the provisions of this ordinance and such other rules and procedures established by the City.

a. Preliminary Site Plans

Action on a preliminary site plan shall be taken by the City when one of the following conditions exist:

- (1) All requirements for Preliminary Site Plan approval, as set forth herein, are met and a recommendation for approval has been made by all reviewing agencies of the City and has been forwarded to the City Manager.
- (2) A site plan, by request of the applicant, needs an official denial in order to gain access to the Zoning Board of Appeals.
- (3) In those instances where approval authority is vested with the City Commission, a recommendation shall be made to the City Commission.

Preliminary Site Plan approval by the City Manager or Planning Commission, or when required by the City Commission establishes site development feasibility.

b. Final Site Plans

Except where otherwise set forth in this Ordinance, final site plan approval may be given administratively when all conditions set forth herein for final site plans are complied with. In the process of reviewing a Final Site Plan, the various reviewing agencies and departments shall consider:

- (1) That all local, county and state requirements as may apply to the proposed use are met.
- (2) All applicable engineering requirements are met.
- (3) The Final Site Plan remains substantially unchanged from the approved Preliminary Site Plan.

Final Site Plan approval, except as specifically permitted in subsections (3) and (4) below, shall not be given until all the above requirements are met. No work shall commence on any site, except as specifically permitted herein, or any buildings requiring site plan approval and no permits shall be issued until after Final Site Plan approval is granted. Final Site Plan approval shall be granted as set forth below:

- (1) All requirements for Final Site Plan approval are met.

- (2) In those instances where approval authority is vested with the City Commission, a recommendation shall be made to the City Commission.
- (3) Upon request, the City may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil on the site, prior to Final Site Plan approval, provided:
  - (a) A grading plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.
  - (b) A soil erosion permit, when required, has been secured.
- (4) Upon request, the City may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the layout of footings and the construction of foundation walls prior to Final Site Plan approval, provided:
  - (a) A grading plan, drawn to local specifications and when necessary to county specifications, has been reviewed and approved.
  - (b) A soil erosion permit, when required, has been secured.
  - (c) Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants.
  - (d) A resolution absolving the City of any liability has been submitted by the applicant and approved by the City.

6. The approval by the City of any site plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of five (5) years from the date thereof; provided, however, that a lapse of more than one (1) year if continuous substantial construction and development does not occur, in which event, said approval shall expire. The Building Inspector shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired.

Fees for review of expired site plan may be waived in those instances where no substantial change in conditions of the site plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site plans or new site plans shall be the same as for the initial submittal.

**Q. FRONTAGE ON A PUBLIC STREET:**

No lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public street, unless otherwise provided for in this Ordinance.

**R. ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET:**

For uses making reference to this Section R, vehicular access shall be provided only to an existing or planned major thoroughfare, freeway service drive, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, freeway service drive, or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, freeway service drive, or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall apply only if the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

**S. GARAGE SALES:**

Before any garage sale may be held, the person holding the sale shall register the same with the City of Lapeer Police Department at least twenty-four (24) hours before holding the sale. The registrant shall provide the following information: the name of the person holding the sale; the name of the owner, occupant or his personal representative; the dates and times the sale will be held; the address of the premises where the sale will be held; the anticipated number of people expected to attend the sale each day; and such other information as the Chief of Police may deem important for the protection of the public health, safety and welfare. A garage sale may be held for not more than seven (7) consecutive days duration, and for not more than twice each calendar year.

**T. FLOODPLAINS:**

Floodplain controls, as provided in Chapter 32 of the Lapeer City Code, shall take precedence wherever such controls are more stringent than the provisions of this Ordinance.

**U. SIDEWALKS:**

Installation of public sidewalks in accordance with City standards and specifications shall be required for any use or development which involves new, single or two family, residential construction, or for which the submission of a site plan is required by any provision of this Ordinance.

EFFECTIVE DATE: August 14, 1996

**V. CURB CUTS AND DRIVEWAY APPROACHES:**

1. Nonconforming Curb Cuts

Curb cuts lawfully made prior to the effective date of this Ordinance which do not meet the standards of this Ordinance shall be considered nonconforming and may be maintained unless Article 7.17.V.2.d. or e. is applicable.

2. Curb Cuts and Driveway Approaches

No curb cut or driveway approach shall be made to a public street or right-of-way without first obtaining a permit from the City. Issuance of such permits shall be made only in accordance with the following regulations:

a. Definitions. As used in this section, the following definitions apply:

- (1) The term "approach" shall mean an area improved for vehicular traffic on a public street right-of-way which connects the traveled portion of the street with a driveway.
- (2) The term "curb cut" shall mean that section of curb removed to permit ingress from the pavement to the adjacent property and shall be measured between the points of tangency of the opening radii with the normal street curbing.
- (3) The term "opening" shall mean the point of connection of the driveway and approach at the street right-of-way line. Its width and location shall be determined by extending the driveway line to the street right-of-way line.
- (4) The term "site" shall mean all contiguous land under the same ownership or one whole lot in the case of land for which a recorded plat exists.
- (5) "Street frontage" shall mean the length of the property abutting one or more streets.

b. Number of Openings. The number of openings listed in the chart below shall be maximum for any site, lot or parcel.

<b>Total Street Frontage</b>	<b>Up to 100'</b>	<b>101' to 200'</b>	<b>201' or Over</b>
<b>Number of Openings</b>	(1)	(2)	<b>(2) for the first 200' plus (1) for each additional 600' of total street frontage thereafter</b>

c. Design Criteria

Curb cuts and driveway approaches shall comply with City of Lapeer Design Standards and City Construction Specifications.

d. Traffic Hazards

Any openings which pose or constitute a pedestrian or traffic hazard may be ordered closed, modified, or relocated by the City. The City shall give the property owner affected by this provision a reasonable time to comply with any order of the City to close, modify, or relocate said opening.

e. Useless Curb Cuts

If at any time a curb cut ceases to be functional, the curb shall be replaced and the approach removed by the adjoining property owner. If a useless curb cut is not replaced by curbing in accordance with the City specifications, and if the approach is not removed, said work may be done by the City and the cost thereof shall be charged to the property owner and may be collected by the City in any manner allowed by law.”

EFFECTIVE DATE OF AMENDMENT - SECTION V: May 17, 2007.

**W. UTILITIES:**

1. "Underground Utility District" shall mean that area in the City within which all new cable TV, electric and telephone lines shall be placed underground.
2. The Planning Commission may call public hearings to ascertain whether any area of the City should be designated as an "Underground Utility District". The City Clerk shall notify all utilities affected and owners of property within said proposed district, by first class mail of the time and place of such hearing at least ten (10) days prior to the date thereof. In addition, notice of such hearing shall be given by publication in a newspaper of general circulation within the City at least ten (10) days prior to the date of such hearing. The notices shall contain a map or general description of the area being considered as an "Underground Utility District".
3. If, after such public hearing, the Planning Commission finds that it would be in the best interests of the public to designate the area described in the notice of the public hearing as an "Underground Utility District", it may do so by resolution. The decision of the Planning Commission shall be final and not subject to appeal to the Zoning Board of Appeals.
4. The provisions of this ordinance shall be in addition to existing provisions of the Zoning Ordinance or any other ordinance which may otherwise require the placement of utility lines underground.

(EFFECTIVE DATE OF SECTION W: MARCH 16, 1988)

**X. BUILDING ADDRESS IDENTIFICATION:**

The owner or person in control of any building or property having a street address shall provide street address identification numbers for each such property or building. The address identification number shall be of a size, type and color, such that it is legible from the street to which the address applies. The location of the address identification number shall be such that the building or property to which it applies is easily ascertainable.

(EFFECTIVE DATE OF SECTION X: 4/12/89)