



Zoning Ordinance

2002

ZONING ORDINANCE

Prepared for:

CITY OF STANDISH
STANDISH, MICHIGAN

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PROJECT No. E14078.41

PREPARED BY:

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HOW TO USE THIS ORDINANCE

This Zoning Ordinance contains a comprehensive set of regulations and requirements intended to provide for the optimum development of land and to adequately protect property owners, residents and visitors within the City of Standish. While zoning ordinances are complex by nature and written in relatively strict legal jargon, the City has attempted to make this ordinance as easy as possible to reference and understand. To accomplish that, all special regulations related to special use permits, site plan review, non-conforming uses and structures and off-street parking are incorporated into one Article (Article 6). The specific standards for permitted uses and uses by special permit are defined within this Article. Most of the requirements one needs to be aware of in constructing or expanding a structure within the City are contained within the appropriate Residential, Commercial or Industrial district in Article 5, along with the General Provisions in Article 4 and Special Regulations in Article 6.

The general provisions in Article 4 address the overall scope of regulations and lot requirements applicable to all districts, including accessory buildings, fences, drainage, etc. Specific permitted uses, special permitted uses, and accessory uses are identified for each district along with the lot size, yard setback and height. The special regulations in Article 6 identify the general and specific standards that are to be applied in reviewing a **special use permit request**, the administrative procedures that must be followed by the applicant and City in the submittal, review and approval of a special use request, the requirements and procedures that must be followed for **site plan review**. Cross-references among the various sections of the Ordinance cannot be avoided and these are identified where appropriate. Consequently, the user is encouraged to be diligent in adhering to all applicable regulations and requirements.

An individual, partnership, or corporation wishing to build or expand within the City must first refer to the official zoning map to determine the district in which the proposed development or improvement is located. The applicant must then identify whether or not the proposed development is a Permitted Use or a Use Allowed by Special Permit within that District. If the proposed use is not specifically mentioned as a Permitted Use or Use Allowed by Special Permit, then it is not allowed. All uses allowed by Special Permit and certain identified Permitted Uses (including all new commercial and industrial uses) must adhere to the requirements for Site Plan Review and Approval in Article 6 (Section 602), in addition to the other applicable requirements for the district in which the project is located, (the requirements of Articles 4 and 5), as well as the **off-street parking and loading** requirements of Section 604.

Before construction or expansion of a structure or use within any zoning district within the City can begin, a zoning permit must be applied for and obtained. The procedures for obtaining a zoning permit or for requesting a change in the zoning designation of a property or for amending the Ordinance are defined in Article 8 (Sections 804 and 805). No building that is to be constructed under this Ordinance can be inhabited without the issuance of a zoning permit and certificate of occupancy by the Zoning Administrator or the Building Inspector.

Persons proposing larger scale, multi-lot developments may submit their proposal as a site condominium under the requirements and procedures identified in Article 7. Those proposing the development or expansion of a mobile home park within the City must conform to the requirements of Article 5.

Any questions pertaining to the permitting, size, location and construction of signs, whether for commercial or domestic use, should refer to the separate City of Standish Sign Ordinance.

The description and rules for non-conforming uses and structures are defined in Section 603. Land uses or structures which are non-conforming as a result of the adoption of this Ordinance, or which were existing as non-conforming uses or structures under the previous ordinance are considered to be “grandfathered” uses or structures under this Ordinance.

The conditions under which a zoning decision may be appealed and the steps to bring an appeal, and the conditions and procedures for requesting a dimensional variance, are described in Section 803, Zoning Board of Appeals.

Finally, whenever there is a question about the meaning or interpretation of any word or term used in this Ordinance, or about a word or term that, while not included in this Ordinance, is applicable to the Ordinance, the reader should refer to Article 2 - Definitions.

TABLE OF CONTENTS

ARTICLE 1
PREAMBLE 1
TITLE 2
ARTICLE 2 – TERMINOLOGY AND DEFINITIONS
201 TERMINOLOGY 3
202 DEFINITIONS 4
ARTICLE 3 – ZONING DISTRICTS AND ZONING MAP
301 ZONING DISTRICTS.....42
302 ZONING MAP44
ARTICLE 4 – GENERAL PROVISIONS
401 SCOPE OF ORDINANCE REGULATIONS.....45
401:1 APPLICATION45
401:2 MORE RESTRICTIVE REGULATIONS APPLY45
401:3 PRE-EXISTING UNLAWFUL USES AND STRUCTURES45
401:4 STRUCTURES, USES AND ALTERATIONS SUBJECT TO THIS ORDINANCE.....45
401:5 MIXED OCCUPANCY45
401:6 ZONING NOT AUTHORIZATION TO PROCEED46
401:7 VALIDITY AND CONFORMITY OF PRIOR PERMITS ISSUES.....46
401:8 VALIDITY OF EXISTING USES AND STRUCTURES46
401:9 DESIGNATION OF ANNEXED PROPERTY46
401:10 REVERSION OF REZONED AREA.....46
401:11 RESTORATION OF UNSAFE STRUCTURES.....46
401:12 ABANDONED BUILDINGS AND STRUCTURES.....47
401:13 EXCAVATION AND HOLES47
401:14 DUMPING OF SOIL, SAND, CLAY MATERIALS.....47
401:15 STORAGE, DUMPING OF WASTE, JUNK, ETC.....47
401:16 KEEPING OF LIVESTOCK.....48
401:17 TEMPORARY USE PERMIT.....48
401:18 PARKING OF LICENSED RECREATION EQUIPMENT49
401:19 PARKING OF HEAVY TRUCKS.....49
401:20 CONNECTIONS TO DRAINAGE SYSTEM.....49
401:21 ROOF AND SURFACE DRAINAGE49
401:22 BUILDINGS TO BE MOVED.....50
401:23 ESSENTIAL SERVICES.....50
401:24 STREETS50
401:25 PRIVATE ROADS50
401:26 HOME OCCUPATIONS, GARAGE SALES AND YARD SALES.....51
402 SCOPE OF DISTRICT REGULATIONS.....52
402:1 REDUCTION OF LOT SIZE52
402:2 APPLICATION OF REQUIRED SPACE.....52
402:3 SIDE YARD ALONG ZONING DISTRICT BOUNDARY53
402:4 LIMITATIONS OF REQUIRED FRONT YARD.....53
402:5 CLEARANCE ON CORNER LOT53
402:6 DOUBLE FRONTAGE LOT.....53
402:7 REQUIRED ACCESS.....53
402:8 MULTIPLE STRUCTURES OR MULTIPLE USES ON A SINGLE LOT.....54
402:9 ACCESSORY USES.....54
402:10 ACCESSORY BUILDINGS OR ACCESSORY STRUCTURES IN ANY DISTRICT.....54
402:11 HEIGHT AND AREA ZONING EXCEPTIONS.....55
402:12 FENCES IN REQUIRED FRONT YARDS.....56
402:13 FENCE STRUCTURE56

ARTICLE 5 – DISTRICTS

501	R-1 LOW DENSITY RESIDENTIAL DISTRICT- PERMITTED USES AND STRUCTURES.....	57
501:1	PRINCIPAL USES AND STRUCTURES.....	57
501:2	ACCESSORY USES AND STRUCTURES.....	58
501:3	SPECIAL USES AND STRUCTURES.....	59
501:4	PROHIBITED USES.....	59
502	R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT - PERMITTED USES AND STRUCTURES.....	60
502:1	PRINCIPAL USES AND STRUCTURES.....	60
502:2	ACCESSORY USES AND STRUCTURES.....	61
502:3	SPECIAL USES AND STRUCTURES.....	61
502:4	PROHIBITED USES.....	61
503	O-R OFFICE-RESIDENTIAL DISTRICT - PERMITTED USES AND STRUCTURES	62
503:1	PRINCIPAL USES AND STRUCTURES.....	63
503:2	ACCESSORY USES AND STRUCTURES.....	63
503:3	SPECIAL USES AND STRUCTURES.....	63
503:4	PROHIBITED USES.....	64
504	C-1 CENTRAL BUSINESS DISTRICT- PERMITTED USES AND STRUCTURES.....	64
504:1	PRINCIPAL USES AND STRUCTURES.....	65
504:2	ACCESSORY USES AND STRUCTURES.....	65
504:3	SPECIAL USES AND STRUCTURES.....	65
504:4	PROHIBITED USES.....	66
505	C-2 GENERAL BUSINESS DISTRICT - PERMITTED USES AND STRUCTURES.....	66
505:1	PRINCIPAL USES AND STRUCTURES.....	66
505:2	ACCESSORY USES AND STRUCTURES.....	67
505:3	SPECIAL USES AND STRUCTURES.....	67
505:4	PROHIBITED USES.....	67
506	IND INDUSTRIAL DISTRICT - PERMITTED USES AND STRUCTURES.....	69
506:1	PRINCIPAL USES AND STRUCTURES.....	69
506:2	ACCESSORY USES AND STRUCTURES.....	70
506:3	SPECIAL USES AND STRUCTURES.....	70
506:4	PROHIBITED USES.....	70
507	GC GREENBELT CONSERVATION DISTRICT - PERMITTED USES AND STRUCTURES	71
507:1	PRINCIPAL USES AND STRUCTURES.....	72
507:2	ACCESSORY USES AND STRUCTURES.....	72
507:3	PROHIBITED USES.....	73
508	C-O CORRIDOR OVERLAY DISTRICT	73
508:1	LOCATION.....	73
508:2	APPLICABILITY	74
508:3	SITE PLAN REVIEW REQUIREMENTS.....	74
508:4	ACCESS DRIVEWAYS	74
508:5	OFF-STREET PARKING	81
508:6	LANDSCAPING	81
508:7	PARKING LOT LANDSCAPING AND SCREENING	82
508:8	MATERIALS STANDARDS	84
508:9	LANDSCAPE PLAN.....	85
508:10	REFUSE CONTAINERS	85
508:11	SIGNS	86
508:12	BUILDING LOCATION, DIMENSION AND APPEARANCE.....	86

509	MPH Mobile Home Park.....	88
509:1	Permitted Uses.....	88
509:2	Prohibited Uses.....	88
509:3	Compliance with Mobile Home Commission.....	88
509:4	Area.....	89
509:5	Signs.....	89
509:6	Landscaping.....	89
509:7	Streets, Sidewalks and Public Ways.....	89
509:8	Off-Street Parking and Driveways.....	91
509:9	Illumination.....	92
509:10	Utilities and Others Services.....	93
509:11	Lot Size, Side and Front Yards.....	95
509:12	Height.....	97
509:13	Pads, Mats or Platforms.....	97
509:14	Open Space.....	97
509:15	Mobile Home Installation.....	98
509:16	Site Plan Approval.....	98
509:17	Compliance.....	98
ARTICLE 6 – SPECIAL REGULATIONS		
601	SPECIAL USES AND STRUCTURES.....	99
601:1	INTENT.....	99
601:2	GENERAL PROVISIONS.....	99
601:3	ADMINISTRATION AND PROCEDURES.....	101
601:4	STANDARDS FOR SPECIAL USES AND STRUCTURES.....	103
601:4A	1. TWO FAMILY HOUSING – R-1 DISTRICT.....	104
	2. PUBLIC UTILITIES FACILITIES – R-1, R-2 DISTRICTS.....	105
	3. MINERAL EXTRACTION, REMOVAL OR DRILLING – R-1, R-2 DISTRICTS.....	106
	4. GOVERNMENTAL BUILDINGS – R-1, R-2 DISTRICTS.....	106
	5. SCHOOLS – R-1, R-2 DISTRICTS.....	107
	6. CLINICS – R-1, R-2 DISTRICTS.....	107
	7. RELIGIOUS INSTITUTIONS – R-1, R-2 DISTRICTS.....	108
	8. GASOLINE SERVICE STATIONS – C-1 DISTRICT.....	109
	9. PLANNED RESIDENTIAL DEVELOPMENT – R-1, R-2 DISTRICTS.....	109
	10. DRIVE-IN BANKS, CLEANERS AND LAUNDRIES – C-1 DISTRICT.....	113
	11. WAREHOUSING AND STORAGE.....	114
	12. COMMERCIAL RECREATIONAL – IND DISTRICT.....	114
	13. ADULT ENTERTAINMENT BUSINESS.....	115
	14. BED AND BREAKFAST.....	117
	15. RESIDENTIAL AND INSTITUTIONAL CARE FACILITIES.....	120
602	SITE PLAN REVIEW.....	121
602:1	PURPOSE.....	121
602:2	SCOPE.....	122
602:3	OPTIONAL SKETCH PLAN REVIEW.....	123
602:4	APPLICATION PROCEDURE.....	123
602:5	ACTION ON APPLICATION AND PLANS.....	126
602:6	CRITERIA FOR REVIEW.....	127
602:7	CONFORMITY TO APPROVED SITE PLAN.....	128
602:8	AMENDMENT TO SITE PLAN.....	129
602:9	PERFORMANCE BOND.....	129
602:10	STANDARDS FOR PRINCIPAL USES AND STRUCTURES.....	129
602:11	SITE DESIGN STANDARDS.....	131
603	NON-CON FORMING USES AND STRUCTURES.....	144
603:1	GENERAL RULES FOR NON-CONFORMING USES AND STRUCTURES.....	144

604	OFF-STREET PARKING AND LOADING FACILITIES.....	146
604:1	MINIMUM NUMBER OF PARKING SPACES REQUIRED.....	146
604:2	MINIMUM STANDARDS FOR OFF-STREET LOADING FACILITIES.....	148
604:3	MINIMUM STANDARDS FOR OFF-STREET PARKING FACILITIES.....	149
604:4	OFF-STREET PARKING REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS.....	152
ARTICLE 7 – SITE CONDOMINIUM DEVELOPMENT.....		153
701	INTENT	153
702	PURPOSE.....	153
702:1	THE PURPOSES OF CONDOMINIUM REGULATIONS ARE TO:.....	153
703	DEFINITIONS.....	153
704	REVIEW PROCESS	155
704:1	PRELIMINARY INVESTIGATION.....	155
704:2	REVIEW PROCEDURE.....	156
704:3	INITIAL INFORMATION.....	157
704:4	INFORMATION TO BE KEPT CURRENT	158
705:5	SITE PLANS	158
705	CONDOMINIUM SUBDIVISION PLAN – REQUIRED CONTENTS.....	158
705:1	EXISTING CONDITIONS.....	158
705:2	PROPOSED CONDITIONS	160
706	REVIEW BY PLANNING COMMISSION.....	161
707	CITY COUNCIL REVIEW AND TENTATIVE APPROVAL.....	162
707:1	Review.....	162
707:2	Approval.....	162
708	FINAL APPROVAL AND ACCEPTANCE OF ENGINEERING PLAN.....	163
709	FINAL ENGINEERING/SITE PLAN REQUIREMENTS	164
710	MONUMENTS REQUIRED – SITE CONDOMINIUM PROJECTS	165
711	FINAL CONDOMINIUM PROJECT: ACCEPTANCE OF PUBLIC IMPROVEMENTS BY COUNCIL.....	167
711:1	Filing	167
711:2	Review.....	168
711:3	Approval.....	168
712	COMPLETION OF IMPROVEMENTS	169
713	INSPECTION OF PUBLIC IMPROVEMENTS.....	170
714	LATE COMPLETION OF IMPROVEMENT/TEMPORARY OCCUPANCY.....	171
715	ISSUANCE OF ZONING CODE BUILDING PERMITS.....	171
716	MAINTENANCE OF PUBLIC IMPROVEMENTS.....	172
ARTICLE 8 – ADMINISTRATION AND ENFORCEMENT		
801	CITY COUNCIL	179
802	CITY PLANNING COMMISSION	180
803	ZONING BOARD OF APPEALS	180
804	ZONING ADMINISTRATOR.....	181
805	PUBLIC HEARINGS.....	183
806	VIOLATIONS AND PENALTIES.....	184
807	VALIDITY.....	185
908	CONFLICTING ORDINANCES.....	185
909	EFFECTIVE DATE	185

PREAMBLE

An Ordinance to regulate and restrict the location and use of structures and land for residential, commercial, industrial and other related activities; to regulate and determine the area of yards and other open spaces near and around structures; to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers; to regulate and limit the density of population; for said purposes to divide the City into districts and to provide penalties for the violation of its provisions and to repeal all prior Zoning Ordinances and all amendments thereto.

Pursuant to the authority conferred by Act 207, Michigan Public Acts of 1921 as amended, now therefore:

THE CITY OF STANDISH ORDAINS:

ARTICLE I

TITLE and INTENT

101 Short Title

This Ordinance shall be known as the “STANDISH CITY ZONING ORDINANCE: and may be referred to herein as “this Ordinance.”

102. Intent

It is not intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or by such private restrictions, the provisions of this Ordinance shall control.

For the purpose of this ordinance the following rules shall apply to the terminology in the text and the following definitions shall apply to words and phrases used in the text.

201 Terminology

1. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall take precedence.
2. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future. Words used in the singular number shall include the plural and the plural the singular, unless the text clearly indicates the contrary.
4. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any similar entity.
6. The word "occupied" and the word "used" shall be considered to be followed by the words "or intended, arranged or designed to be used or occupied".
7. Terms not herein defined shall have the meaning customarily assigned to them.

202 Definitions

ABANDONMENT

The cessation of activity in, or use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, for a period of twelve (12) months or longer.

ABUTTING

Having property or district line in common e.g., two lots are abutting if they have property lines in common.

ACCELERATED SOIL EROSION

The increased removal of the land surface that occurs as a result of human activities.

ACCESS

A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

ACCESSORY USES AND STRUCTURES - Uses and structures which are customarily accessory and clearly incidental and subordinate to, and on the same zoning lot as, permitted principal or conditional uses and structures in any zoning district.

ADDITION

A structure added to the original structure at some time after the completion of the original.

ADJOINING LOT OR LAND

A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

ADULT BOOK STORE

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, pictures, video, or films depicting, describing, or relating to "specified sexual activities," or which are characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas." In determining whether certain materials constitute a substantial or significant portion of the total stock in

trade of an establishment, the following may be considered, together with all other relevant factors:

- a) if the materials in question are located or displayed on the main traffic aisles or in close proximity to the public entrances or exits of the establishment, it shall indicate that the materials are a significant or substantial portion of the stock in trade.
- b) if the general stock in trade of the establishment is available for observation and inspection by, and/or sale to, the general public while the material in question is available for inspection and observation by and for sale to only a limited segment of the public, and the establishment shall indicate that the materials are less than fifteen (15) percent of the total stock available in the retail area open to the public.
- c) if the material in question or its subject matter or the general subject emphasis of its product line is advertised to the general public by signs, posts or any other means (including, but not limited to, the name of the establishment), which are either visible from the exterior of the establishment or published for public consumption in the press or electronic media or billboards or hand fliers or any other means whatsoever, then it shall be presumed that the material in question constitutes a significant portion of the total stock in trade.

ADULT BUSINESS

All uses listed in the definition section of the Adult Entertainment Licensing Ordinance of the City of Standish.

ADULT FOSTER CARE HOME

A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home 7 to 20.

ADULT LIVE ENTERTAINMENT ESTABLISHMENT

An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

ADULT THEATER

An indoor or outdoor theater used for presenting by film, tape, or other means, material depicting, describing, or relating to "specified sexual activities" or which is characterized by its emphasis on matter depicting, describing, or relating to "specified anatomical areas" for observation by patrons therein.

AISLE

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

ALLEY

Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION

Any change in size, shape or location of a building or structure in accordance with applicable construction codes.

AMENITY

A natural or man-made feature which enhances or makes more attractive or satisfying a particular property.

ANIMAL (LARGE)

A large animal shall mean a horse, cow, sheep, goat, pig, ostrich, or similar size fowl, or other similar creatures which are also associated with traditional farming or animal husbandry purposes.

ANIMAL (SMALL)

A small animal shall mean a dog, cat, bird, reptile, mammal, fish or other nonhuman creature that can be kept in a relatively small or confined space and normally treated as a pet.

ANIMAL HOSPITAL see VETERINARY HOSPITAL

APARTMENT HOUSE

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

- (a) Efficiency Apartment - Is a dwelling unit containing not over six hundred forty (640) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining, utility and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

- (b) One Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least six hundred and forty (640) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining, utility and sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.
- (c) Two Bedroom Unit - Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a three (3) room unit.
- (d) Three or More Bedroom Unit - Is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet. For the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

AREA OF SIGN OR BILLBOARD

The total exterior surface computed in square feet for a sign having one exposed exterior surface; one-half the total of the exposed exterior surfaces computed in square feet for a sign having more than one such surface.

ASSEMBLY ACTIVITY

Relates to the assembly and accessibility of finished goods such as autos, trailers, vans, furniture, etc. excluding raw material, manufacturing, stamping, or processing.

ASSISTED LIVING FACILITY

An establishment other than a hospital or nursing home which provides room and board or housekeeping facilities and limited medical care for non-transient elderly persons.

ATTACHED GARAGE

An outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.

AUTOMOBILE OR VEHICLE REPAIR

An establishment engaged in the repair of automobiles, trucks, buses and/or other motor vehicles and licensed to perform such repairs by the appropriate state or local agency.

Automobile body shops, engine and drive train repair, brake and muffler services are considered automobile/vehicle repair establishments.

AUTOMOBILE OR VEHICLE SALES

An establishment that is engaged in the display, sales, and rental of new and used motor vehicles, boats, trailers, farm equipment, self-propelled (vehicular) construction equipment, all in operable condition and contains an outdoor and/or indoor vehicle display area and associated office.

AUTOMOBILE WASHING ESTABLISHMENT

A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles.

BAR (see Tavern)

BASEMENT

A room or portion thereof, or any portion of a building which has a floor level more than three feet below ground containing any of the following features.

- (a) Mechanical equipment such as heating, metering, or laundry facilities.
- (b) No doorway opening directly to ground level or upon a hallway with such a doorway.
- (c) No sash windows.

BED AND BREAKFAST OPERATIONS

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

BERM, OBSCURING

An earthen mound of definite height and location to serve as an obscuring device in carrying out the requirements of this Ordinance.

BILLBOARD OR SIGNBOARD

Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon. This definition

shall not be held to include any sign used for official notices issued by a court or public body.

BLIGHT

The physical and/or visual condition of a building, structure or property that reflects a substantial deteriorated state and which has, or can potentially have, a deleterious effect on neighboring buildings, structures or properties.

BLOCK

A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplatted acreage, corporate boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

BOARD OF APPEALS

The Zoning Board of Appeals of the City of Standish.

BREEZEWAY

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

BUFFER

Also called BUFFER ZONE. An area established to protect one type of land use from the possibility of undesirable characteristics of another. The purpose is to screen out any potential objectionable features of the more intensive utilization of land from that of the less intensive. Normally, buffers consist of flat or mounded grassy areas, areas planted with hardy shrubs and trees, with fences or walls usually placed to obscure vision by density or height.

BUILDABLE AREA

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

BUILDING

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

BUILDING COVERAGE

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

BUILDING LINE

A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

BUSINESS SERVICES

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

CHILD CARE ORGANIZATION

A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a) "child care center" or "day care center" means a facility, other than a private residence, receiving more than six preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. "Child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b) "foster family home" is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c) "foster family group home" means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more

days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

- d) "family day care home" means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e) "group day care home" means a private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCHES/SYNAGOGUES/MOSQUES

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

CLEANING PLANT (COMMERCIAL)

A facility where clothing and other items are dry cleaned in relatively large volumes, in accordance with all applicable state, local and federal regulations and which may or may not contain an area where the general public can drop off and pick up items to be cleaned.

CLEAR VISION

An area thirty (30) feet along each street at its intersection with another street, drive or alley where no visual obstruction of sight may exist.

CLINIC - An institution for the medical treatment of humans or in the case of a Veterinary Clinic the medical treatment of small animals all dealing chiefly with outpatients.

CLUB OR LODGE - The room, building or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

COIN-OPERATED AMUSEMENT CENTER

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

COMMERCIAL

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

COMMERCIAL DEVELOPMENT

Physical improvements to land that is intended to be used for retail, service, or office use. Commercial development consists of main and accessory buildings, off-street parking, signage, landscaping and other associated site improvements.

COMMERCIAL RECREATION

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

CONDITIONAL USE - SEE SPECIAL USE

CONDOMINIUM

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

CONVALESCENT OR NURSING HOME

A home, qualified for license under applicable Michigan law, for the care of children, aged, or infirm.

CORNER LOT

Any lot having at least two contiguous sides abutting upon a street, provided that the interior angle of the intersection of the two sides is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the

curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. See also "LOT," defined below.

COUNTY

The County of Arenac, Michigan.

DECK

A horizontal structure of a single elevation or varying elevations commonly used as a floor attached or adjacent to the main building. A deck may be open or partially or completely covered by a roof and wall structure.

DENSITY

The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

DENSITY, HIGH RESIDENTIAL

Twelve (12) or more dwelling units per acre.

DENSITY, LOW RESIDENTIAL

Less than three (3) dwelling units per acre.

DENSITY, MEDIUM RESIDENTIAL

Three to eleven (3-11) dwelling units per acre.

DRIVE-IN (DRIVE-THRU) FACILITIES

Any place or premises which offers the sale of goods or services to customers in vehicles including those establishments where customers may serve themselves and use the goods or services on the premises.

DRIVEWAY

A paved or gravel area that provides vehicle access to a lot from a street. A dedicated alley is not considered a driveway.

DWELLING, SINGLE-FAMILY

A detached residential dwelling unit other than a mobile home, but including a modular home, designed for and occupied by one family only.

DWELLING, TWO-FAMILY - A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

DWELLING, MULTIPLE-FAMILY - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, GROUP (Congregate Living)

A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

DWELLING UNIT

One or more habitable rooms which are occupied or intended for occupancy by one family with facilities for living, sleeping, cooking and eating.

EASEMENT

Any private or dedicated public way other than a street or alley, providing a secondary means of access to a property.

EAVE

The projecting lower edges of a roof overhanging the wall of a building.

ENVIRONMENTALLY SENSITIVE AREA

An area with one or more of the following characteristics.

- (a) slopes in excess of 20 percent
- (b) floodplain
- (c) soils classified as having a high water table
- (d) soils classified as highly erodible, subject to erosion, or highly acidic
- (e) land incapable of meeting percolation requirements
- (f) land formerly used for landfill operations or hazardous industrial uses
- (g) fault areas
- (h) stream corridors
- (i) estuaries
- (j) mature stands of native vegetation
- (k) aquifer recharge and discharge areas (wetlands and lakes)

EQUIPMENT RENTAL/SALES

A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

ERECTED

As used in this Ordinance, "erected" signifies the construction, alteration, reconstruction, placement upon, or any physical alteration to a piece of land, including the excavating, moving and filling of earth.

EROSION

The process by which the ground surface is worn away by action of wind, water, gravity or a combination thereof.

ESSENTIAL SERVICES

Equipment and accessories reasonably necessary for the furnishing of adequate service by public utilities or governmental departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the essential service equipment.

EXCAVATION

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

FABRICATION

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

FAMILY

An individual or two or more persons related by blood or marriage or a group of not more than three (3) persons who need not be related by blood or marriage living together in a dwelling unit.

FAST FOOD RESTAURANT

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

- (a) Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- (b) More than 45 percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

FENCE

An enclosure, barrier, or boundary, usually made of posts, boards, wire, stakes, or rails and for the purposes of this ordinance not included as a structure.

FINAL APPROVAL

The last official action of the City Council or Zoning Board of Appeals taken on a development plan which has been given preliminary or approval, after all conditions and requirements have been met, the required improvements having been installed or guarantees properly posted for their installation, or approval conditioned upon the posting thereof.

FLAG LOT

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

FLEA MARKET see TEMPORARY OUTDOOR USE

FLOODPLAIN

The relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater. Determination of a floodplain is made by the Federal Emergency Management Agency for those areas to be covered by flood insurance and consists of:

- a) contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of one hundred years.

- b) principal estuary courses of wetland areas that are part of the river flow system.
- c) contiguous area paralleling a river stream or other body of water that exhibit unstable soil conditions for development.

FLOOR AREA

The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

FLOOR AREA, USEABLE

That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.

FRATERNAL ORGANIZATION

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

FULL SERVICE EATING AND DRINKING ESTABLISHMENT

An establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the following:

- a) Customers are normally provided with an individual menu; are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b) Cafeteria-type operation where foods, frozen desserts, or beverages are generally consumed within the restaurant building.

GARAGE, PRIVATE

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

GARAGE, SERVICE

A facility used for the storage or care of motor vehicles where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale providing that there be no outside storage of parts or inoperable vehicles.

GASOLINE SERVICE STATION

Any structure or premises arranged, designed or used for the retail sales of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling for the purpose of reuse or resale of motor vehicles or parts thereof or for the outdoor storage or repair of motor vehicles or parts thereof.

GRADE

For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.

GRADING

Any stripping, excavating, filling, stockpiling, or any combination thereof, and also included shall be the land in its excavated or filled condition.

GRADING PERMIT

The written authority issued by Arenac County permitting the grading, excavation or filling of land including drainage and soil erosion control in conformity with the Erosion Control section of this Ordinance and Public Act 347 of 1972 ((Soil Erosion and Sedimentation Control Act)

GREEN AREA

Land shown on a development plan, master plan, or official map for preservation, recreation, landscaping or a park.

GREENBELT see Section 507

GREENHOUSE

A temporary or permanent building whose roof and sides are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or personal enjoyment.

GROUND COVER

Grasses or other cultivated plants grown to keep soil from being blown or washed away, not including weeds or other overgrown, unkempt vegetation.

GROUNDWATER

The supply of freshwater under the surface in an aquifer or soil that forms the natural reservoir for potable water.

GROUNDWATER RUNOFF

Groundwater that is discharged into a stream channel as spring or seepage water.

GROUP CARE FACILITIES (see DWELLINGS (GROUP))

HARMONIOUS

Activities and structures that function in a coordinated manner with little or no conflict. Harmonious can also apply to visual perception, such as the cohesive architecture of buildings within close proximity to each other.

HAZARDOUS MATERIALS

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

HEALTH CARE (SERVICES) FACILITIES

A facility or institution, whether public or private, principally engaged in providing services for health maintenance; diagnosis or treatment of human disease, pain, injury, deformity, or physical condition; including, but not limited to, a general hospital, a special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, boarding home or home

for sheltered care; medical, surgical, and other services to individuals, including the offices of physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services; and bio-analytical laboratory or central services facility serving one or more such institutions; but excluding institutions that provide healing solely by prayer.

HEIGHT OF STRUCTURE

The vertical distance measured from the average established grade at the front of the structure to the highest point of the structure whether it be a roof, wall, parapet or similar appurtenance of the structure.

HOME OCCUPATION

Any occupation conducted within a dwelling unit by its occupants as a subordinate use and subject to the restrictions of Section 401.27.

HOSPICE FACILITY

A hospice facility for the care of the terminally ill.

HOSPITAL see HEALTH CARE FACILITIES

HOTEL / MOTEL

A building occupied or used predominantly as a temporary abode by individuals or groups of individuals, and in which building there are more than five sleeping rooms, none which have cooking facilities.

IMPERVIOUS SURFACE

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

INFRASTRUCTURE

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

INSTITUTIONAL AND PUBLIC USES

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

INTERMEDIATE CARE FACILITY see **HEALTH CARE FACILITY**

JUNK MOTOR VEHICLE

An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with state or City laws or ordinances.

JUNK (SALVAGE) YARD

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, cleaned or handled, including but not limited to house and vehicle wrecking yards, used lumber yards, places or yards for use of salvaged house and vehicle parts, structural steel materials and equipment scrap iron and other metals, paper, rags, rubber tires and bottles and also including an auto wrecking yard but not including uses established entirely within closed buildings: pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

KENNEL

Any premises on which dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration or are kept for the purpose of sale.

LABORATORY

- a) medical or dental - a laboratory which provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b) experimental - a building or part of a building devoted to the testing and analysis of any product or animal.
- c) see Health Care Facility.

LAUNDROMAT

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

LEGISLATIVE BODY

The City Council of the City of Standish

LOADING SPACE, OFF-STREET

Space logically and conveniently located for merchandise or passenger pickups and deliveries, located on the same lot with the use which it is to serve for the temporary parking of vehicles which are performing the said pickups and deliveries.

LOT

A parcel, tract or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description.

LOT AREA

The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

LOT, CORNER see CORNER LOT

LOT COVERAGE

The part or percent of the lot occupied by buildings including accessory buildings.

LOT DEPTH

The mean horizontal distance from the front street line to the rear lot line.

LOT, DOUBLE FRONTAGE

Any lot including a corner lot, as defined herein, having two (2) or more sides abutting on one (1) or more streets or roads. Any lot line separating the lot from any street or road shall be construed as being a front lot line.

LOT, INTERIOR

Any lot other than a corner lot.

LOT LINE

Any line bounding a lot.

1. Front lot line - The lot line separating the lot from any street or road right-of-way.

2. Rear lot line - The lot line opposite to and most distant from the front lot line as designated for each lot; in the case of irregularly-shaped lots, an imaginary line parallel to the front lot line but not less than ten (10) feet long measured within said lot.
3. Side lot line - Any lot line other than a front or rear lot line.

LOT OF RECORD

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

LOT WIDTH

The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such side lot lines.

LOT, ZONING

A single tract of land which at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

LOUNGE (see Tavern)

LUMBER YARD

A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

MAJOR STREET (PRIMARY ROAD)

A street or highway so designated on the major road plan of the City's Comprehensive Plan which is designed and intended to carry heavy traffic volumes.

MANUFACTURED HOME

A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law. The following are considered Manufactured Homes:

Mobile Home - A manufactured relocatable residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation. This definition does not include "motor homes" or "travel trailers".

Modular or Sectional Home - A dwelling unit consisting of two (2) or more transportable factory-fabricated units designed to be assembled on the building site as a permanent single residential structure on a foundation as required for a conventional residence.

MANUFACTURED HOME PARK

A parcel of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose, regardless whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Manufactured home parks are regulated under the Mobile Home Commission Act (P.A. 96 of 1987, as amended)

MANUFACTURED HOME SITE

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

MANUFACTURED HOME SUBDIVISION

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

MANUFACTURING FACILITY

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

MARQUEE

Any hood, canopy, awning, or permanent structure which projects from a wall of a building, usually above an entrance.

MEDICAL OFFICE (see HEALTH CARE FACILITY)

MINI-STORAGE

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

MINOR OR LOCAL STREET (SECONDARY ROAD)

A dedicated public way or recorded private street which affords access to abutting properties and is designed primarily to serve immediate neighborhood needs.

MIXED USE ZONING

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

MOTEL – (see Hotel)

MOTOR VEHICLE PARKING SPACE

Any accessible area of not less than nine feet by 18 feet exclusive of excess drive and aisles, which is not located to back onto a public street or alley right-of-way and has a shape satisfactory for parking of motor vehicles.

NATURAL RETENTION AREA

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

NONCONFORMING LOT

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

NONCONFORMING SIGN

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

NONCONFORMING USE OR STRUCTURE

Any use or structure which lawfully existed immediately prior to the time this Ordinance became effective and which does not now comply with the requirements thereof.

NUISANCE

An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated existence of a use or activity which invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare and smoke, are examples of nuisances.

NURSERY, PLANT MATERIALS

Any lot or structure used for the growing, harvesting, processing, storing, and/or selling of plants, shrubs, trees and flowers, including products used for gardening and landscaping.

NURSING HOME

An establishment or institution, other than a hospital, having as one of its functions the rendering of care for periods of more than twenty-four (24) hours to individuals afflicted with illness, injury, infirmity or abnormality.

OCCUPANCY PERMIT

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

OFFICE

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

OFFICE BUILDING

A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, physically separated from any other function (such as manufacturing) of that business

OFF-STREET ACCESSORY PARKING

Any parking area located on the same property it is intended to serve, or across an alley or street from the property, and within a district which is not of greater restriction than the property it is intended to serve.

OPEN-AIR BUSINESS USE

Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. New and used automobile and/or truck sales
- b. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- c. Outdoor display and sale of garages, swimming pools, and similar uses.
- d. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.
- e. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

OPEN SPACE

Is that part of a zoning lot, including courts or yards which:

- a) Is open and unobstructed from its lowest level to the sky, and
- b) Is accessible to all occupants upon the zoning lot, and
- c) Is not part of the roof of that portion of a building containing dwelling units, and
- d) Is comprised of lawn and landscaped area.
- e) Is not part of the roof of an attached garage if that roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

OUTDOOR AMUSEMENT FACILITY

A commercial recreation business that provides amusement facilities, such as miniature golf, carnival rides, petting zoo, and other similar attractions and open to the general public.

PARAPET

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

PARK, RECREATIONAL

An open area designed for the active and/or passive use of the general public and which may or may not contain playground or exercise facilities and equipment.

PARKING AISLE

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

PARKING SPACE, OFF-STREET

Any space used for the off-street parking of motor vehicles in all districts in accordance with Section 604, this Ordinance.

PASSIVE RECREATION AREA

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

PATIO, PORCH

Roofed open area that, while it may be glassed or screened, is usually attached to or part of and with direct access to or from a building.

PERSONAL SERVICES FACILITIES

Establishments offering services for a fee or other remuneration such as financial institutions, barber and beauty shops, clothing repair shops, professional offices and other similar uses.

PLANNED UNIT DEVELOPMENT OR "PUD"

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

PLANNING COMMISSION

The duly designated advisory plan commission of the City of Standish.

POOL, COMMERCIAL SWIMMING

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

POOL, PRIVATE SWIMMING POOL (over 500 Gallons)

Any artificially-constructed basin or other structure for the holding of water for use for swimming, diving, and other aquatic sports and recreation. The term SWIMMING POOL

does not include any plastic, canvas, or rubber pool temporarily erected upon the ground holding less than 500 gallons of water.

POTABLE WATER

Water suitable for drinking or cooking purposes.

PRELIMINARY PLAN

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

PRINCIPAL BUILDING

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

PRINCIPAL USE

The primary and predominant use of the premises including customary accessory uses.

PRIVATE RECREATION

Recreational, playgrounds and parks activities which are not open to the general public and for which a fee may or may not be charged.

PROFESSIONAL SERVICES

Services offered to the general public by the traditional professions, such as law, medicine, engineering, accounting, and architecture.

PROCESSING

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

PUBLIC FACILITIES

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

PUBLIC UTILITY

Any person, firm, corporation, municipal department or board, duly authorized to furnish to the public under Federal, State or City regulations, electricity, gas, steam, communications, cablevision, transportation or water.

PUBLIC WAY

A highway, street, avenue, boulevard, road, lane, alley or other areas specifically designated and continuously maintained for public access.

QUASI-PUBLIC AGENCY

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

RADIO TOWER

A signal sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

RECREATIONAL VEHICLE

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

RECYCLING

The process by which waste products are reduced to raw materials and transformed into new and often different products.

RECYCLING CENTER

A building where fully enclosed activities are carried out specializing in transforming waste products back into raw materials and converting them into new and often different products.

RESEARCH AND DEVELOPMENT FACILITY

Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production

while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

RESIDENCE

A home, abode, or place where an individual is actually living at a specific point in time.

RESTRICTION

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

RESTRICTIVE COVENANT

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

RESTAURANT

A business located in a building where, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of goods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

RETAIL TRADE

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

ROAD FRONTAGE

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

ROAD OR STREET, PRIVATE, PUBLIC

An irrevocable easement running with the land to one (1) or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use.

ROAD OR STREET, PUBLIC

Any public right-of-way which provides vehicular access to adjacent properties.

ROOM

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

RUNOFF

The portion of rainfall, melted snow, or irrigation water that flows across ground surface and is eventually returned to streams.

RIGHT-OF-WAY

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

RIGHT-OF-WAY LINE

The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities.

ROOMING HOUSE

Also referred to as a boarding home, lodging house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging or lodging and meals for pay or compensation of any kind, to more than two persons other than members of the family occupying such dwelling.

SALVAGE YARD (see Junk Yard)

SANITARY LANDFILL

Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license

SCHOOL

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

SCHOOL, CHARTER

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

SCREENING

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

SEASONAL BUSINESS

A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.

SEASONAL RESIDENCE

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

SETBACK

The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot.

SETBACK LINE

The line limiting the minimum horizontal distance between the front of a structure and the front property line.

SIGN

Any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any persons or product when the SIGN is placed out-of-doors in view of the general public, including every SIGN, billboard, ground sign, roof sign, sign painted or printed on the exterior surfaces of a building or structure, illuminated sign and temporary sign.

- A. Illuminated Signs - A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.

ARTICLE 2

Terminology and Definitions

- B. Identification Signs - A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.
- C. Pole Signs - A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building and having a sign area not more than one hundred (100) square feet.
- D. Projecting Signs - A sign which is generally perpendicular to, and is supported by, a wall of a building.
- E. Portable Signs - A free-standing sign not permanently anchored or secured to either a building or the ground.
- F. Pylon Signs - A sign supported by one post placed in the ground, not attached to any building. A pylon sign is of a height and dimension that can be seen from a substantial distance, primarily by freeway traffic, with the bottom of the sign at a higher elevation than the highest point of any building on the lot on which the sign is located.
- G. Real Estate Signs - A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
- H. Temporary Signs - A display, information sign, banner or other advertising device with or without a structural frame and intended for a period of display limited to two (2) weeks, including seasonal produce sales, decorative displays for holidays or public demonstrations.
- I. Marquee Signs - An identification sign attached to a marquee, canopy or awning projecting from and supported by the building.
- J. Wall Signs - A sign which is attached directly to or painted upon a building wall and which does not extend more than thirteen (13) inches there from nor more than five (5) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.

- K. Roof Signs - Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
- L. Institutional Bulletin Board - A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
- M. Subdivision Sign - A sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a mobile home park. Such signs being without moving parts, not higher than ten (10) feet from the ground and no closer than twenty (20) feet to any public right-of-way line.
- N. Off-Site Sign - A sign advertising a business, or activity or event, and located on a parcel of land different from the parcel on which the business, activity or event is located.

SINGLE OWNERSHIP

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

SITE CONDOMINIUM

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

SITE PLAN

The development plan for one or more lots, on which is shown the existing and proposed conditions of the lot under the terms of Section 602 of this Ordinance.

SITE PLAN REVIEW AND APPROVAL

The submission of plans for review and approval, as required by this Ordinance, and special use permits.

SKETCH PLAN

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

SPECIAL LAND USE

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

SPOT ZONING

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

STATE LICENSED RESIDENTIAL FACILITY

A facility licensed by the State pursuant to Act 287 MPA 1972 as amended or Act 116 MPA 1973 as amended which provides resident services for 6 or less persons under 24 hours supervision or care for persons in need of that supervision or care.

STORMWATER DETENTION

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

STORY

That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF

Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). for the purposes of this Ordinance the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

STREET

A public right-of-way which has been dedicated to the public and accepted for the purpose of providing access to abutting private lots or land, including space for curb, gutter, paving, and sidewalks.

STREET, COLLECTOR

A street which collects traffic from local streets and connects with minor and major arterials.

STREET, CUL-DE-SAC (Loop)

A street with a single, common ingress and egress, and with a turnaround at the end.

STREET, LOCAL

A street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET, MAJOR ARTERIAL

A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials.

STRUCTURE

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including buildings and walls, but for the purposes of this Ordinance, not including fences.

SUBDIVISION

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

SUPPLY YARD

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

TAVERN, LOUNGE, OR BAR

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

TEMPORARY BUILDING USE

A use in a temporary or permanent structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

TEMPORARY CERTIFICATE OF OCCUPANCY

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

TEMPORARY OUTDODOR USE

A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

TENANT

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

THEATER

A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

TOXIC POLLUTANTS

A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, can cause death or disease, mutations, deformities, or malfunctions in those organisms of their offspring.

TRAILER COACH

Any movable dwelling or mobile dwelling except as defined as a "mobile home" (Subsection 202:13, this Ordinance). Included as trailer coaches are travel trailers, campers, house cars and similar recreation-type equipment used for temporary or recreation dwelling.

TRAILER COACH PARK

An area or premises on which space available is rented, held for rent, or on which free occupancy or camping is permitted for trailer coach owners or users on a temporary basis according to the provisions of Act 243, P.A. of 1959, State of Michigan as amended.

TRAILER SALES YARD

A facility for the sales, repair and alteration of light utility and travel trailers, but not including semi-truck trailers or trailers used for hourly construction equipment.

TRANSITION ZONE

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

TRANSITIONAL USE (see USE, TRANSITIONAL)

TRUCK AND RAILROAD TERMINALS

- a) A place where transfer between modes of transportation takes place.
- b) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

USE, BY RIGHT

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

USE, LAWFUL, LEGAL

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

USE, TRANSITIONAL

A use of land or structure located or permitted to be located on certain lots abutting a zoning boundary line, in the more restricted of the two (2) zoning districts on either side of such a boundary line.

USED CAR LOT

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

VARIANCE

A modification of the required provisions of the physical development or land use standards of the zoning code granted when strict enforcement of the zoning code would cause undue hardship owing to circumstances unique to the individual property on which the VARIANCE is granted. The crucial points of the VARIANCE are undue hardship and unique circumstances applying to the property. A VARIANCE is not justified unless both elements are present in the case.

VEHICLE, MOTOR

A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

VEHICLE REPAIR SHOP see AUTOMOBILE OR VEHICLE REPAIR

VEHICLE SALES AREA see AUTOMOBILE OR VEHICLE SALES

VETERINARY HOSPITAL

A structure designed for the care and treatment of animals.

VOCATIONAL SCHOOL

A secondary or higher education facility, primarily teaching usable skills that prepare students for jobs in a trade; meeting applicable state requirements as a vocational facility.

WALL, OBSCURING

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

WAREHOUSE

A building primarily used for the storage of goods and materials.

WASTE DISPOSAL VEHICLES

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

WETLANDS

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

301 Zoning Districts

The following zoning districts are hereby established and the purpose or intended use of each district is stated. Permitted uses in each district are listed in Article V of this Ordinance.

- 301:1 The **R-1 - Low Density Residential District** is established to provide areas of low-density residential development. Desired development centers on single-family related activities. Services, facilities and uses incidental or accessory to single-family residential development are included. Multiple family dwellings and other uses compatible with residential development may be permitted providing they comply with the applicable regulations pertaining to Special Uses as outlined in Section 6 of this Ordinance.
- 301:2 The **R-2 - Medium Density Residential District** is established to provide areas in recognition of the denser residential development in the community. This district provides for more concentrated single-family development, and less restrictions on minimum lots and minimum yards. It is not intended to permit industrial development or commercial development not associated with residential needs.
- 301:3 The **O-R - Office Residential District** is intended to provide for a limited transitional area that includes a mixture of residential, office, and light retail uses. This district will allow for the conversion of older residences to office and light retail uses and serves as a buffer between more concentrated commercial districts and residential neighborhoods.
- 301:4 The **C-1 - Central Business District** is established to provide areas of concentrated commercial development in the business district of the community. Preferred uses are those of a retail or personal services nature which do not necessarily require large spaces for the display or sale of goods or services and which do not require immediate access on the site for motor vehicles. It is not intended to permit agricultural, residential or industrial development except as authorized in this Ordinance.

- 301:5 The **C-2 - General Business District** is established to provide areas of general commercial development for the location of uses, which are of a retail or personal services nature and for uses which require large spaces in which to conduct a commercial operation. It is intended that any uses permitted do not create a nuisance to surrounding areas by the emission of noise, fumes, smoke, vibrations, odors or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that residential development be permitted in this district except as authorized by this Ordinance.
- 301:6 The **IND - Industrial District** is established to provide areas of industrial development or manufacturing or uses which are compatible with industry or manufacturing. It is intended that all uses within this district conform to all applicable codes and laws pertaining to noise, fumes, smoke, vibrations, odors and other similar nuisances. It is not intended to permit residential or commercial development or similar uses except as authorized by this Ordinance.
- 301:7 The **GC - Greenbelt Conservation District** is intended to preserve the natural drainage systems and unbuildable wet areas of the City of Standish. In so doing, it is also intended to utilize these resources for the visual and recreational enjoyment of the City's residents by linking these waterways and wet areas in a curvilinear fashion, preserving a continuum of open space and preventing ecological and aesthetic damage that may result from unwise and disorderly development. The District is intended to provide for setbacks from these drainage systems in order to prevent physical harm, impairment and/or destruction to the drainage way. These regulations that apply within the GC District are designed to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the undeveloped character of this District.
- 301:8 The **CO - Corridor Overlay District** is designed to ensure that the U.S. 23 and M-61 corridors are designed and constructed to provide for optimum aesthetics, safety, and efficient flow of traffic. This District is intended to "overlay" all of the existing zoning districts along these corridors through the application of more stringent setback, landscaping and access standards while maintaining and promoting the economic viability of uses along the corridor.

302 Zoning Map

The areas comprising the zoning districts and the boundaries of said districts are hereby established as shown on the official zoning map entitled "ZONING MAP, CITY OF STANDISH, MICHIGAN,"

- 302:1 The Zoning Map, which together with any explanatory matter thereon is hereby adopted by reference and declared to be a part of this Ordinance.
- 302:2 The Zoning Map shall be maintained in the Standish City Hall and shall show all changes, which are made in district boundaries according to procedures, set forth in this Ordinance.
- 302:3 District boundary lines as shown on the Zoning Map, unless otherwise indicated, shall be construed as following lot lines, Standish City limits lines, centerlines of highways, streets, roads, alleys, easements, railroads, streams or these centerlines extended or projected.
- 302:4 Questions concerning district boundary lines as shown on the Zoning Map shall be decided by the Zoning Board of Appeals.

401 **Scope of Ordinance Regulations**

401:1 Application

The provisions of this Ordinance shall be held to be the minimum requirements and shall apply uniformly to each kind or class of structure or land.

401:2 More Restrictive Regulations Apply

Where the conditions imposed by any provisions of this Ordinance upon the use of structures or land are either more or less restrictive than comparable conditions imposed by the provisions of any other lawful ordinance or of any law, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.

401:3 Pre-existing Unlawful Uses and Structures

Structures or uses which were unlawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of adoption of this ordinance.

401:4 Structures, Uses and Alterations Subject to this Ordinance

All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such structures, uses or land shall be located.

401:5 Mixed Occupancy

Before issuing a zoning permit for any construction for any premises that is: 1) intended for a combination of dwelling and commercial or dwelling and industrial occupancy, 2) which would result in an increased number of dwelling units within a building partly occupied by business or industrial use; or 3) which would result in an increased area devoted to business or industrial use, within a building partly occupied as a dwelling, the Zoning Administrator shall refer the plans to the Fire Chief, Health Department and Police Department for their review and written, signed response, of any existing or anticipated fire or health hazards. Responses must be received within 14 days. No response assumes

approval. Recommendations as to additional provisions or changes in the interest of safety or health shall be complied with before issuance of a permit.

401:6 Zoning Not Authorization to Proceed

Nothing contained in this ordinance shall in itself be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to conduct any trade, industry, occupation or activity.

401:7 Validity and Conformity of Prior Permits Issued

Any building permits issued prior to the effective date of this ordinance shall be considered valid and any structure may be completed and used or occupied in accordance with plans, provided that use or occupancy is on the basis for which building permit was originally designated and provided that construction is begun within sixty (60) days. Any such use which would become non-conforming by virtue of the passage of this Ordinance shall thereafter be considered non-conforming and subject to the provisions of this ordinance.

401:8 Validity of Existing Uses and Structures

Any structure or use lawfully existing at the time of adoption of this ordinance may be continued except as hereinafter provided in the regulations concerning non-conforming uses in this ordinance.

401:9 Designation of Annexed Property

All land, property or territory hereafter to be annexed to Standish City shall be considered to be in an R-1 District until otherwise classified.

401:10 Reversion of Rezoned Area

In the case of land which has been approved for a zoning change, construction on the parcel must begin within a period of one year from approval of the zone change. If construction does not commence within this period, the Planning Commission may initiate a rezoning to return the land to the previous zoning designation, or to another designation. The process for returning the land to its previous zoning designation must comply with the amendment process provided in this ordinance (reference Section 905.1).

401:11 Restoration of Unsafe Structures

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe

by any official charged with protecting the public safety upon such order of such official.

401:12 Abandoned Buildings and Structures

Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than six (6) months shall be considered abandoned and come under the provisions of this ordinance and other City codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once six (6) months have passed, the building or structure shall have to meet all the current standards of all applicable City codes, specifically Section 603 Nonconforming Uses.

401:13 Excavation and Holes

The construction, maintenance, or existence of unprotected or unbarricaded holes, pits, wells, building pads, or similar excavations which cause, or are likely to cause a danger to life, health, and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for constructing, remodeling, or expanding structures, or for industrial or farming operations, including the mining of sand and gravel, provided appropriate precautionary measures, such as the placement of warning signs, fences, etc., have been approved by the Zoning Administrator and placed on the premises. Where excavation of holes for construction or remodeling has occurred, the filling and grading of such holes shall occur as soon as practical.

Nothing in this section shall apply to bodies of water, ditches, streams, or other major natural resources created or existing by the authority of the State of Michigan, Arenac County, the City of Standish, or other units of government.

401:14 Dumping of Soil, Sand, Clay Materials

The extensive dumping of soil, sand, clay or similar materials shall not be allowed on any lot or parcel without approval of the Planning Commission and subject to the requirements set forth by the Planning Commission.

401:15 Storage, Dumping of Waste, Junk, Etc.

The use of land or water resources for the dumping or disposal of scrap iron, metal, rubber, plastic refuse, junk, slag, ash (except for those properly sealed or adequately concealed materials discharged in the performance of normal

household or farming activities on the same lot or parcel on which the premises are located) shall not be permitted, except in such cases where a temporary permit is obtained from the Zoning Administrator, upon approval of the Planning Commission, after a public hearing and in accordance with Part 115 of the Michigan Natural Resources and Environmental Protection Act as amended. Such permit shall not exceed one (1) year from the date of issuance and may be renewed on an annual basis only after the Planning Commission grants approval.

A. BOND/AGREEMENT. An appropriate bond and agreement shall be required of the applicant to ensure compliance with the directives set forth by the Planning Commission. Such dumping or disposal shall not negatively affect the water table, or cause pollution of stagnant or running water in any area of the City or attract rodents, vectors or other nuisances so as to create health or safety problems to the natural environment and the inhabitants of the City. Nor shall the natural terrain be altered in any fashion to create safety or health hazards at the expiration date of the permit. The character of the land shall not be substantially altered so as to make it unusable for the uses for which it was originally zoned.

401:16 Keeping of Livestock

The keeping of livestock, horses, cattle, goats, sheep, pigs or poultry shall not be permitted except by expressed permission of the City Council.

401:17 Temporary Use Permit

The Zoning Administrator may issue temporary use permits for the following uses after determining that these uses will not be detrimental to adjacent conforming uses during the permitted period of use. The Zoning Administrator at the end of a time limit may issue a second temporary use permit if the applicant shows good cause. The Zoning Administrator may attach the conditions and requirements deemed necessary to meet the intent of the provisions of this section. A third temporary use permit may only be authorized by the Zoning Board of Appeals.

A. Mobile homes. An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to ninety (90) days while a dwelling or structure is being constructed or reconstructed on the same premises.

- B. Signs and supplies. The storage of building supplies and machinery; temporary storage buildings; the assembly of materials associated with a customary trade; and contractor, architect, and identification signs in connection with a construction project, may be authorized by the Zoning Administrator for a period of up to twelve (12) months. A temporary permit may be issued for the use of portable signs by business, industry, or institutions, but not including private dwellings.
- C. Temporary uses. The Zoning Administrator may authorize a temporary permit for up to thirty (30) days for seasonal or unusual non-recurrent temporary uses and signs.

401:18 Parking of Licensed Recreational Equipment

Parking of licensed recreational equipment outside of an enclosed structure, including travel trailers, campers, snowmobiles, boats, and similar items in any Residential Zoning District must conform to required setbacks for accessory structures and to overall limitations for lot coverage. All recreational equipment parked in the front yard must be parked on a driveway. Not more than one (1) piece of recreational equipment may be parked in a front yard or two (2) in a side or rear yard, but no more than two (2) total. All other parking of recreational vehicles shall occur in an enclosed building.

401:19 Parking of Heavy Trucks

Overnight parking of commercial vehicles in excess of one and a half (1.5) ton rated capacity, including all semi-truck tractors and trailers, is prohibited within any Residential Zoning District. This regulation does not apply to emergency vehicles or equipment.

401:20 Connections To Drainage System

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

401:21 Roof and Surface Drainage

If a building is equipped with gutters or other means for collection of roof water, the downspouts and/or roof water conductor pipes shall be discharged on

unpaved ground or paved surface at a distance of at least three (3') feet from the building wall. Further the grade line at the building wall shall be sloped away from the wall at the rate of at least one inch per foot (1": F), for a minimum of five (5') feet. Where settlement of the ground has occurred at the building wall, then the property owner is required to add fill to correct the condition to conform to this requirement.

401:22 Buildings To Be Moved

Any building or structure which has been wholly or partially erected on any premises located within or outside the City shall not be moved and/or be placed upon any premises in the City unless there is full compliance with City ordinances. Any such building or structure shall fully conform to all provisions of this ordinance and applicable building codes, and be compatible with the general character and design of surrounding properties. Such compatibility shall first be determined by the Zoning Administrator after reviewing the structure and site. The Zoning Administrator's determination may be appealed to the Zoning Board of Appeals within fifteen (15) days of receipt of the determination. Compatibility shall be based upon the definition of "dwelling" and the character of similar structures located within two thousand (2,000) feet, in the same zoning district. The application for a permit to move a building shall require a fee, which shall be determined by the City Council.

401:23 Essential Services

Essential services shall be permitted in all districts, provided, that in residence districts such uses shall be reviewed by the Planning Commission as to architecture and/or landscaping suitable to the neighborhood.

401:24 Streets

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

401:25 Private Roads

Private Roads shall be allowed only in site condominium or condominium developments in the City of Standish. Such roads must be constructed according to City design standards and be maintained by the developer or designated condominium association.

401:26 Home Occupations, Garage Sales and Yard Sales

Home occupations, garage sales and yard sales are permitted, subject to the following requirements:

1. A home occupation shall be conducted entirely within a residential building.
2. Only persons residing on the premises shall be engaged in the home occupation, except where a home occupation involving other persons is authorized by the Planning Commission as a Special Use.
3. The use of a dwelling for a home occupation shall be secondary and incidental to its use for residential purposes.
4. Not more than twenty-five (25) percent of the dwelling unit total for all occupations, exclusive of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches, shall be used for purposes of the home occupation.
5. A dwelling unit in which a home occupation occurs shall be separated from any other home occupation by a minimum distance of five hundred (500) feet.
6. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation.
7. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit in which a home occupation is located.
8. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking, other than normal on-street parking, generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
9. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties. Any mechanical equipment used for a home occupation

shall not be substantially different from that normally used for household purposes and hobbies.

10. Garage and yard sales shall only offer privately-owned articles and shall not include merchandise purchased for or a commission paid for resale (Such sales are commercial "flea markets"). A single dwelling unit shall not have more than two (2) sales per year and each sale shall not be more than three (3) days in length.
11. A dwelling unit shall have not more than a total of one sign advertising the home occupation or garage or yard sale. A sign advertising a home occupation shall not exceed ten (10) square feet in area and shall not be located nearer to the front lot line than one-half (1/2) the distance of the required front yard setback nor shall such a sign be located in the required side yard setback. If a home occupation sign is attached to the dwelling, it shall not exceed four (4) square feet in area.

A GARAGE SALE or YARD SALE may be advertised by means of no more than two temporary signs, each not exceeding four (4) square feet. Such signs shall not be erected more than seventy two (72) hours in advance of the sale and must be removed at the conclusion of the sale.

402 Scope of District Regulations

402:1 Reduction of Lot Size

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein, except where a lot of record is located between two developed lots and is no smaller than ninety (90) percent of the required area for a lot within the zoning district in which it is located. Such a lot may be developed with a commensurate reduction in yard setback requirements, provided that at least one side yard shall have a setback of no less than eight feet for emergency access. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements of this Ordinance.

402:2 Application of Required Space

No part of a yard or other open space or off-street parking or loading space required about or in connection with any structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open

space or off-street parking or loading space similarly required for any other structure or use.

402:3 Side Yard Along Zoning District Boundary

In case of a lot having a side yard along any zoning district boundary line, on the other side of which is a more restrictive district, said side yard shall have a width of not less than that required for the more restrictive district.

402:4 Limitations of Required Front Yard

No part of any required front yard shall be occupied for any accessory use or structure or for the storage of vehicles unless otherwise provided in this Ordinance.

402:5 Clearance on Corner Lot

On any corner lot in the R-1, R-2 and C-2 Districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) feet and eight (8) feet above the established roadway grade within a triangle formed by the two roadway right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way line.

402:6 Double Frontage Lot

On double frontage lots, a front yard as prescribed for the district as herein established shall be provided on both streets. In the case of a double frontage corner lot, the requirements of the side yard facing the street within that district shall be applied to the entire length of the lot.

402:7 Required Access

Every structure hereafter erected or relocated shall be on a lot adjacent to a public street or with access to an approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off street parking. Alleys, when existing, shall provide access as a secondary means of ingress and egress.

402:8 Multiple Structures or Multiple Uses on a Single Lot

In any district, more than one structure housing a permitted or permissible principal use or a structure housing more than one permitted or permissible use may be erected or maintained on a single lot provided that all other requirements of this ordinance shall be met for each structure or for each use as though it were on an individual lot (also see Mixed Occupancy above).

402:9 Accessory Uses

Nothing in this Ordinance shall be construed to prohibit the following accessory uses:

- A. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area, not to exceed two hundred (200) square feet in floor area.
- B. Buildings or structures necessary for provision of essential services.
- C. Gardens, garden ornaments and usual landscape features within required yard space.
- D. Fences, walls, and screens within required yard space.
- E. Retaining walls.
- F. Public playgrounds.
- G. Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and a half (1.5) ton rated capacity.
- H. Use of premises as a voting place.
- I. Storage sheds, playhouses, and shelters for transit or school bus passengers.
- J. Radio or TV antennas.
- K. Swimming Pools
- L. Decks and porches within required yard space.
- M. Home occupations, garage and yard sales, in accordance with Section 401.27.

402:10 Accessory Buildings or Accessory Structures In Any District

No accessory building or structure may be built upon any lot in single ownership on which there is no principal building. No accessory building (except for school bus shelters) shall be placed in any required front yard nor closer than ten feet

to any other building (except for the uses identified in Section 402:11. An accessory building or structure located in a rear yard shall not be closer than three feet to any lot line in residential districts. The maximum allowable size for the total of all accessory buildings on a developed lot shall be eight hundred sixty-four (864) square feet. In no instance shall the total of all accessory buildings be larger than the area of the ground floor of the main building, or occupy more than ten (10) percent of a required rear yard and twenty-five (25) percent of a non-required rear yard), which ever is less. The outer perimeter of an unattached deck within the R-1, R-2 and R-3 District may be no closer than ten (10) ft. from a side or rear lot line.

402:11 Height and Area Zoning Exceptions

The height and area requirements of all zones shall be subject to the following exceptions:

- A. HEIGHT. Parapet walls not exceeding four feet in height; chimneys; cooling towers; elevator bulkhead; fire towers; gas tanks; stacks; stage towers or scenery lofts; food processing plants; television antennas; refineries; tanks; water towers; radio towers; ornamental towers; monuments; cupolas; domes and spires; necessary mechanical appurtenances; and additions to existing buildings which now exceed the height limitations of the zone district.
- B. PERMITTED YARD ENCROACHMENTS. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS table of the DISTRICT REGULATIONS chapter, must be adhered to, as well as the requirements listed below.
 - (1) Open porches (including decks), paved terraces and patios, provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.

- (a) The highest finished elevation of the paved area or porch is not over three (3) feet above the average surrounding finished grade.
 - (b) If roofed, a porch is unenclosed, and the roof is no higher than one (1) story. A roofed area may not exceed ten (10%) percent of the required side or rear yard.
 - (c) If unroofed, paved areas or porches may have non-continuous wind breaks or walls not over six (6') feet high and not enclosing more than one half (1/2) the perimeter of the paved area or porch.
- (2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one-half (2.5') feet.
 - (3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
 - (4) Signs, subject to provisions of the City of Standish Sign Ordinance.

402:12 Fences in Required Front Yards

Any fences, walls or similar enclosures which are located in the required front yard in any residential district shall be of an "open-type" or "see-through" material and shall not exceed four (4) feet in height.

402:13 Fence Structure

Any fences, walls or other similar enclosures which are placed in any residential district shall be void of any barbed wire, spikes, sharp metal projections, broken glass or other similarly unsafe materials.

501 R-1 Low Density Residential District - Permitted Uses and Structures

The R-1 District is established to provide areas of general residential development. Desired development centers on single family related activities. Services, facilities and uses incidental or accessory to residential development are included. Multiple family dwellings and other uses compatible with residential development including commercial uses may be permitted providing they comply with the applicable regulations pertaining to Special Uses as outlined in Section 601 of this Ordinance.

Within an R-1 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of this Ordinance, except as otherwise provided in this Ordinance for any other than one or more of the following permitted uses.

501:1 Principal Uses and Structures – R-1 District

1. Single family detached dwellings.
2. State licensed residential facilities.
3. Parks, public or private.
4. Accessory buildings and uses, customarily incident to any of the above permitted uses (see Section 501:2).

All principal uses and structures in the R-1 District shall be subject to the area, location and height restrictions as specified on the accompanying SCHEDULE OF R-1 DISTRICT REGULATIONS or to more restrictive laws, regulations or codes which are legally in force, including the Building Officials Conference of America (BOCA) basic building code.

501:2 Accessory Uses and Structures

1. Private garages and carports.
2. Private swimming pools.
3. Home occupations.
4. Permanent outside storage of privately owned major recreational equipment including or similar to campers, boats, travel trailers, snowmobiles, etc. provided that said equipment shall be unoccupied and shall not be located in a front yard.
5. Decks, patios, enclosed porches, subject to the requirements of Section 402:11.
6. The keeping of not more than two roomers or boarders by a resident family.
7. Signs incidental to and on the same zoning lot as the use to which they are accessory.
8. Any other accessory uses and structures which are similar to the above listed accessory uses and structures which are customarily incident to any of the principal uses and structures.

All accessory uses and structures in the R-1 District shall be subject to the area, location and height restrictions which are applicable to the principal use to which they are incident and as specified on the accompanying SCHEDULE OF R-1 DISTRICT REGULATIONS or to more restrictive laws, regulations or codes which are legally in force.

501:3 Special Uses and Structures – R-1 District

1. Two family housing.
2. Public utilities facilities without storage yards.
3. Day Care Centers
4. Governmental administrative buildings.
5. Schools, either public or private.
6. Public medical and health facilities.
7. Religious institutions; churches, synagogues, temples, etc.
8. Planned Residential Development, excluding manufactured home parks.
9. Site Condominiums (see Article 7)

All principal uses and accessory uses in the R-1 District shall be subject to area, height and location regulations as specified in the accompanying schedule and also in Standards for Special Uses and Structures according to Section 601:4, this ordinance and to Off-Street Parking Regulations according to Section 603, this Ordinance.

501:4 Prohibited Uses

Within any R-1 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 501:1, 501:2 and 501:3.

SCHEDULE OF R-1 DISTRICT REGULATIONS

Principal Uses

	Minimum Lot Size		Minimum Yard Setback			Minimum Dwelling Unit Size	Maximum Height
	Area	Width	Front	Rear	Side		
1. Single-Family Detached	10,000 SF	80 Ft.	25 Ft.	30 Ft.	10 Ft.	1,400 SF	35 Ft.
2. State Licensed Residential Facilities	10,000 SF	80 Ft.	25 Ft.	30 Ft.	10 Ft.	1,400 SF	35 Ft.
3. Public Parks	No Minimum Requirements						

502 R-2 Medium Density Residential District - Permitted Uses and Structures

The R-2 District is established to provide areas in recognition of the denser residential development in the community. This district provides for more concentrated single-family development, less restrictions on minimum lots and minimum yards and the inclusion in the district of commercial uses which are compatible with general occupancy of the area. It is not intended to permit industrial development or commercial development not associated with residential needs.

Within any R-2 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of this Ordinance, unless herein provided, for any other than one or more of the following permitted uses.

502:1 Principal Uses and Structures

1. All principal uses and structures permitted in R-1 district in addition to the following.
2. Two family dwellings.
3. Multiple family dwellings and condominiums.
4. State Licensed Residential Care Facilities.
5. Parks, Public and Private.

502:2 Accessory Uses and Structures

1. Accessory uses as authorized in the R-1 District.

502:3 Special Uses and Structures

1. Special uses as authorized in the R-1 District not otherwise permitted as a principal use in the R-2 District.
2. Grocery stores (limited to a maximum of one thousand six hundred (1,600) square feet of floor area for sales, display and storage)
3. Planned Residential Development excluding manufactured home parks.
4. Funeral Homes/Mortuaries

All principal uses and accessory uses in the R-2 District shall be subject to area, height and location regulations as specified in the accompanying schedule and also in Standards for Special Uses and Structures according to Section 601:4, this Ordinance and to Off-Street Parking Regulations according to Section 603, this Ordinance.

502:4 Prohibited Uses

Within any R-2 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 502:1, 502:2 and 502:3.

SCHEDULE OF R-2 DISTRICT REGULATIONS

Principal Uses

	Minimum Lot Size		Minimum Yard			Minimum Dwelling Unit Size	Maximum Height
	Area	Width	Front	Rear	Side		
1. Single-Family Detached	8,000 SF	66 Ft.	25 Ft.	30 Ft.	8 Ft.	960 SF	35 Ft.
2. Two-Family Dwellings	8,000 SF	66 Ft.	25 Ft.	30 Ft.	8 Ft.	960 SQ	35 Ft.
3. Multiple-Family Dwellings and attached condominiums	10,000 SF or 3,000 SF for each family unit (whichever is greater)	N/R	25 Ft.	30 Ft.	20 Ft.	865 SF	35 Ft.
4. State Licensed Residential Care Facilities	8,000 SF	66 Ft.	25 Ft.	30 Ft.	8 Ft.		35 Ft.
5. Parks, Public and Private	N/R	N/R	N/R	N/R	N/R		N/R
N/R – No Minimum Requirements							

503 O-R Office-Residential District – Permitted Uses and Structures

The O-R District is designed to accommodate quiet non-retail types of businesses and offices of an administrative or professional nature along with residential land uses while functioning as a transition area between higher intensity commercial and lower intensity residential activities. It is intended primarily to accommodate the conversion of older residential units into offices that retain the overall character of the residential neighborhood in which they are located. At the same time, a harmonious relationship with the central business district and the US-23 commercial corridor can be provided. The uses in this district are not intended to generate high volumes of vehicular and pedestrian traffic. The maximum allowable area of a building that is devoted to office space or retail sales is twelve hundred (1,200) square feet.

503:1 Principal Uses and Structures

1. All principal uses and structures permitted in the R-2 district.
2. Health Offices for surgeons, physicians, dentists, veterinarians (excluding the boarding of animals), and other similar professional persons concerned with improving personal and community health.
3. Professional and Administrative Offices: For architects, engineers, artists, attorneys, clerks, stenographers, accountants, insurance offices and other offices similar to and compatible with the above establishments.
4. Barber and Beauty Salons
5. Religious institutions; churches, synagogues, temples, etc
6. Government Administrative Buildings
7. Public Safety Facilities
8. Radio and television broadcasting studios without towers subject to Ordinance #179

503.2 Accessory Uses and Structures

1. Accessory uses as authorized in the R-1 District.

503:3 Special Uses and Structures

1. Public Utilities and Facilities without storage yards.
2. Nursery Schools and Day Care
3. Funeral Homes
4. Clubs and Lodges

ARTICLE 5
Districts

- 5. Parking Lots
- 6. Religious Institutions

503:4 Prohibited Uses

Within the O-R District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 503:1, 503:2 and 503:3.

SCHEDULE OF O-R DISTRICT REGULATIONS

Principal Uses

	Minimum Lot Size		Minimum Yard			Minimum Dwelling Unit Size	Maximum Height
	Area	Width	Front	Rear	Side		
1. Single-Family Detached Two-Family Dwelling Multiple-Family Dwelling	10,000 SF	80 Ft.	25 Ft.	15 Ft.	10 Ft.	1,400 SF	35 Ft.
2. State Licensed Residential Care Facilities	10,000 SF	80 Ft.	25 Ft.	15 Ft.	10 Ft.	1,400 SF	35 Ft.
3. Parks, Public and Private	No Minimum Requirements						
4. Professional, Health and Administrative Offices	10,000 SF	80 Ft.	25 Ft.	15 Ft.	10 Ft.		45 Ft.
5. Barber & Beauty Salons	10,000	80	25	15	10		45 Ft.

504 C-1 Central Business District - Permitted Uses and Structures

The C-1 Central Business District is established to provide areas of concentrated commercial development in the business district of Standish. Preferred uses are those of a retail or personal services nature which do not necessarily require large spaces for the display or sale of goods or services and which do not require immediate access on the site for motor vehicles. It is not intended to permit agricultural, residential or industrial development except as authorized in this ordinance.

Within the C-1 District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the

intent of this Ordinance unless herein provided, for any other than one or more of the following permitted uses:

504:1 Principal Uses and Structures

1. Retail sales establishments (except drive-in).
2. Personal services establishments (except drive-in).
3. Clinics.
4. Offices.
5. Public utility facilities without storage yards.
6. Dwelling units when located no lower than the second floor level above another principal use.
7. Hotels, motels.
8. Clubs and lodges.
9. Restaurants (sit down)
10. Taverns, nightclubs
11. Theatres, art galleries

504:2 Accessory Uses and Structures

1. Signs incidental to and on the same zoning lot as the use to which they are accessory.
2. Other uses customarily incidental and accessory to principal permitted uses.

504:3 Special Uses and Structures

1. Drive-in banks.
2. Other uses compatible with the intent of the C-1 District after review and approval in accordance with the provisions as set forth in Section 601, this ordinance.

3. All Principal Uses, Accessory Uses and Special Uses in the C-1 District shall be subject to Off-Street Parking and Loading Regulations as specified in Section 603, this Ordinance.
4. There shall be no minimum requirements for lot area, lot width, front yards, rear yards, side yards, or size of commercial building in the C-1 District.
5. Maximum height for all structures in the C-1 District shall be forty (40) feet.

504:4 Prohibited Uses

Within the C-1 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 504:1, 504:2 and 504:3.

505 C-2 General Business District - Permitted Uses and Structures

The C-2 General Business District is established to provide areas of general commercial development for the location of uses, which are of a retail or personal services nature, and for uses which require large spaces in which to conduct a commercial operation. It is intended that any uses permitted do not create a nuisance to surrounding areas by the emission of noise, fumes, smoke, vibrations, odors or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that residential development be permitted in this district except as authorized by this ordinance.

505:1 Principal Uses and Structures – C-2 District

1. All principal uses permitted in C-1 District in addition to the following.
2. Retail sales establishments including drive-in.
3. Personal services establishments including drive-in.
4. Commercial recreational activities.
5. New and used automobile sales and services.
6. Gasoline service stations and body shops.

7. Theaters
8. New and used mobile home sales and service.
9. New and used recreational vehicle sales and service.
10. Public utility facilities.
11. New and used agricultural implements sales and service.
12. Retail lumber sales and storage.
13. Trade contractors, building materials suppliers and wholesalers.
14. Mini-storage buildings and facilities
15. Drive-in cleaners and laundries
16. Vehicle Wash Establishments
17. Lumber Yards/Building Material Sales

505:2 Accessory Uses and Structures – C-2 District

1. Storage buildings and storage yards.
2. Signs in accordance with applicable regulations.
3. Private garages and storage sheds when accessory to detached single family dwellings lawfully existing at the time of the effective date of this ordinance.

505:3 Special Uses and Structures – C-2 District

1. Adult entertainment
2. Drive-thru automated teller machines

505:4 Prohibited Uses

Within the C-2 District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to

ARTICLE 5
Districts

be used in whole or in part for any use not permitted in Sections 505:1, 505:2 and 505:3.

All principal and accessory uses in the C-2 District shall be subject to the following area, height and location regulations and also to Off-Street Parking and Loading Regulations according to Section 604, this Ordinance. Certain Permitted Uses and all Special uses within this District shall be subject to applicable regulations according to Section 601, this ordinance.

Schedule of C-2 District Regulations

	Minimum Lot Size		Minimum Yard			Minimum Building Size	Maximum Height
	Area	Width	Front	Rear	Side		
1. Retail Sales and Personal Service Establishments	8,000 SF	80 Ft.	25 Ft. (a)	25 Ft. (b)	15 Ft. (c)(d)	None	40 Ft.
2 Larger "Big Box" Retail, Service and Wholesale Establishments, including hotels, motels, theatres, commercial recreation, and similar establishments	See Section 601:4 or 602:10	See Section 601:4 or 602:10	50 Ft. (a)	25 Ft. (b)	25 Ft. (c)	None	40 Ft.

- (a) any signs or any off-street parking may be located on the front lot line also providing that a clear vision area be maintained in accordance with Section 402:5.
- (b) off-street parking may be permitted in the required rear yard.
- (c) at least one (1) side yard shall be clear of storage or display to permit access by emergency vehicles.
- (d) On corner lots, the side yard nearest the road shall have a set back of at least twenty-five (25) feet from the right-of-way line.

506 IND Industrial District - Permitted Uses and Structures

The IND Industrial District is established to provide areas of industrial development or manufacturing, or uses which are compatible with industry or manufacturing. It is intended that all uses within this district conform to all applicable codes and laws pertaining to noise, fumes, smoke, vibrations, odors and other similar nuisances. It is not intended to permit residential or commercial development or similar uses except as authorized by this Ordinance.

Within the IND Industrial District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of this Ordinance, except as otherwise provided in this Ordinance for any other than one or more of the following permitted uses:

506:1 Principal Uses and Structures - IND District

1. Industrial plants for manufacturing, processing and assembling.
2. Offices as part of, or associated with, manufacturing, processing or assembly operations.
3. Industrial research facilities.
4. Public utilities facilities.
5. Trade contractors, building materials suppliers and wholesalers.
6. Radio and television antennae (towers, masts, etc.).
7. Warehousing.
8. Junk yards subject to the requirements of Section 602.
9. Agricultural products storage and sales.
10. Commercial Kennels
11. Storage yards.
12. Transportation, maintenance and servicing facilities.
13. Machine shops and welding shops.

14. Gasoline service stations.
15. Automotive body shops.
16. Petroleum products storage.
17. Clubs or lodges.
18. Airports and airport related facilities.

506:2 Accessory Uses and Structures - IND District

1. Signs in accordance with the City of Standish sign ordinance.
2. Any use customarily incidental to the permitted principal use.
3. Private garages and storage sheds when accessory to detached single-family dwellings lawfully existing at the time of the effective date of this ordinance.

506:3 Special Uses and Structures - IND District

1. Commercial recreation.
2. Government/Public Institution Buildings

506:4 Prohibited Uses

Within the IND District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 506:1, 506:2 and 506:3.

All principal and accessory uses in the IND District shall be subject to the following area height and location regulations and also to Off-Street Parking and Loading Regulations according to Section 604, this Ordinance. Special uses shall be subject to applicable regulations according to Section 601:4, this Ordinance. Principal Uses shall be subject to the standards of Section 602:10, this Ordinance.

Schedule for IND District Regulations

	Minimum Lot Size		Minimum Yard			Minimum Building Size	Maximum Height
	Area	Width	Front	Rear	Side		
Permitted Uses and Uses Allowed by Special Permit, except for airports	10,000 SF	100 Ft.	50 Ft. (a)	25 Ft. (b)	30Ft. (c)	None	40 Ft.
Airports (d)	50 Acres	1,320 Ft.	50 Ft.	N/A	50 Ft.	None	40 Ft.

- (a) Off-street transient or customer parking may be located in the required front yard no closer than 25 feet from the front lot line.
- (b) Off-street parking may be located no closer than 10 feet from the rear lot line.
- (c) Side yard may also be used for access drives and fences but may not be used for the storage of vehicles and other equipment including supplies and products.
- (d) Setbacks apply to terminal buildings, hangars and maintenance buildings.

507 GC Greenbelt Conservation District - Permitted Uses and Structures

The GC Greenbelt Conservation District is intended to preserve the natural drainage system of the Middle Branch of the Pine River and unbuildable wet areas of the City of Standish. In so doing, it is also intended to utilize these resources for the visual and recreational enjoyment of the City’s residents by preserving a continuum of open space and preventing ecological and aesthetic damage that may result from unwise and disorderly development. The District is intended to provide for setbacks in order to prevent physical harm, impairment and/or destruction to the drainage way. These regulations that apply within the GC District are designed to reserve such areas and to discourage any encroachment by residential, commercial, industrial or other uses capable of adversely affecting the undeveloped character of this District. The boundaries of the GC District are fifty (50) feet on each side of the centerline of the Pine River or designated drain, as identified on the official zoning map.

Within any GC Greenbelt Conservation District, no structure or premises shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent of Subsection 301:6, this Ordinance, for any other than one or more of the following permitted uses.

507:1 Principal Uses and Structures

1. Major outdoor public recreation uses including or similar to but not limited to:
 - boating areas
 - fishing sites
 - camping areas
 - picnic areas
 - parks and playgrounds including swimming areas
 - golf courses
 - seasonal recreational
2. Natural open spaces including or similar to but not limited to:
 - conservation lands
 - wildlife preserves
 - forest preserves
3. Developed open spaces including or similar to but not limited to:
 - botanical gardens
 - scenic areas
 - parkways
4. Public and private parking lots, providing that there be no continuous parking for more than 24 hours.

507:2 Accessory Uses and Structures

1. Service buildings without storage yards.
2. Playground equipment.
3. Sanitation facilities.
4. Monuments, signs or plaques excluding advertising devices.
5. Public utilities facilities without storage yards.
6. Shelters.
7. Picnic tables, grilles, etc.
8. Parking areas.

All principal uses and accessory uses in the GC Greenbelt Conservation District shall be subject to review by the Planning Commission prior to approval. Approval for any permitted use in this district may be obtained provided the following conditions are complied with:

1. The owner will be responsible for the submittal, to the Planning Commission, of any plans, reports or any other applicable type of information indicating proposals for development, maintenance and upkeep which the Planning Commission deems necessary to make a decision in accordance with the requirements of Section 602.
2. Any proposed use shall be in harmony with and compatible to the surrounding and adjacent development. No such use shall become a private or public nuisance.
3. All principal uses and accessory uses in the GC Greenbelt Conservation District shall further be subject to all other applicable ordinances of the City.

507:3 Prohibited Uses

Within the GC District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any use not permitted in Sections 507:1 and 507:2.

508 C-O Corridor Overlay District

The purpose of the C-O Corridor Overlay District is to promote the optimum distribution of land uses, design function and aesthetics, diminish potential hazardous traffic conditions, and ensure the efficient flow of traffic within the U.S. 23 and M-61 corridors within the City. This zone is intended to overlay all of the existing zoning districts (except for the C-1 Central Business District) along these corridors through the application of additional and more stringent, setback, landscaping, aesthetics and access standards.

508:1 Location

The C-O Corridor Overlay District runs parallel to the U.S. 23 right-of-way between the south and north municipal boundaries of the City and between

Airpark Drive (and its northerly extension) and the west municipal limits of the City. The C-O District encompasses an area one hundred (100) feet on each side of the U.S. 23 and M-61 rights-of-way within the City. The boundaries of the District are defined on the official Standish Zoning Map.

508:2 Applicability

1. The regulations set forth in this Article will apply to the U.S. 23 and M-61 corridors as designated in the City of Standish official zoning map. These regulations shall apply as an Overlay District to the general ordinance, as shown on the official zoning map.
2. As an overlay district, these regulations will apply in addition to those regulations presently in force in the underlying districts (primarily the C-2 - General Business District and IND – Industrial District). Where there are actual or implied conflicts between regulations in the overlay district and the base or underlying zoning district, the C-O Corridor Overlay District regulations shall apply. Construction or any alteration of a direct access driveway, except resurfacing, along U.S. 23 and M-61 shall require issuance of an access permit from the Michigan Department of Transportation.

508:3 Site Plan Review Requirements

In addition to Driveway Access Review Requirements specified below, all land uses proposed or expanded within the C-O Corridor Overlay District shall conform to the permitted uses or uses allowed by special permit for the applicable underlying district, as well as the additional requirements of the Overlay District and shall meet the Site Plan Review Standards specified for the particular use in this Ordinance. Except for the Access Driveways Requirements of Section 508:4, the Planning Commission may waive or modify any or all of the standards and requirements of the C-O Overlay District if the conditions of the site, including its size and setback dimensions, make it unfeasible or impractical to apply such restrictions or requirements.

508:4 Access Driveways

A. Access Permit and Review Requirements

1. All applications for driveway approach permits within the C-O Corridor Overlay District shall be made to the City of Standish and to the

Michigan Department of Transportation (MDOT) on a form and in a manner prescribed by MDOT. The application shall contain or be accompanied by a certification of either legal ownership or agency authorization and plans or drawings containing the information required by Rule 22 of the Administrative Rules Regulating Driveways, Banners and Parades On and Over Highways, as amended.

2. If the access permit is part of a larger site plan that is required to adhere to the Site Plan Review Requirements of this Ordinance, it shall be included as part of the Site Plan Review. The Planning Commission shall review the application and make recommendations to the applicant, if necessary or desirable, prior to the applicant forwarding the permit application to the MDOT. If the access permit is not part of a site plan, the permit application shall be forwarded by the applicant to the Zoning Administrator for review to ensure conformance with the applicable access standards set forth in this Ordinance. Upon review and approval of conformance with the City's access standards by the Zoning Administrator, the applicant shall forward the original, or amended, application to the MDOT, in conformance with the MDOT Administrative Rules.
3. No application will be considered approved, nor will any permit be considered, unless the Planning Commission or Zoning Administrator (as appropriate, under the conditions identified above) and MDOT have indicated approval.
4. The Zoning Administrator shall keep a record of each application for an Access Permit that has been submitted, including the disposition of each one. This record shall be a public record.
5. An Access Permit will remain valid for a period of one (1) year from the date it was issued. If the permit holder fails to begin earnest construction authorized by the Access Permit by the end of one (1) year, the permit will be automatically null and void. Any additional rights which have been granted by the Planning Commission or the Zoning Board of Appeals, such as special use permits or variances, will expire together with the Access Permit.

6. Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in a cost to the City. If a balance exists after the City has recouped its costs, the remainder will be released and returned to the permit holder.
7. The permit may be extended for a period not to exceed one (1) year. The extension must be requested in writing by the permit holder before the expiration of the initial permit period. The Zoning Administrator may approve a permit extension if there are no deviations from the original permit and there are no violations of applicable ordinances. Re-issuance of an Access Permit which has expired requires a new Access Application form to be filled out and processed independently of previous action.
8. The permittee shall assume all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.
9. Where a permit has been granted for entrances to a parking facility, the facility shall not be altered or the plan of operation changed until a revised plan has been submitted and approved as specified in this section.
10. Application for a permit to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner.
11. When a building permit is sought for the reconstruction or remodeling of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings or structures, all of the existing, as well as proposed, driveway approaches and parking facilities shall comply, or be made to comply, with all design standards as set forth in this Ordinance prior to the issuance of a zoning or occupancy certificate.
12. MDOT may require a performance bond in a sum to be set by the MDOT for each such approach or entrance to ensure compliance with all of the terms of the permit. The bond shall terminate and the deposit shall be

returned to the permittee when the terms of the permit have been met or when the permit is canceled and terminated.

B. Driveway Location and Spacing

1. Adjacent accesses should be spaced as far a part as on-site circulation allows. In some cases, MDOT and/or the Planning Commission may require that the business owner/property owner redesign his/her site plan and relocate the access spacing as a function of posted speed.
2. A maximum of one (1) driveway opening is permitted to a site from U.S. 23 or M-61 and one abutting street for commercial and industrial land uses, including multi-family dwellings. Wherever feasible, access must be obtained from an abutting street.
3. When in the opinion of the MDOT, it is in the interest of good traffic operation, the Planning Commission may permit one (1) additional driveway entrance along a continuous site frontage if there is a demonstrated need based upon trip generation and road traffic data.
4. A dual or multiple service driveway entrance is encouraged. Where such a driveway is used, it shall be considered to be one direct access driveway. Each driveway used only for exiting onto U.S. 23 or M-61 shall contain one (1) lane for right hand turns and one (1) lane for left hand turns.
5. Driveway spacing will be determined as a function of current or planned operating speeds along U.S. 23 and M-61. Spacing will be determined according to the following schedule:

Posted Speed (mph)	Center-to-Center of Access	
	Feet	Meters
25	185	55
30	245	75
35	300	90
40	350	105
45	455	140

The standards in the above table exceed those established by the MDOT. They represent the minimum allowable spacing distances along U.S. 23 or M-61. Distances that exceed those minimums may be allowed.

6. In the event that a particular commercial parcel or parcels lack sufficient frontage to maintain adequate spacing, the land owner(s) has the following options:
 - a. the next lowest spacing from the above table may be selected. For example, if the posted speed limit is 35 mph, the spacing distance for a 30 mph limit may be used.
 - b. shared driveways among adjacent owners will be encouraged, especially for those parcels with frontage less than the required spacing distance. All parties must agree to the shared driveway in writing.
 - c. an easy access point to the side street should be provided when possible.
 - d. in areas where service drives or common parking areas exist or can be constructed, at least one ingress/egress will be permitted.
 - e. after all of the above options are exhausted, an access point may be allowed within the property limits as approved by MDOT.

C. Design Criteria

All access driveways constructed within the U.S. 23 and M-61 rights-of-way shall meet the design and construction standards as specified in MDOT's Administrative Rules Regulating Driveways, Banners and Parades On and Over Highways, as amended (R247.233 through R247.267, as determined to be applicable by MDOT). The access drive permit application shall be identified in the site plan submitted to the Planning Commission in the case of a site plan review and to the Building Inspector in the case of a new construction or reconstruction of an access drive only.

D. Temporary Driveway Permits

Temporary driveway permits are intended to allow existing driveways, and new driveways that are necessary to provide access to sites remote from adjacent access, to remain in use until such time as the conditions specified on the permit are met.

1. A temporary permit may be granted for:
 - a. Existing driveways that access existing development. Existing driveways are legal nonconforming driveways and may exist without a temporary permit under the conditions specified in this Section pertaining to nonconforming driveways.
 - b. New driveways necessary to access new development where the new development is remote from adjacent drives in which shared access is not feasible at the time of development.
2. Conditions upon which the Temporary Permit will expire may include:
 - a. Adjacent development is planned within one hundred fifty (150) feet of the site where the temporary drive is located. Prior to development, joint access provisions with the adjacent property owner must take place.
 - b. The use of the site for which the temporary permit was granted has ceased for six (6) months or more or the use of the site or driveway has changed such that the use of the driveway is increased by fifty (50) percent or more.

E. Nonconforming Driveways

1. Driveways that do not conform to the regulations in this Ordinance, and were constructed before the adoption of this Ordinance, shall be considered legal nonconforming driveways.
2. Existing driveways granted a temporary permit are legal nonconforming driveways until such time as the temporary permit expires.

3. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, for a period of six (6) months or more. Any reuse of the driveway may only take place after the driveway conforms to all applicable requirements of this Ordinance.
4. Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this section of this Ordinance shall be considered illegal nonconforming driveways.
5. Illegal nonconformities must be cited as violations of this Ordinance, made to cease use of the driveway and correct any nonconforming conditions of the driveway. Driveways constructed in illegal locations must be closed and all driveway material removed from the U.S 23 or M-61 rights-of-way and the site on which the driveway is located.
6. Nothing in this Ordinance shall prohibit the repair, improvement, or maintenance of lawful nonconforming driveways.

F. Variances

1. Variances from the driveway design standards may be applied for by the applicant. After review and approval or modification, the request for a variance must also be submitted to MDOT for approval or modification. Applications may be made under the following conditions:
 - a. where practical difficulties require an innovative access design or dimensional change that is consistent with the intent of this Ordinance.
 - b. when in the judgment of the MDOT, specific site conditions require alternative design treatments to provide for safe and efficient driveway operation.
 - c. when a joint or coordinated access-parking system is being used. When two (2) or more (up to a maximum of four) adjacent property owners agree to combine access points, the City may grant an incentive bonus. The total road frontage normally required for each

parcel can be reduced by up to ten (10) percent. Site circulation and safety standards will continue to be enforced.

508:5 Off-Street Parking

Off street parking shall meet the standards and requirements of Section 604. In addition, the following shall be considered:

1. Where feasible, off-street parking shall occur behind the main building(s) on the site. Feasibility is determined by the location of the main structure on the site, the amount of space available to the rear of the building to accommodate the required number of parking spaces, area devoted to maneuvering lanes, and required buffering. Additional parking, if required, shall occur on the side of the main building if adequate space is available. As a final option, off-street parking may be located at the front of the main building, if adequate space is available.
2. If commercial businesses on adjacent parcels (up to four parcels) provide a contiguous parking area accessible to the patrons and employees of each business, the number of required parking spaces for each business will be reduced by twenty (20) percent.
3. Shared parking lots may have access to and from U.S. 23 or M-61 using up to two (2) access driveways. Each driveway shall have one entrance lane and two (2) exit lanes. Additional driveways may allow access to and from abutting streets.

508:6 Landscaping

Landscaping and screening as provided in this section shall be required on the original site or site of the addition in the following cases:

1. Whenever a building permit is required for the erection of a main building or structure other than a one-family residential dwelling, duplex, or related accessory building.
2. Whenever a building permit is required for a structural addition of one hundred (100) square feet in area or larger to single or combined buildings.

3. Plant, shrub and tree landscape components shall be routinely maintained to prevent unsightly or unsafe overgrowth or deterioration.
4. Perennial landscaping components should be replaced at least once every fifteen (15) years.

508:7 Parking Lot Landscaping And Screening

Parking lots within the C-O Overlay District shall have the following perimeter landscaping and screening:

1. Parking lots, or parts thereof, that are adjacent to and visible from a public right-of-way, must include the following perimeter landscaping between the parking lot and the right-of-way (applies to public alleys only when a residential use or zone is located across from a public alley):
 - a. A landscaped green strip at least ten (10) feet in width.
 - b. One (1) tree for every thirty (30) feet or fraction thereof of street frontage of the parking lot.
 - c. A hedge or similar natural landscape forming a continuous screen above the grade of the parking lot, and located to provide maximum screening of the parking lot while not creating a visual barrier. Relocation of the hedge, or natural landscaping may be allowed to prevent traffic hazards, vision obstruction or other public safety dangers.
2. Parking lots of greater than ten thousand (10,000) square feet, in addition to subsection 1) above, must meet the following interior landscaping requirements:
 - a. Within the interior of the parking lots there shall be one square foot of landscaped area for each fifteen (15) square feet of the parking lot. In computing the lot area for this subsection, the paved area within twenty (20) feet of the perimeter landscaping may be excluded.
 - b. Each interior landscaped area shall encompass at least one hundred fifty (150) square feet.
 - c. The interior landscaped areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot.

- d. There shall be at least one (1) deciduous tree for each one hundred fifty (150) square feet, or fraction thereof, of interior landscaped area. Each tree shall be provided with an open land area of not less than seventy-five (75) square feet in each interior landscaped area with a minimum open space area of four (4) feet around the tree trunk.
 - e. Landscaped areas within the interior of the parking lot shall be protected by concrete curbing.
 3. Except as provided in subsection (4) below, a parking lot, office, business use or any combination thereof abutting a public park facility or land principally used or zoned for residential purposes must be separated by screening between it and all abutting areas of such park or residentially zoned land or residential use. In addition to the above screening, there shall be required a landscaped green strip of at least ten (10) feet in width and one (1) tree for each thirty (30) feet, or fraction thereof of land adjacent to the parking lot and use. As an option, a parking lot abutting a public park facility or land principally used or zoned for residential purposes may have as separation screening an earth berm with a minimum height of four (4) feet. The berm shall have a slope no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least two (2) feet of flat area on top and shall have adequate protection to prevent erosion. The berm shall also be planted to present a landscape appearance.
 4. An office or business use or combination thereof with a minimum zoning lot area of three (3) acres or more abutting a public park or land principally used or zoned for residential purposes shall have as separation screening an earth berm with a minimum height of four (4) feet. The berm shall have a slope no greater than one (1) vertical foot for each three (3) horizontal feet and shall have at least one (1) foot of flat area on top and shall have adequate protection to prevent erosion. The berm shall also be planted to present a landscape appearance.
 5. For purposes of 4) above, the Planning Commission may approve screening consisting of existing vegetation, planted vegetation and topographical characteristics of the land or a combination thereof if it provides an opaque screen of a height of at least six (6) feet from the ground. The Planning Commission shall consider the characteristics of the land and vegetation

present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses. The Planning Commission in approving the use of existing topographical characteristics of the land or existing and/or planned vegetation may condition approval on the planting of new vegetation in the number, size and type to satisfy the intent and purpose of this section.

6. The Planning Commission may increase the height of the separation screening and/or require additional landscaping as part of site plan review, if the minimum requirements of this Section would not adequately protect existing or future abutting residential uses. In deciding whether these requirements protect abutting residential uses, the Planning Commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.

508:8 Materials Standards

Materials used to comply with this Article must meet the following standards:

1. No artificial plants or trees may be used. All plant materials must be maintained in a healthy and growing condition. Diseased, dying, dead and/or damaged materials must be replaced to ensure the continuity of the required buffer.
2. Where plant material is used for screening, it shall be composed of at least fifty (50) percent evergreens. Plant materials shall be of a size, quantity and spacing to achieve seventy (70) percent year-round opacity within three (3) years. Where a fence is to be used, it shall be limited to a chain link fence of a minimum height of six (6) feet and a maximum height of eight (8) feet and used in conjunction with landscaping. The fence shall be set adjacent to and within three (3) feet of the property line except where natural features prevent the use of the property line or where underground utilities interfere. Vertical and horizontal members that support the fence shall be concealed within the fence or be exposed only on the nonresidential side of such fence. Deciduous trees and evergreen shrubs of a minimum height of five (5) feet shall be planted in the ground adjacent to, and on the outside of, the fence perimeter. Such trees and/or shrubs shall meet the screening standards specified above.

3. Perimeter landscaped areas adjacent to a public right-of-way shall be covered with grass or ground cover. When grass or ground cover is used, it shall be planted and maintained to present a finished landscaped appearance within one (1) growing season. Interior landscaped areas shall be covered with grass, ground cover, adequately prepared and weed retardant stone beds or bark or wood chip mulch.
4. When required by this section, deciduous trees shall have a mature crown spread of greater than fifteen (15) feet. Permitted trees include Norway Maples, Oaks, Lindens, Ashes, London Planes, Honey Locust, Beech, and also other types of trees with City approval. They do not include Catalpa, Elms, Horse Chestnuts, Silver Maples, Poplar, Willow or Box Elder. At planting, trees must have a minimum caliper of two and one-half (2-1/2) inches at six (6) inches above the root ball, a burlap ball size of at least ten (10) times the caliper size, and a clear stem of at least four (4) feet.
5. When required by this section, evergreen trees shall be a minimum of five (5) feet in height with a minimum spread of three (3) feet, and a burlap ball size of at least ten (10) times the caliper size.
6. Existing vegetation on the property may be used to meet the requirements of this section if it meets the size, species and opacity requirements.

508:9 Landscape Plan

A landscaping plan must be submitted to the Planning Commission showing the location, type and size of all screening and landscaping in sufficient detail for a determination that the landscaping and screening conforms to this Section. If it conforms to the requirements of this Article, it shall be approved by the Planning Commission. Rearrangement of landscaping may be required to prevent traffic hazards, vision obstructions, or other dangers to public safety. The landscaping plan will be made part of the site plan requirements.

508:10 Refuse Containers

Refuse containers for other than single and two-family uses shall be screened from view from any public right-of-way or adjacent residential use or residential zone. Screening shall consist of a solid wall or fence or live landscape material at least six (6) feet high.

508:11 Signs

Signs shall meet the requirements of the Standish Sign Ordinance, in addition to the following:

1. Signs that identify a business or are used for on-premise advertising and are not attached to the building in which the business is located shall be limited to pole signs and pylon signs. Such pole and pylon signs shall be allowed no closer than ten (10) feet from the edge of the U.S. 23 or M-61 rights-of-way. Businesses, up to a maximum of five (5), are encouraged to consolidate their identification and on-premise advertising signs on one (1) pole or pylon sign structure. Such signs shall be located no closer than one hundred (100) feet from any other pole or pylon sign identifying or advertising a business and shall otherwise meet the sign requirements identified below, except that where multiple businesses are identified on such signs, the maximum cumulative sign area shall not exceed eighty (80) percent of the allowable combined maximum area of each sign.
2. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
3. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
4. The back of the sign shall be mounted flat against the surface of the building. Projecting signs are not allowed.
5. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

Where the regulations and standards of this section conflict with the regulations and standards of the City's sign ordinance, the requirements of this section shall take precedence.

508:12 Building Location, Dimension and Appearance

Within the C-O Corridor Overlay District, main and accessory commercial or industrial buildings shall adhere to the following criteria:

1. Site planning is encouraged to provide an interesting relationship between buildings.
2. Service delivery shall be from the rear of the building. Where the rear of the building is facing U.S. 23 or M-61, delivery must be from the side of the building.
3. The front building line of the main building shall be set back a minimum of thirty five (35) feet and a maximum of fifty (50) feet from the front property line of the property on which the building is located. A variance from these distances may be granted if the size, dimensions, or natural conditions of the property do not reasonably allow for those standards to be applied.

All accessory buildings shall be located behind the rear building line of the main building. Zero lot line clearance may be allowed in one (1) side yard, providing the immediately adjacent property is zoned and used for commercial activities and there are no perceived barriers to adequate fire protection by the City's Fire Chief. Otherwise, the required side yard and rear yard setbacks of the applicable underlying district must be used.

4. The minimum required building height for main and accessory structures, as measured from the average building grade elevation to the median elevation between the top of the fascia and the top of the roof for ridge and hip roofs, and to the parapet of the building for flat roofs or mansard roofs, is sixteen (16) feet. The maximum building height, using the same measurements, is thirty-five (35) feet. Only within the IND District shall an accessory building be of a greater height than the main building.
5. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
6. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjoining areas. Lighting shall be restrained in design and excessive brightness avoided.

509 MHP Mobile Home Park District

This District is intended to preserve the interests of alternate types of residential developments which should be permitted in every community and to protect the residents of any manufactured home type development. The regulations applicable to this special use are considered as minimum standards to be applied to all manufactured home park developments in the MHP District.

509:1 Permitted Uses

1. Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this article.
2. Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
3. Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article, storage or out buildings, otherwise permitted in residential districts under this article (see sections 402:9 and 402:10).
4. Essential public utility service buildings, gas or electric regulator station and buildings.

509:2 Prohibited Uses

Within the manufactured home park, no building structure or premises shall be used or erected and no building or structure shall be altered which is intended or designed to be used in whole or in part for any use not permitted by Section 509:1.

509.3 Compliance with Mobile Home Commission Rules

No manufactured home park shall be established within the MHP District unless the park complies with the rules of the Mobile Home Commission of the Michigan Department of Commerce.

509:4 Area

The minimum size of a manufactured home park shall be ten (10) acres.

509:5 Signs

One (1) sign not larger than thirty-two (32) square feet of sign face area, two-sided, for identification of the premises and use shall be placed at the main entrance of the manufactured home park provided that it shall contain no other advertisement whatsoever. One (1) sign, two-sided, not larger than sixteen (16) square feet of sign face, limited to the same information and identification contained on the entrance sign, may be erected on any secondary entrance to the manufactured home park adjoining a public road. All signs and entryways shall be of a permanent nature and shall be compatible with the surrounding area. All signs shall be set back twenty (20) feet from an adjacent property line and the street property line and shall not exceed eight (8) feet in height.

509:6 Landscaping

Manufactured home parks shall be landscaped as follows:

1. Landscaping Materials - screening shall be required along the park boundary.
2. The landscaping shall consist of evergreen trees or shrubs of minimum three feet in height which are spaced so they provide a continuous screen at maturity with a minimum height of eight (8) feet. Alternative screening devices may be utilized, as approved by the Planning Commission, if the screening conceals the manufactured home park as effectively as the required landscaping described above.

509:7 Streets, Sidewalks and Public Ways

Every manufactured home park shall be provided with a network of streets with access points to adjacent public ways, at least as set forth hereinafter:

ARTICLE 5

Districts

1. All streets within the manufactured home park shall be paved with a hard surface in accordance with the most recent edition of the Standard Specifications for Construction including Construction Details of the Michigan Department of Transportation and the City of Standish engineering design standards.
2. Every street shall be provided with storm drains so as to allow for the drainage of water without flooding adjacent property or buildings, with the drains designed according to Part 4 of the Michigan Department of Environmental Quality Mobile Home Park Standards.
3. Two-way streets within the mobile home park shall have a minimum traveled width of twenty-one (21) feet with no parking. One-way streets shall have a minimum traveled width of thirteen (13) feet with no parking. Notwithstanding the foregoing, all streets and street rights-of-way shall be of adequate width to allow for snow storage and removal. In the event that parking is permitted on any street within the manufactured home park the minimum width of each street, in addition to the traveled portion, shall be ten (10) feet wide for each parallel parking lane and sixteen (16) feet wide for each diagonal parking lane. If a parking lane is not provided, "no parking" signs shall be installed and enforced on the side of the street.
4. Each street intersection within the manufactured home park shall have an adequate safe sight distance. No object or planting shall be allowed in a yard or corner lots closer than thirty (30) feet from the intersection or taller than three (3) feet from the center line elevation of the street.
5. Each intersection within the manufactured home park shall be designated by a reflective street name sign, located at the intersection, identifying each street by name.
6. If curbing is used, it shall be concrete with the exception of integral valley curb and gutter (gravity drains) which may be either concrete or asphalt.
7. Sidewalks shall be provided, at a minimum on one side of the street, and designed, constructed and maintained for safe and convenient movement from all manufactured home sites to principal destinations within the park and connection to the public sidewalks outside the park. A sidewalk system shall be in compliance with all of the following requirements:

- (a) where steps are installed, they shall rise no steeper than five feet vertically and ten feet horizontally. Handrails shall be installed in compliance with the provisions of R408.30401 of the Michigan Administrative Code.
- (b) where steps are installed along common sidewalks, ramps shall be installed in compliance with R408.30445 of the Michigan Administrative code.
- (c) sidewalks shall have a minimum width of four (4) feet and conform to the standards specified in the American Disabilities Act.
- (d) an individual sidewalk shall be constructed between the permanent foundation, or patio if provided, and the on-site parking spaces or parking bay, whichever is provided, or the common sidewalk.

509.8 Off-Street Parking and Driveways

Provisions shall be made for at least two (2) usable off-street parking spaces for each dwelling unit.

1. Parking spaces may be either in tandem or side-by-side. If in tandem, the width shall not be less than ten feet and the combined length shall not be less than forty (40) feet. If side-by-side, the combined width of the two parking spaces shall not be less than nineteen (19) feet and the length shall be not less than twenty (20) feet. In either method, the length shall be measured from the inner walkway edge.
2. parking space shall be hard surfaced and shall be constructed in compliance with Act No. 8 of the Public Acts of 1973 (Sidewalks – Persons with disabilities).
3. If off-site parking is provided, the parking spaces shall be adjacent to the manufactured home site and shall comply with the following:
 - (a) sales offices and model manufactured homes shall not be permitted within the manufactured home park.
 - (b) parking facilities shall be provided for the storage of maintenance vehicles.
 - (c) parking facilities shall be provided at the office location for office visitors.

- (d) a minimum of one parking space for every three manufactured home sites shall be provided for visitor parking. Visitor parking sites shall be located within five hundred (500) feet of the manufactured home sites they are intended to serve.
- (e) if off-street parking bays are provided, they shall contain individual spaces with a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
- (f) if off-site parking facilities are provided in bays and at office and other facilities, they shall be in compliance with the provisions of R 408.30427 of the Michigan Administrative Code (Barrier free design for buildings, structures and improved areas).
- (g) if not provided for on-site or in parking bays, a separate parking area may be provided for vehicles that cannot be accommodated within the standards set forth in this section and for recreational vehicles, such as motor homes, travel trailers and snowmobiles.

509:9 Illumination

All streets and sidewalk and areas open to travel by manufactured home park residents shall be illuminated as follows:

1. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
2. At all street intersections and designated pedestrian crosswalks, the minimum illumination shall not be less than .15 footcandles.
3. Roads, parking bays, and sidewalks shall be illuminated at not less than .05 footcandles.
4. If a central park mailbox area or park directories, or both, are provided, they shall be illuminated at not less than 3.15 horizontal footcandles on any box or any entry on the directory.
5. All outdoor recreational facilities shall be provided with illumination adequate to facilitate their intended use.

6. All lighting shall be located and shielded so as to direct the light away from premises abutting the manufactured home park.
7. Sidewalk lighting is optional to the manufactured home park developer.

509.10 Utilities and Other Services

1. Public sewer systems shall be required in manufactured home parks, if available within two hundred (200) feet at the time of preliminary plat approval. If a public sewer system is unavailable, the park shall connect to a state approved sewage system. Master park meters shall be put in place for water and sanitary sewer systems that serve the manufactured home park.
2. The plumbing connections to each manufactured home site shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any nuisance or health hazard.
3. An adequate amount of running water to individual manufactured home sites shall be piped to, and meet the requirements of, the City of Standish and State Health Departments and shall be adequately protected from frost.
4. Storm drainage facilities shall be designed and constructed in accordance with Part 4 of the Michigan Department of Environmental Quality Mobile Home Park Rules.
5. A park electrical system shall, at a minimum, be designed, installed, operated and maintained in compliance with the rules entitled "Electrical Lines and Equipment" being R 460.521 to R460.572 of the Michigan Administrative Code, and pursuant to the construction, installation, and safety standards of the servicing public service company. In addition, the following shall be complied with:
 - (a) primary and secondary distribution lines shall be installed underground.
 - (b) the system shall be designed to provide adequate service pursuant to applicable codes and the manufacturer's standard for the appliance or appliances to be served.

- (c) a manufactured home site shall have installed an approved individual weatherproof electric service meter ; a park master meter for electric service shall not be used.
6. The design, installation, operation and maintenance of a park natural gas system shall, at a minimum, comply with the rules entitled “Gas Safety Code” of the Michigan Administrative Code, and the rules entitled “Technical Standards for Gas Service” of the Michigan Administrative Code, and with the construction, installation and safety standards of the servicing public utility company. In addition, all of the following shall be complied with:
- (a) main and site service lines shall be installed underground.
 - (b) gas piping shall not be installed under a manufactured home pad or manufactured home, except for the piping required to connect the manufactured home to the servicing pedestal.
 - (c) a manufactured home site shall be equipped with an approved weatherproof gas regulator and individual meter which shall not be located so as to be under the manufactured home when it is placed on the mobile home site; a park master meter shall not be used.
 - (d) a manufactured home site shall have an approved gas shutoff valve installed upstream of the site gas outlet and located on the inlet riser not less than four (4) inches above the ground. This valve shall not be located under a manufactured home.
 - (e) the minimum hourly volume of gas required at each point shall be designed pursuant to applicable codes and the manufacturers standard for the appliance or appliances served.
7. If a centralized liquefied petroleum gas (LPG) system is provided, it shall adhere to R 125.1935 of the Manufactured Home Commission Rules.
8. If a centralized fuel oil system is provided; it shall conform to R 125.1937 of the Manufactured Home Commission Rules.

9. If central television antenna systems, cable systems or satellite dish systems are provided, they shall conform to R 125.1940 of the Manufactured Home Commission Rules.
10. Garbage and rubbish storage and disposal shall be provided as follows:
 - (a) a storage container for garbage shall be watertight and shall preclude infestation of insects and rodents.
 - (b) rubbish shall be properly contained and stored. The area for storage shall be kept in a manner suitable to preclude infestation of insects and rodents. Where dumpsters are used, they shall be placed on a paved area that shall extend a minimum of two (2) feet in all directions from the dumpster. Water used in cleaning a dumpster shall be discharged to a sanitary sewer system.
 - (c) a storage container for garbage and rubbish shall be cleaned with sufficient frequency to preclude the attraction of insects and rodents.
 - (d) the storage of garbage and rubbish shall not create a harborage or food source for insects or rodents.
 - (e) the transfer and disposal of garbage and rubbish from a manufactured home park or seasonal mobile home park shall be as prescribed by Part 115 of PA 451 of 1994 of the Michigan Compiled Laws, known as the Natural Resources and Environmental Protection Act.
 - (f) garbage and rubbish shall be removed from a manufactured home park at least once a week or more often if necessary.

509:11 Lot Size, Side and Front Yards

1. Manufactured home parks shall be developed for sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) per cent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirement be less than that required under R-125.1946, Rule 946, and R-125-1941, and R-125.1944, Rules 941 and 944 of the Michigan Administrative Code. No duplex or multi-family unit shall be allowed.

2. For purposes of this section, a manufactured home includes an add-a-room, expand-o-room, porch, steps, carport, awning, deck, swimming pool, slide-o-bay or other object.
3. A manufactured home shall be required to be set back the following minimum distances:
 - (a) Twenty (20) feet from any part of an attached or detached structure of an adjacent manufactured home which is used for living purposes.
 - (b) Ten (10) feet from any of the following:
 - 1) An on-site parking space of an adjacent manufactured home site.
 - 2) An attached or detached structure or accessory structure of an adjacent manufactured home which is not used for living purposes.
 - (c) Fifty (50) feet from permanent park-owned structures such as any of the following:
 - 1) Community buildings.
 - 2) Offices.
 - 3) Maintenance and storage facilities.
 - 4) Similar structures.
 - (d) One hundred (100) feet from a baseball or softball field.
 - (e) Twenty-five (25) feet from the fence of a swimming pool.
4. On-site detached storage sheds shall be a minimum of three (3) unobstructed feet from the manufactured home. An attached storage shed shall be allowed if the mobile home is lined with Class A fire-resistant material.
5. Attached or detached structures or accessory buildings of a manufactured home that are not used for living space shall be a minimum distance of ten (10) feet from an adjacent manufactured home or its adjacent attached or detached structures.

6. Any part or structure, such as steps, porches, supported or unsupported awning, deck, carport or garage, or similar structures, that are a part of a manufactured home shall be set back the following minimum distances:
 - (a) ten (10) feet from the edge of an internal road.
 - (b) Seven (7) feet from an off-site parking space.
 - (c) Seven (7) feet from a common sidewalk.
 - (d) Twenty-five (25) feet from a natural or man-made lake or waterway.
7. Steps shall not encroach into parking areas.
8. The length of a manufactured home site may vary, depending on park design and layout and the manufactured home to be installed; however, the minimum standards pertaining to the distance between manufactured homes shall be complied with.
9. Site dimensions may be computed to include the space requirements for manufactured homes which may contain expand-o-rooms or may be computed in anticipation of the attachment of expansions, such as add-a-rooms.

509:12 Height

No structure within the manufactured home park shall exceed two and one-half (2-1/2) stories in height.

509:13 Pads, Mats or Platforms

Installation of manufactured homes within a manufactured home park shall be done in compliance with Rule 602 of the Manufactured Home Commission Rules.

509:14 Open Space

An open space dedicated to use by manufactured home park residents as a recreation area, playground or gathering area, including, at the option of the owner/developer, clubhouses, swimming pools and the like, shall be provided.

The areas shall consist of not less than two (2) percent of the park's gross acreage or not less than twenty-five thousand (25,000) square feet, whichever is greater. The areas shall not be included in the border greenbelt buffer and shall not be swamp or other marshland.

509:15 Manufactured Home Installation

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

509:16 Site Plan Approval

1. In accordance with Part 9 of the Manufactured Home Commission Rules and Article 6 - Site Plan Review of this Ordinance, a preliminary plan shall be submitted to the City of Standish Planning Commission for approval and the Planning Commission shall render its response within ninety (90) days.
3. Construction of manufactured home parks shall not commence until the Manufactured Home Commission has reviewed the owner's or developer's construction plans and issued its permit for construction. The Manufactured Home Commission has ninety (90) days to review and respond after receipt of a full application, including the results of the Planning Commission's review of the preliminary plan, in accordance with Rule 905 of the Manufactured Home Commission Rules.

509:17 Compliance

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

601 Special Uses and Structures

601:1 Intent

The regulation of land uses in the City of Standish is accomplished by this Zoning Ordinance which designates zoning districts and sets forth uses allowed in each district. The intent of this Section of the Ordinance is to recognize and provide for certain uses which may not logically belong in any particular district or which may be allowable only if they comply with standards which ensure they will be harmonious with the general character of the district in which they may be located.

601:2 General Provisions

1. Only uses which have been designated as Special Uses in each respective zoning district shall be considered for approval as Special Uses.
2. All uses of land or structures which are designated as Special Uses in this Ordinance shall require the granting of a Special Use Permit in accordance with the procedures of Subsection 601:3, this Ordinance, prior to the issuance of a Building Permit.
3. A request for the approval of a Special Use Permit may be considered, provided the following conditions are assured:
 - a. The proposed use will comply with all standards and regulations as specified in Subsection 601:4 as well as all appropriate regulations applicable to the district.
 - b. The proposed use will be harmonious with and in accordance with the general principals and objectives of the Comprehensive Plan of the City of Standish.

ARTICLE 6
Special Regulations

- c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this ordinance for the land use or activities under consideration; and be necessary to ensure compliance with those standards.
 - d. The proposed use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
 - e. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 - f. The proposed use will be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal water and sewage facilities and schools.
 - g. The proposed use will not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare, odors.
 - h. Be related to the valid exercise of police power and purpose which are affected by the proposed use or activity.
 - i. The proposed use will comply with all applicable laws, ordinances and regulations of the City of Standish, Arenac County and the State of Michigan.
4. The Planning Commission may impose additional conditions and stipulations which are deemed necessary for the protection of the neighborhood and the general welfare of the public.

5. Approval of a request for a Special Use Permit shall not be granted if the Planning Commission finds that such Special Use would fail to comply with any of the requirements of this Ordinance.
6. In any case, where a Special Use has not been established, or substantial development progress has not been made, within one year after the granting or approval of the Special Use Permit, then without further action by the Planning Commission, the Special Use Permit shall become null and void and the Building Permit shall be cancelled.
7. Violations of this Section or of any other portions of this Ordinance shall result in the automatic cancellation of the Building Permit. Reinstatement may be made by the Zoning Administrator when the violation(s) has been corrected.

601:3 Administration and Procedure

1. Initiation of Request for Special Use - Any person owning or having an interest in property in the City of Standish may initiate a request to operate or maintain a Special Use in Standish City by submitting an application for a Special Use Permit.
2. Application of Special Use Permit - An application for a special use permit for any land or structure permitted under this article shall be submitted and processed under the following procedures:
 - a. Submission of Application: Any application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be submitted at least three (3) weeks prior to next regularly scheduled Planning Commission meeting and be accompanied by the payment of a fee as established by the City Council by resolution to cover costs of processing the application. No part of any fee shall be refundable.
 - b. Data Required: Every application shall be accompanied by the following information and data:

- 1) The special form supplied by the Building Inspector filled out in full by the applicant, including a statement of supporting evidence showing compliance with the requirements of Section 601:2 (3).
- 2) Site plan, plot plan, development plan, drawn to scale (preferably 1"=100'), of total property involved showing the location of property lines of the subject property, all abutting streets, the location and extent of all on-site utilities, the location and extent of all above ground development, including curb cuts, both existing and proposed, of all properties within a radius of five hundred (500) feet of the perimeter of the subject property.
- 3) Preliminary plans and specifications of the proposed development.

3. Review of Application by Zoning Administrator

The Zoning Administrator shall review the application and supporting documents and indicate, by endorsement, that the application has been properly executed. Application and supporting documents are then forwarded to the Planning Commission for review and hearing.

4. Review and Hearing by Planning Commission

Upon receipt, in proper form of the Special Use application, the Planning Commission shall review said application to ensure that all conditions of this Section have been complied with. The Planning Commission shall hold at least one public hearing on each application for a Special Use Permit. Notice of said hearing shall be: a) published in a newspaper of general circulation in the City of Standish; b) mailed by certified mail to the applicant, and c) mailed by U. S. Mail to any owners or occupants of surrounding properties within three hundred (300) feet. Notices of public hearing shall be published or mailed no less than fifteen (15) days prior to such hearing.

5. Review and Decision by the Planning Commission. Upon receipt of the application and supporting data the Planning Commission shall review said application. Based on this review to determine if all conditions have been complied with, or if additional conditions are required or desired, the Planning Commission shall approve, approve with conditions, or deny the request for the Special Use Permit.

6. Conditions and Guarantees – Prior to the granting of any special land use, the Planning Commission shall stipulate the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section and Section 601:4. In all cases in which special land uses are granted, the Planning Commission shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the special land use are being, and will be, complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The City Clerk shall maintain a record of changes granted in the conditions.
7. Effect of Approval of Request for Special Use Permit - The Special Use Permit shall become effective on the date of the favorable vote by the Planning Commission. Approval of the request for the Special Use Permit shall authorize the Zoning Administrator to issue the Permit.
8. Effect of Denial of Request for Special Use Permit - In the event that a request for a Special Use Permit is denied wholly or in part by the Planning Commission, an application for a permit for the same Special Use shall not be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Planning Commission.

601:4 Standards for Special Uses and Structures

Following are the uses which are classified as Special Uses in this Ordinance for which a Special Use Permit must be granted prior to the issuance of a Building Permit. Subsequent paragraphs in this Subsection specify standards and conditions which must be complied with for the respective classified Special Use. District designations indicate the only Zoning Districts in which the Special Use is permitted by this Ordinance. The minimum dimensional requirements appropriate to the zoning district in which the Special Use is located (see applicable Schedule of District Regulations) shall be adhered to.

1. Two Family Housing - R-1, O-R (Review and Approval by Zoning Administrator only)

ARTICLE 6
Special Regulations

2. Public Utilities/Facilities - R-1, R-2, O-R
 3. Governmental/Public Institution Buildings - R-1, R-2, O-R
 4. Schools - R-1, R-2, O-R
 5. Medical Clinics - R-1, R-2, O-R
 6. Religious Institutions - R-1, R-2, O-R
 7. Parks/playgrounds – R-1,R-2, O-R
 8. Gasoline Service Stations - C-2
 9. Planned Residential Development - R-1, R-2
 10. Drive-in Banks - C-1
 11. Drive-thru cleaners and laundries – C-2
 12. Drive thru automated teller machines – C-2
 13. Mini-storage - C-2
 14. Grocery Stores - R-2
 15. Commercial Recreational - IND
 17. Residential and Institutional Care Facilities, consisting of:
 - a. Group Day Care Homes – R-1, R-2
 - b. Child Care Centers – C-2
 - c. Adult Foster Care Large Group Homes – R-2, C-2
 - d. Adult Foster Care Congregate Facility - C-2
 18. Funeral Homes /Mortuaries – R-2, C-2
- 601:4A 1. Two Family Housing - R-1 District
- a. For the purposes of this ordinance Section, a two family house shall be defined as a duplex or as a dwelling containing two complete dwelling units designed for occupancy by not more than two families.
 - b. The site, lot or parcel accommodating a two family dwelling shall have a minimum area of ten thousand (10,000) square feet and a minimum width of eighty (80) feet.

- c. Any structures permitted as accessory uses shall be in accordance with Subsection 402:10, this ordinance.
- d. On-site parking shall be provided at a ratio of two (2) spaces per dwelling unit. Parking areas shall be improved with compacted gravel or hard surfaced material and shall be well drained. Any parking in the required front yard shall be in a designated driveway only. Any parking in the rear or side yard shall be screened with a fence, wall or planted barrier which shall obscure the parking area from adjacent properties.
- e. Any lighting on the premises, for parking areas, yard lighting or other similar lighting shall be a steady light with the source of light not visible off the premises.

601:4A 2. Public Utilities/Facilities – R-1, R-2 Districts

- a. The public utilities facility may be located within the district when operating requirements are necessary to serve the immediate vicinity.
- b. The site, lot or parcel accommodating each public utility facility shall have a minimum area of ten thousand (10,000) square feet.
- c. Any buildings or structures shall be located not less than thirty-five (35) feet from all property lines.
- d. Any lighting on the premises for yard lighting, sign lighting or other similar types of exterior lighting shall be a steady light with the source not visible off the premises.
- e. Surrounding grounds may be used for the temporary parking of service or maintenance vehicles or for parking of employees or attendance vehicles while driver is on the premises but shall not be used for the storage of equipment, supplies or construction materials.
- f. Any property line abutting a residential lot or parcel shall be screened with a fence, wall or planted materials. Said screen shall obscure vision and provide separation between the two uses.

601:4A 3. Mineral Extraction, Removal or Drilling – R-1, R-2 Districts

- a. No topsoil, sand, gravel, petroleum products or other such materials shall be removed from any property in the City unless such removal is authorized as a Special Use.
- b. Removal of any applicable materials shall be only by the owner of the subject property or by another individual with written permission by the owner.
- c. The effect of the removal shall not create a potential for sand blows, stagnant water pools, bogs or similar injurious areas.
- d. The effect of the removal shall not interfere with the surrounding environment including the water table, natural topography or the destruction of natural resources.
- e. Equipment used for the removal will not create traffic congestion or encroach on surrounding properties.

601:4A 4. Governmental/Public Institution Buildings – R-1, R-2, O-R, I Districts

- a. Governmental buildings for the purpose of this Ordinance shall be those buildings either owned, leased or loaned to any authorized governmental agency and occupied by a governmental agency.
- b. Minimum area, height and location regulations shall be no less than those required for single-family detached dwellings in the district in which the governmental buildings are located.
- c. On-site parking shall be provided at a ratio of one and one-half (1-1/2) spaces for each full-time employee. Parking areas shall not be in a required front yard except on an improved designated drive.
- d. Any exterior lighting on the premises shall be a steady light with the source of light not visible off the premises.

- e. Any parking or drive areas which abut a residential lot or parcel shall be screened in such a way that vision between the two uses is obscured.

601:4A 5. Schools – R-1, R-2 Districts

- a. Schools for the purpose of Ordinance shall be either public or private and approved by the appropriate board of education or other controlling agency.
- b. Minimum area, height and location regulations shall be as recommended and approved by the appropriate board of education or other controlling agency but in no case an area less than two (2) acres.
- c. On-site parking will be in accordance with Section 604, this Ordinance. Parking areas shall not be in a required front yard except on an improved designated drive.
- d. Any exterior lighting on the premises shall be a steady light with the source of light not visible off the premises.
- e. Any parking or drive areas which abut a residential lot or parcel shall be screened in such a way that vision between the two uses is obscured.
- f. All related structures and fixed equipment shall be located no closer than forty (40) feet from all property lines.

601:4A 6. Clinics – R-1, R-2 Districts

- a. Clinics may include institutions for the medical treatment of humans and dealing chiefly with outpatients or they may be veterinary clinics for the medical treatment of animals but with no facilities for outside kenneling.
- b. The lot accommodating a clinic shall have a minimum area of one (1) acre with a minimum width of one hundred fifty (150) feet.
- c. Any buildings or structures on the premises shall be located not less than forty (40) feet from all property lines.

- d. Off-street parking shall be provided in the rear yard only at a ratio of one (1) space for each two hundred (200) square feet of usable floor area in the building. Entrance/exit drives shall be provided to permit safe and convenient access between parking areas and approved private or public streets. Parking areas shall be paved and well drained to permit runoff of surface water.
- e. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other types of exterior lighting shall be a steady light with the source not visible off the premises.
- f. Any parking or drive areas which are within a required yard abutting a residential lot shall be screened with a fence, wall or planted materials such as trees or shrubs which shall obscure vision and provide separation between the two uses. Said screen shall be a minimum of five (5) feet in height.

601:4A 7. Religious Institutions – R-1, R-2 Districts

- a. Religious institutions for the purpose of this Ordinance shall be defined as churches, temples, synagogues or similarly recognized places of religious worship.
- b. The site accommodating these institutions shall have a minimum area of one-half (1/2) acre.
- c. The buildings shall be located no closer than forty (40) feet from all property lines and there shall be no maximum height requirement.
- d. On-site parking shall be in accordance with Section 604 of this Ordinance.
- e. Any exterior lighting on the premises shall be a steady light with the source not visible off the premises.

601:4A 8. Gasoline Service Stations – C-1 District

- a. The lot accommodating a gasoline service station shall have a minimum area of twelve thousand (12,000) square feet with a minimum width of eighty (80) feet.
- b. Buildings shall not be located closer than thirty (30) feet from the front and rear lot lines and not closer than ten (10) feet from side lot lines.
- c. Parking and underground storage areas and drives may be located within any required yard.
- d. All sales, services and storage shall be within an enclosed building, with the exception of parking and loading areas.
- e. All drives and parking areas shall be paved and well drained.
- f. Any gasoline service station which abuts a residential property shall be screened with a fence or wall or planted materials which shall obscure vision and provide separation between the uses.
- g. Drives shall be located so as not to create a traffic hazard between vehicles entering or leaving the service station and vehicles traveling on adjacent streets.
- h. Any exterior lighting on the premises shall be a steady light with the source not visible off the premises.

601:4A 9. Planned Residential Development – R-1, R-2 Districts

Intent

It is the intent of this Special Use to provide a more desirable living environment by retaining the natural character of the City through the preservation of open spaces, woodlands, streams, ponds, water frontage, hills, and similar natural assets. It is further intended that this permitted use encourage a more creative approach to residential development through the planned reduction or grouping of lots while maintaining the overall density of the zoning district.

Procedure

The City Council may authorize the establishment and occupation of a Planned Residential Development in any R-1 District or R-2 District through the issuance of a Special Use Permit. Although designated as a Special Use, the procedures for review and approval for a Planned Residential Development shall follow those as outlined in Sections 601:4A. and 704:2. 1. through 4. of this ordinance

General Provisions

In addition to all other requirements to which any Special Use must conform, any Planned Residential Development shall meet the following standards:

1. Minimum site shall be ten (10) acres.
2. Ownership shall be under one proprietor*and shall be developed and administered as an integral unit.
(*"proprietor" to be defined as a person, firm, association, partnership, corporation or combination of any of them which may hold any interest of ownership in some property).
3. Average residential density shall not exceed 3.6 dwelling units per acre.
4. For all area gained through the reduction or grouping of lots, an equal area shall be set aside for the common use of the lot owners or residents within the development. This area shall be under legal procedure which shall grant a covenant or deeded interest therein so that it shall be assured of remaining undeveloped.
5. The proposed Planned Residential Development shall meet minimally all standards herein, as well as State, County, and City laws or ordinances including Act 288, MSA 1967 (the Land Division Act) as amended, and the provisions of this Ordinance except as specifically exempted.

Permitted Uses and Structures

Within any Planned Residential Development, no structure shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in accordance with the intent as stated in this Section except as otherwise provided in this Ordinance, for any other than one or more of the following permitted uses.

1. Principal Uses and Structures

- 1) Single-family residences.
- 2) Two family residences.
- 3) Condominiums, townhouses, or other similar housing types which may be defined as privately owned single-family dwellings with no side yards between adjacent units. There shall not be more than ten (10) units per building.
- 4) Multiple-family dwellings. There shall not be more than ten (10) units per building.
- 6) Recreational areas for the private use of the Planned Residential Development lot owners including, but not limited to: golf courses, tennis courts, swimming pools, skiing and tobogganing hills, and play areas.
- 7) Open spaces including, but not limited to: fields, wooded areas, streams, ponds, parks, scenic hills.

2. Accessory Uses and Structures

- 1) Carports and garages.
- 2) Storage buildings, provided that they are located on the lot designated for the dwelling, and that they do not exceed two hundred (200) square feet of floor area per dwelling unit.
- 3) Clubhouses and structures incidental to permitted recreational uses.

Area, Height and Placement Regulations

Within any Planned Residential Development, no structure shall hereafter be used, erected, converted or altered externally in whole or in part if said use is not in compliance with the following regulations:

1. Maximum height - forty (40) feet.
2. Minimum yards
 - 1) front - thirty-five (35) feet.
 - 2) side - ten (10) feet per single-family and two family. No minimum between adjacent multiple-family dwellings in the same building, provided that fifteen (15) feet be maintained between any building.
 - 3) rear - thirty-five (35) feet. Planning Commission may reduce this requirement for individual lots if the rear yard of the lot abuts common land, open space or recreation area as required in Paragraph 4 under General Provisions, this Section.
3. Perimeter Setbacks - there shall be a required yard of forty (40) feet along all exterior boundary lines of the Planned Development site. This area shall be landscaped to provide a visual barrier from outside the property.

General Site and Development Requirements

1. Access Drive - there shall be improved access drives which shall provide unrestricted access to a major road or highway from the Planned Development site. There shall be a distance of no less than 600 feet between access drives along the major roadways.
2. Parking - there shall be improved, well-drained off-street parking areas within the Planned Residential Development at the following ratio:
 - 1) Residences - two (2) spaces per dwelling.
 - 2) Mixed or combined uses on the same lot - sum of requirements for the individual uses computed separately.

3. Any principal or accessory use not listed in Paragraphs 1 or 2 under Permitted Uses and Structures, this Section, shall conform to regulations which pertain to the permitted use to which it is most closely related. Any additions of non-related principal or accessory uses shall require the amendment of this Section of this Ordinance.
4. The application for a Special Use Permit for the Planned Residential Development will be accompanied by all necessary plans, drawings, specifications and reports indicating all proposed structures and facilities in the Planned Residential Development (as identified in Section 805).
5. After application for a Special Use Permit for the Planned Residential Development no changes or additions may be made to plans, specifications, etc. Such changes will require reapplication for a new Special Use Permit.

601:4A 10. Drive-in Banks, Cleaners and Laundries – C-1 District

- a. The drive-in or drive-up facility is intended to supplement a personal service facility either presently existing or proposed. This use is not intended to include food service.
- b. Each drive-up window shall be served by a paved drive.
- c. Entrance to a drive-up window shall be from an off-street drive or parking lot which shall permit the off-street storage of a minimum of four cars.
- d. Exit from a drive-up window shall be to an approved street via a drive which shall permit the off-street storage of a minimum of one car.
- e. The required off-street parking area serving the facility shall not be used for drives to the drive-up windows.

601:4A 11. Warehousing and Storage – C-2 District

- a. The site, lot or parcel accommodating any warehousing facilities or storage yards shall have a minimum area of one (1) acre.
- b. Any buildings, or structures used for the containment of stored materials shall be located no closer than fifty (50) feet from any property line.
- c. Any scrap, waste, junk or refuse material and any inoperable mechanical equipment shall be stored in a building.
- d. Any operable mechanical equipment and any materials not classified as scrap, junk or waste may be stored in open yards on the premises providing such storage is no closer than twenty (20) feet from any property line.
- e. Storage yards shall be graded to provide adequate drainage but not to adjoining properties and shall be surfaced with compacted stones or gravel or with a hard surfaced material.
- f. Any lighting on the premises for parking areas, yard areas, sign lighting or similar types of exterior lighting shall be a steady light with the source not visible off the premises.
- g. There shall be no burning of any waste, scrap, junk or any other similar materials on the premises.

601:4A 12. Commercial Recreational - IND District

- a. Commercial recreational for the purposes of this Ordinance shall be defined as establishments which feature amusement devices to the public for a fee. This would include but not be limited to bowling alleys, video games, pinball, pool, golfing machines, etc.
- b. Food and drinks may be sold providing the sale is incidental to the recreational use of the establishment and providing that all other laws and regulations, Federal, State, County and City, are complied with.

- c. Minimum lot area, height restrictions and yard restrictions shall be the same as for principal and accessory uses in the IND District.
- d. Off-street parking regulations shall be in accordance with Section 604, this Ordinance.

601:4A 13. Adult Entertainment Business – C-2 District

The purpose and intent of requiring the following standards for adult bookstores, massage parlors and adult entertainment facilities is to prevent conditions that would presently or ultimately lead to blight and deterioration, including a concentration of these uses in any one area.

- a. Application for a license to engage in the business of operating an Adult Book Store, an Adult Motion Picture Theater, a Cabaret, or Massage Parlors, or Adult Entertainment Facilities, shall be made to the City.
- b. No Adult Bookstore, Adult Motion Picture Theater, or Cabaret, Massage Parlor or Adult entertainment use shall be located within fifteen hundred (1,500) feet of a church, school, public park, noncommercial public assembly facility or public office building.
- c. The site shall not be adjacent to or within five hundred (500) feet of any residential area or Residential Zone.
- d. The site shall not be within five hundred (500) feet of any other adult entertainment use.
- e. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, are limited to a single sign and all such displays shall be part of specific approvals for all the use/activity. Any alteration to the above media shall be approved by the Planning Commission.
- f. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

- g. Certification Required. No license shall be granted without the certification of the Health Officer, Fire Chief and the Police Chief. Prior to certification, the Police Chief shall cause an investigation to be made as to the character of the applicant and of the officers of the club, society or corporation and of the person who is to have general management of the business. If the applicant, or the officers of the club, society or corporation, or the person who is to have general management of the business is found to have been convicted within the preceding two (2) years of the violation of any criminal statute of the State of Michigan, except traffic offenses, or of any Ordinance regulating, controlling or in any way relating to the construction, use or operation of any establishments included in this Section which evidences a flagrant disregard for the safety or welfare of either the patrons, employees or person residing or doing business nearby, the Police Chief may refuse certification. Upon refusal of any certification required herein the applicant shall have a right to a hearing and review before the City Council, provided a written request is filed with the City Clerk within five (5) days after notice of denial is received by said applicant. The City Council may confirm such denial or order the license to be issued if it finds such certification should not have been refused under the provisions of this Section.
- h. Term of License. The license year shall begin January 1st of each year and shall terminate at midnight on December 31st of that year. Original licenses shall be issued for the balance of the license year at the full license fee. License applications for license renewals shall be accepted and licenses issued for a period of fifteen (15) days prior to the annual expiration date.
- i. Bond and Fee Required. No license shall be granted to any person unless the person shall execute a bond to the City in the penal sum to be established by City Council with (2) sufficient sureties, conditioned for the faithful observance of this Section, the City Charter, this Ordinance and other Ordinances of the City and laws of the State of Michigan. The bond shall not be accepted unless approved by the City Administrator.

j. Conduct of Licensees and Patrons.

1. It shall be unlawful for any licensee to permit any obscene or disorderly conduct or permit the use of any immoral, profane or indecent language, or to permit such business to become and be a place of resort of thieves, organized crime, prostitutes or disorderly persons.
2. No person under the age of 18 shall enter upon the premises during hours of operation, or be employed or contracted with to perform or provide services to patrons.
3. No person shall dance, entertain, display, or otherwise engage in any exhibition or performance in such a manner as to expose to the view of any person within a sexually oriented business, or in any other commercial establishment:
 - (a) Any specified anatomical areas;
 - (b) Any device, costume or covering which gives the appearance of or simulates any specified anatomical areas.
4. No person shall engage in any specified sexual activities on the premises of a sexually oriented business or any establishment licensed or required to be licensed under this Article.

- k. Fee. The annual license fee for an Adult Book Store, Adult Motion Picture Theater, Massage Parlor, or Cabaret, shall be determined by the Standish City Council. Such fee may from time to time be increased by the Council to cover the costs associated with administration of this Section of the Ordinance.

601:4A 14. Bed And Breakfast

1. Bed and breakfast facilities are allowed in all residential zoning districts (as a home occupation, or special use) provided the following conditions are met:

- a. Any such use shall be reviewed by the planning commission as a nontransferable special use. The planning commission shall find that at least the following conditions are met before approving such use:
- 1) Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
 - 2) Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
 - 3) No bed and breakfast sleeping rooms shall be located in a basement or attic.
 - 4) Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay.
 - 5) Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
 - 6) Bed and breakfast occupants shall be limited to four (4) in one (1) room at any one (1) time.
 - 7) The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
 - 8) A maximum of six (6) permanent sleep bed positions per each restroom will be permitted.
 - 9) Every bed and breakfast bedroom shall contain a functional smoke detector. A fire extinguisher rated five (5) pounds ABC shall be located on each floor. Each bed and breakfast bedroom shall contain a diagram showing all exists with an arrow indicating "YOU ARE HERE".

- 10) Bed and breakfast facilities shall be licensed by the City. The initial licensing fees shall be set by the City Council for each bed and breakfast bedroom which sum shall be paid annually. In addition, there shall be an inspection fee to be set by City Council for every inspection after the initial inspection prior to licensure. The license will be renewed annually, subject to inspection and payment of fees.
- 11) A four (4) feet square sign, affixed flat against the dwelling and not illuminated, will be permitted.
- 12) All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to City standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- 13) Bed and breakfast facilities will comply with all rules, regulations and ordinances of all applicable State and County regulatory agencies.
- 14) No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.
- 15) Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.
- 16) No bed and breakfast facilities shall be located within three hundred (300) feet of any other bed and breakfast building, as measured along the centerline of the street upon which such bed and breakfast facilities front.
- 17) Nothing contained herein shall apply to the establishment and operation of hotels, motels, boardinghouses or the like.

- 18) The Zoning Administrator shall have the authority to refuse to renew a license or to suspend or revoke a license for continued and repeated violations of the provisions of this ordinance. A decision to deny a license may be appealed to the Planning Commission by the applicant. Any license issued under the provisions of this ordinance may be revoked by the Planning Commission for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation the compliance or non-compliance with the State law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.

- 19) After application duly filed with the Zoning Administrator for a license under this division the Planning Commission shall determine whether any further license shall be issued based upon the public convenience and necessity of the people in the City. In the determination by the Planning Commission of the number of bed and breakfast operations required to provide for such public convenience and necessity, the Planning Commission shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of the issuance of additional licenses for public service.

601:4A 15. Residential and Institutional Care Facilities

a. Group Day Care Homes (7-12 minor children) and Child Care Centers

1. There must be one adult supervisor for every six children present.

2. The facility shall not be closer that fifteen hundred (1500) ft. to another licensed Group Day Care Home, another Adult foster Care Small or Large Group Home, a facility offering substance abuse treatment and rehabilitation services, or any facility that houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

3. The facility must have a chain link or solid wood fence at least six (6) ft. high surrounding the perimeter of the rear and/or side yard in which the play area is located.
 4. The property must be maintained in a manner consistent with the character of the neighborhood.
 5. Operations shall not exceed sixteen hours within any twenty-four (24) hour period.
 6. The signage and off-street parking requirements of the City of Standish Sign Ordinance and Section 604 of this Ordinance shall be met.
- b. Adult Foster Care Large Group Home (7-12 adults)
1. Within the C-2 District, an Adult Foster Care Large Group Home shall be separated from a commercial business by a minimum distance of sixty (60) feet.
 2. There shall be a fence, solid wall, or perennial landscaping of a minimum height of six (6) feet separating the Adult foster Care Group Home from surrounding commercial properties.
 3. The minimum front yard setback shall be fifty (50) ft. in the C-2 District.
- c. Adult Foster Care Congregate Facility (see Hospitals/Convalescent Homes –Section 602:10A (12))

602 Site Plan Review

602:1 Purpose

Before a building permit is issued for any use identified as requiring a building permit (except for single-family and duplex housing), a site plan shall be submitted to the Planning Commission for review and approval. Before granting approval, the Planning Commission shall ascertain that all provisions of

this section, as applicable, are complied with and that the proposed location and arrangement of buildings, accesses, parking areas, walkways, yards, open areas, and other improvements produce no potential health, safety, or protection hazards; and that the arrangement of buildings and structures will provide convenience for the intended occupants or utilization by the public and will be harmonious with development on adjacent properties.

602:2 Scope

- A. Except as set forth below, the Zoning Administrator shall not issue a zoning permit for construction of any buildings, structures, or uses until a site plan, submitted in accordance with this Zoning Ordinance shall have been met. If applicable, approval by the appropriate agencies and bodies shall have been reviewed and approved and signed by the Planning Commission. For Planned Residential Development (refer to sections 601:4A.9 and 704:2 .1 through 4), the Planning Commission shall review the site plan in accordance with the procedures set forth in sections 602:3 through 602:5 D and recommend approval, disapproval, or approval with modifications, to the City Council. The Planning Commission or the City Council may conduct the public hearing.
- B. The following buildings, structures, or uses shall be exempt from site plan review and procedures.
 - 1. Single- or two-family homes under separate ownership on an individual and separate lot for each home, and including Accessory Uses.
 - 2. Interior, accessory, and subordinate buildings that require no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.
 - 3. Projects involving the expansion, remodeling, or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highways.

4. Additional buildings or structures similar to those previously existing upon an individual site complying with all zoning ordinance requirements and requiring no new or additional means of access thereto from adjoining public roads or highways for such purposes, and which do not require any additional parking area to comply with the requirements of Section 604.
5. Uses such as on-premises advertising signs.

602:3 Optional Sketch Plan Review

- A. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of this procedure is to allow discussion between an owner and the Planning Commission to better inform the owner of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. The sketch plan shall include, as a minimum, the following information:
 1. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
 2. A legal description of the property.
 3. Sketch drawings showing tentative site and development plans.
- B. The Planning Commission shall not be bound by a tentative approval given at this time.

602:4 Application Procedure

- Requests for final site plan review shall be made by filing with the City Clerk the following items. These shall be filed at least three weeks (15 working days) prior to the next regularly scheduled Planning Commission meeting:
- A. A review fee as determined by resolution of the City Council based upon the cost of processing the review. The resolution shall be on file with the City Clerk for public information.

- B. Fifteen (15) copies of the completed application form for site plan review which shall contain, at a minimum, the following information, shall be submitted at least three (3) weeks prior to the next scheduled Planning Commission meeting:
 - 1. The name, address and phone number of the applicant.
 - 2. The legal description of the subject parcel of land.
 - 3. The area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
 - 4. The present zoning classification of the subject parcel.
 - 5. A general description of the proposed development.
- C. Fifteen (15) copies of the proposed site plan which shall include, at a minimum, the following information:
 - 1. The plan shall be drawn to an appropriate scale of not smaller in size than one (1) inch equals twenty (20) feet for a development of not more than three (3) acres, and a scale of not smaller in size than one (1) inch equals fifty (50) feet for a development in excess of three (3) acres.
 - 2. The plan shall show an appropriate descriptive legend, north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.
 - 3. The property shall be identified by lot lines and general location together with dimensions, angles, and size correlated with the legal description of the property. If the parcel is part of a larger parcel, indicate the boundaries of the total land holding.
 - 4. The topography of the site with at least two (2) foot contour intervals and all natural features such as wood lots, streams, rivers, wetlands, unstable soils, and similar features shall be shown, as required by the City Engineer.
 - 5. Existing man-made features upon the site and within one hundred (100) feet of the ownership site boundary shall be identified and located.

6. The location, proposed finished floor and grade line elevations, the size of proposed main and accessory buildings, the relationship of buildings to one another and to any existing structures on the site, and the height of all buildings and square footage of floor space therein shall be disclosed. Site plans for multiple-family residential development shall also include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit by type or size (i.e. 1, 2 or 3 bedroom).
7. All proposed and existing streets, driveways, sidewalks, and other vehicle or pedestrian circulation features upon and adjacent to the site shall be shown, together with the location, size, and number of parking spaces in off-street parking areas, service lanes thereto, and service parking and delivery or loading areas. Wheel stops are required. Sidewalks are required which meet ADA access, for inter-site access, as well as public access across the property along all road frontage.
8. The location, use, and size of open spaces, together with landscaping, screening, fences, walls, and proposed alterations of topography or other natural features shall be indicated. Calculations for determining the required number of trees to be placed within the proposed parking area (if any) must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.
9. Location of all isolated trees having a diameter of six (6) inches or more. (tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included).
10. The proposed operations on the site shall be described in sufficient detail to indicate the effect, if any, upon adjoining lands and occupants, together with any special features which are proposed to relieve any adverse effects to adjoining land and occupants. Any potential demands for future community services will also be described, together with any special features which will assist in satisfying these demands. The colors, materials, textures of all buildings, walls, roofs, fences, asphalt and signage and other items of installation on the site shall be explained in sufficient detail to allow review.

11. Any earth-change plans required by state law shall also be submitted with the application.
12. On-site lighting, including the location of all existing (to remain) and proposed lighting standards, with isofootcandle diagram, paver needs, surface water drainage for the site, and proposed locations for sanitary sewage disposal and water supply shall be shown on the site plans.
13. The site plan shall include any other information as may be determined to be necessary by the Planning Commission because of any peculiar features of the proposed development.

602:5 Action On Application And Plans

- A. The City Clerk shall record the date of the receipt of the application and plans, and shall transmit copies thereof to the Planning Commission, the City Clerk, the City Administrator (Zoning Administrator), the City Engineer, the Police Chief and Fire Chief, and copies to the other affected City Departments.
- B. Where it is evident to the Zoning Administrator or the Planning Commission that the proposed use will have an impact upon any public facility, right-of-way or easement, the Zoning Administrator or Planning Commission shall submit the applicant's site plan to the appropriate state, county or local agency(s) that has an impact upon, or will be impacted by, the proposed land use. The Zoning Administrator or Planning Commission shall request the appropriate agency(s) to review the proposed land use and submit a written response to the Zoning Administrator or Planning Commission describing the potential impact of the project upon that agency's area of interest or influence and the agency's recommendations for approval, disapproval or modifications. The Planning Commission shall consider these responses in their review of the application.
- C. A hearing shall be scheduled by the Planning Commission for a review of the application and plans as well as reviewing the recommendations of the City Engineer, the Zoning Administrator and the Police Chief and Fire Chief. Members of the Planning Commission shall be delivered copies of the application and plans prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than sixty (60) days following the date of the receipt of the plans and application by the Zoning Administrator.

- D. The applicant shall be notified of the date, time and place of the hearing on his application not less than seven (7) working days prior to that date.
- E. Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this section and the criteria contained herein. Any required modification or alteration shall be stated in writing, together with the reasons for the modification, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the modifications have been included in the proposed plans for the applicant.

The decision of the Planning Commission shall be made within sixty (60) days of receipt of the application by the Zoning Administrator. If the decision is not made within the sixty (60) day period, the application shall be considered approved.

- F. Two (2) copies of the approved final plan/design, including any required modifications or alterations, shall be maintained as part of the city records for future review and/or enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed and dated by the Chairman of the Planning Commission for identification of the finally-approved plans, as well as signed and dated by the applicant. If any variances from the zoning ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances duly signed shall also be filed with the city records as a part of the plan/design and delivered to the applicant for his information and direction. The plan/design shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to this section receives the mutual agreement of the land owner and the Planning Commission.

602:6 Criteria For Review

In reviewing the application and site plan and approving, disapproving, or modifying the plan, the Planning Commission shall be governed by the following general standards, in addition to the applicable site requirements in Section 601:4 for Special Land Uses and Section 602:10 for Permitted Land Uses.

- A. There is a proper relationship between the existing streets and highways within the vicinity and proposed acceleration and/or deceleration lanes, service drives, entrance and exit driveways, and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic.
- B. The buildings and structures proposed to be located upon the premises are so situated as to minimize adverse effects upon owners and occupants of adjacent properties.
- C. As many natural features of the landscape shall be retained as possible where they furnish a barrier screen or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood.
- D. Any adverse effects of the proposed development and activities emanating from the development which affect adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping, setback, and location of buildings, structures, and entryways.
- E. The layout of buildings and improvements will minimize any harmful or adverse effect which the development might otherwise have upon the surrounding neighborhood.
- F. The site plan must comply with all provisions of the Zoning Ordinance and the Standish Subdivision Control Ordinance, as applicable. However, this would not preclude the applicant from applying for an appropriate variance with the Zoning Board of Appeals. The Planning Commission may conditionally approve a site plan subject to the granting of any appropriate variance, only with the understanding that without the variance the site plan is disapproved.

602:7 Conformity To Approved Site Plan

- A. Revocation of site plan/design approval. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan, inclusive of any amendments, which has received the approval of the Planning Commission. If construction and development does not conform with the approved plan, the approval of the site plan shall be revoked by the Zoning Administrator by written notice of the revocation posted upon the

premises involved and mailed to the owner at his or her last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner and after hearing, approved a modification in the site plan to coincide with the owner's construction, or altered plans for construction, to be in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose, and intent of this Zoning Ordinance.

- B. Criteria for commencing construction. Approval of the site plan shall be valid for a period of one (1) year. If a building permit has not been obtained and on-site development actually commenced within one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

602:8 Amendment To Site Plan

A proposed amendment, modification, or alteration to a previously-approved site plan may be submitted to the Planning Commission for review in the same manner as the original application was submitted or reviewed.

602:9 Performance Bond

The Planning Commission shall have the right and authority to require the developer to file with the Zoning Administrator at the time of application for a building permit, a performance agreement in a form approved by the Zoning Administrator to ensure the development of that portion of the site that will be used for public access or utilities in accordance with the approved site plan,

conditioned upon the proper construction and development of those components. This agreement shall continue for the duration of the construction and development of the site.

602.10 Standards for Principal Uses and Structures

Following are the uses which are classified as Principal Uses in this Ordinance. The following standards and conditions must be complied with for the respective classified Principal Use before building and occupancy permits can be issued.

ARTICLE 6
Special Regulations

District designations indicate the Zoning District(s) in which the Principal Use is permitted by this Ordinance.

Single-Family detached dwelling (individual) – R-1, R-2, O-R (Review and Approval by Zoning Administrator only)

Two Family Dwellings (individual) – R-2 (Review and Approval by Zoning Administrator only)

Agricultural products storage and sales – IND

Agricultural implements sales and service – C-2

Airports and airport related facilities – IND

Art Galleries – C-1, C-2

Automobile body shops – C-2, IND

Clubs and lodges – C-1, C-2

Commercial recreational activities – C-2

Dwelling units in upper levels of non-residential buildings – C-1

Facilities and yards for contractors, materials suppliers and wholesalers – IND

Foster Care Facilities and Senior Citizen Housing – R-2

Gasoline service stations – C-2

Health Care offices, clinics and facilities – O-4, C-1, C-2

Hotels – C-1, C-2

Industrial plants for manufacturing, processing and assembling, and associated offices – IND

Industrial research facilities – IND

Junk/salvage yards – IND

Kennels – IND

Machine shops, welding shops – IND

Manufactured home sales and service – C-2

Mini-storage buildings and facilities – C-2

Motels – C-2

Multiple-family dwellings, including condominiums – R-2

Petroleum products storage – IND

Personal service establishments (excluding drive-ins) – C-1

Personal service establishments (including drive-ins) – C-2

Professional and Administrative offices – O-R, C-1, C-2

Public or Private Park – R-1, R-2, O-R

Public utilities facilities (not excluding storage yards) – IND

Public utilities facilities without storage yards – C-1, C-2

Recreational vehicle sales and service – C-2

Restaurants (drive-thru) – C-2

Restaurants (sit down) – C-1, C-2

Retail establishments of a limited size compatible with low intensity activity (hobby/antique stores, candy stores, and similar establishments) – O-4
Retail sales establishments (excluding drive-ins) – C-1
Retail sales establishments (including drive-ins) – C-2
State Licensed Residential Facility – R-1, R-2, O-R
Taverns, nightclubs – C-1, C-2
Theatres – C-1, C-2
Transportation, maintenance and servicing facilities – IND
Warehouses – IND

602:11 Site Design Standards

1. Agricultural implements sales and service
 - a. Minimum lot size shall be one (1) acre.
 - b. Minimum lot width shall be one hundred (100) feet.
 - c. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
 - d. Storage or material display areas shall meet all the yard setback requirements applicable to any buildings in the district in which this facility/operation is located.
 - e. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
2. Agricultural Products Storage and Sales
 - a. Each principal agri-business use shall have frontage upon and access to a thoroughfare having a primary or greater classification.
 - b. The minimum lot area shall be two (2) acres and the minimum lot width shall be three hundred (300') feet.
 - c. A bulk collection, storage, distribution, and similar structure shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear property line.

- d. The total coverage of all main and accessory buildings shall not exceed thirty (30) percent of the lot on which they are located.
- e. Noise or similar objectionable characteristics incidental to the activity shall not be discernible beyond five hundred (500) feet from the boundaries of the lot or premises from which the noise or objectionable characteristic is generated.

3. Airports and Airport Related Facilities

- a. Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the City for review and approval.
- b. The parcel on which the airport is located shall abut a major thoroughfare and provide public access and egress to and from the airport from the thoroughfare.

4. Art Galleries

- a. Off-street parking and loading shall be provided in accordance with Section 604.
- b. Signage shall be limited to one wall mounted identification sign of a maximum area of twenty-four (24) square feet and one (1) event sign (wall-mounted or free standing) of a maximum area of twelve (12) square feet (in the case of a free standing sign, the maximum shall be twelve (12) sq. ft. per sign face).
- c. No art displays shall occur outside of the building.

5. Automobile Body Shops

- a. All vehicle body repair and painting shall be enclosed entirely within a building. The area devoted to painting shall contain approved ventilation equipment.
- b. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight (8) foot high masonry wall and shall comply with requirements for location of accessory buildings. Outside

storage or parking of each disabled, wrecked, or partially dismantled vehicle shall be enclosed within an eight (8) foot masonry wall or solid fence.

- c. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

6. Clubs and Lodges

- a. Minimum lot size shall be one (1) acre.
- b. The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
- c. All outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
- d. When adjacent to a residential use, a masonry or brick wall, or fence six (6) feet in height shall be erected on the common lot line between the two properties.

7. Commercial Recreational Facilities

- a. Minimum lot size shall be one (1) acre.
- b. A front yard setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
- c. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two streets.
- d. All lighting shall be shielded from adjacent residential districts.
- e. A six (6) foot obscuring wall or fence must be provided around the perimeter of the site.

8. Upper Level Dwelling Units in C-1 District

- a. Access shall be provided from the rear or side of the building, or from a separate entrance in the front. No access shall be through a first floor retail or service business space.

- b. Off-street parking shall be provided for occupants.
- c. Each dwelling unit shall contain at least one (1) full bathroom and kitchen or kitchenette facility, including sink, refrigerator and range. A single room occupancy (SRO) building may contain a common bathroom for up to three (3) SRO units. If the building in which SRO units are located contains a common dining area, kitchen facilities within each SRO unit are not required.

9. Facilities and Yards for Contractors, Material Suppliers and Wholesalers

- a. Minimum lot size for a contractor yard shall be thirty thousand (30,000) square feet; minimum lot size for a material supplier or wholesaler shall be one (1) acre.
- b. Areas used for storage, milling and/or fabrication shall be surrounded by a fence or wall of a minimum height of eight (8) feet and shall be located at the rear of the main building.
- c. Vehicles and equipment used in construction shall be parked or stored in the rear, or on the side, of the main building.
- d. Outdoor lighting shall be provided for parking and security and shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
- e. The minimum distance between any structure or area on the premises in which construction or fabrication activity occurs as a function of the business shall be located no closer than seventy-five (75) feet from a residential district.

10. Gasoline Service Stations, Automobile Repair Shop/Quick Oil Change Facility

- a. Minimum lot area shall be ten thousand (10,000) square feet for an automobile service station or repair garage.
- b. Minimum lot width shall be not less than one hundred (100) feet.

- c. An automobile service station building shall be located not less than fifty (50) feet from any right-of-way line and not less than thirty (30) feet from any side or rear lot line abutting residentially zoned property.
- d. Ingress and egress drives shall not be less than fifteen (15) feet in width.
- e. No more than one curb opening shall be permitted for every one hundred (100') feet of frontage (or major fraction thereof) along any street.
- f. Curb cuts shall not be permitted where, in the opinion of the Zoning Administrator, they may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- g. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
- h. Underground storage tanks shall be in compliance with all applicable state laws, regulations and requirements.
- i. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than thirty (30) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- j. When adjoining residentially zoned property, a six (6) foot high masonry wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty (20) feet of any right-of-way line.
- k. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by an eight (8) foot high opaque wall or fence constructed of material compatible in design with the main

building and shall comply with requirements for location of accessory buildings. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding three (3) days.

- l. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
- m. On a corner lot, both street frontage sides shall be subject to all applicable front yard provisions of this ordinance.

11. Health Care Offices/Clinics

- a. All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of medical wastes in conformance with local and state Health Department regulations.
- b. Facilities and operational procedures must meet necessary licensing requirements.

12. Hospitals/Convalescent Homes

- a. Minimum lot size shall be two (2) acres.
- b. The lot location shall be such that at least fifty (50) percent of the property line abuts a paved major street. The ingress and egress for off-street parking areas for guests and patients shall be directly from said major street.
- c. The main and accessory buildings shall be set back at least thirty (30) feet from all property lines.
- d. In the case of convalescent homes, the facility shall be designed to provide a minimum of one thousand five hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.
- e. In the case of hospitals, a separate entrance and exit shall be provided for emergency vehicles.

- f. All used material shall be properly disposed of in appropriate on-site containers for transport to a licensed waste facility. Provisions must be made for disposal of medical wastes in conformance with local and state Health Department regulations.
 - g. Facilities and operational procedures must meet necessary licensing requirements.
13. Hotels/Motels
- a. Each unit of commercial occupancy shall contain a minimum of two hundred (200) square feet of gross floor area.
 - b. When adjacent to a residential district, a masonry wall, six (6) feet in height, and evergreen plantings of a height of at least eight (8) feet shall be erected on the common property line.
 - c. Outdoor lighting shall be designed and located so that the surface of the source of light will reflect the light away from any residential use.
 - d. At least ten (10) percent of the required front yard shall be landscaped.
14. Industrial Plants for Manufacturing, Processing and Assembling/Research Facilities
- a. All operations shall be within an enclosed building.
 - b. Solid and liquid wastes shall be contained and disposed of according to applicable state and federal requirements.
 - c. Applicable performance standards identified in Section ---- shall be met.
 - d. Outdoor storage of materials shall be located to the rear of the manufacturing building and shall be enclosed by a chain link fence or wall of a minimum height of eight (8) feet.
15. Offices Associated with Industrial Operations
- a. Office space associated with industrial operations must be in the same building or attached to the same building as the industrial operation.

- b. Office space associated with industrial operations cannot be larger than the space allocated to industrial operations.

16. Junk/Salvage Yards

- a. Minimum lot size shall be five (5) acres.
- b. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred fifty (150) feet and said area shall be screened from the roadway and from any adjoining residential or business uses by a solid fence not less than eight (8) feet nor more than twelve (12) feet in height. Said fence to be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it.
- c. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, school, or residential district boundary.
- d. All structures and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.

17. Kennels

- a. All kennels shall be operated in conformance with all applicable County regulations, license being valid no longer than one (1) year.
- b. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than fifty (50) feet to any adjacent property line, and shall not be located in any required front, rear or side yard setback area.
- c. Such facilities shall be under the jurisdiction of the Planning Commission, and subject to other conditions and requirements of the Planning Commission deemed necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements).

18. Machine Shops/Welding Shops (same requirements as Section 602.10A (14))
19. Manufactured Home Sales and Service
 - a. Minimum lot area shall be ten thousand (10,000) square feet.
 - b. Minimum lot width shall be one hundred (100) feet.
 - c. Unless specifically waived by the Board of Appeals, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the business.
 - d. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
 - e. All areas subject to vehicular use shall be paved, with appropriate bumper guards where needed.
 - f. The use of pennants or flags shall be carried out without creating a traffic hazard or nuisance for nearby properties, as determined by the Planning Commission, who shall have the authority to require the termination of those uses not in conformance with this paragraph.
 - g. The entire premises shall be graded so that the surface water run-off does not drain across public right-of-way.
20. Mini-storage Buildings and Facilities
 - a. Minimum lot size shall be one (1) acre. Minimum lot width shall be one hundred (100) feet.
 - b. A chain-link fence of a minimum height of eight (8) feet shall be located on the perimeter of the site. An entrance gate shall be provided with a minimum access width of twelve (12) feet, with either electronic or manual control.

- c. Storage buildings shall be of a consistent design and construction; storage buildings shall be separated by access aisles of a minimum width of fifteen (15) feet, as measured from building front to building front.
 - d. All items shall be stored inside an enclosed facility.
 - e. Outdoor lighting shall be provided and shall be located so as to illuminate access to each storage unit. Such lighting shall be reflected away from any adjacent residential use.
21. Multiple-Family Dwellings, including Condominiums
- a. The allowable density (lot area per dwelling unit) of the R-2 District shall be complied with.
 - b. At least three (3) dwelling units shall be constructed.
 - c. All dwelling units shall be supplied with public sewer and water.
 - d. No building shall exceed one hundred twenty (120) feet in width or depth and all buildings shall be of substantially similar appearance as other conforming uses in the neighborhood.
22. Petroleum Products Storage
- a. Minimum lot size shall be three (3) acres and minimum lot width shall be two hundred (200) feet.
 - b. Each petroleum products storage facility shall have frontage upon a thoroughfare having a primary or greater classification.
 - c. Storage facilities shall be located no closer than eighty (80) feet from each property line and no closer than three hundred (300) feet from any residential or residentially zoned parcel.

- d. Each facility shall be equipped with required fire protection equipment as determined by the Standish Fire Chief and the State Fire Marshall.
 - e. The perimeter of the parcel on which storage facilities are located shall be equipped with a chain link or solid fence of a minimum height of eight (8) feet.
23. Personal Service establishments in the C-1 and C-2 districts
- a. Not more than three commercial establishments, separated by common walls, or separated by a maximum distance of twenty (20) feet between each building, may retain one common dumpster for solid waste. Such dumpster is to be located within the rear yard of one of the establishments.
 - b. A Special Use Permit shall be required for a deck or patio intended to be used as part of an eating or drinking establishment within the C-1 and C-2 Districts.
 - c. In the case of a drive-in or drive-thru facility, the drive-thru facility shall be located on the site to accommodate a minimum depth (column) of four (4) vehicles at one time.
 - d. The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
 - e. The area used for access to and from the drive-thru facility and for required off-street parking shall be paved with concrete or bituminous asphalt.
24. Professional and Administrative Offices
- a. Off-street parking facilities for individual or combined office space shall be provided in accordance with Section 604.
 - b. Landscaping shall be provided within the required front yard.
 - c. Professional and administrative office buildings adjacent to any residential district shall be designed to be compatible with adjacent and surrounding residential dwellings

25. Public or Private Parks

A privately owned park used as a commercial recreation facility and a publicly owned park shall adhere to the following standards:

- a. Minimum lot size shall be one (1) acre.
- b. Activities within the park shall be separated from adjoining residentially zoned parcels by a twenty (20) feet wide greenbelt with natural plantings on at least three (3) sides of the perimeter of the site. The minimum average height of such plantings shall be twelve (12) feet and the vegetation shall be of a density that will screen out at least ninety (90) percent visibility from adjoining properties.
- c. Hours of operation of the park shall be limited from 8 a.m. to 10 p.m.
- d. Off-street parking shall be provided in accordance with the requirements of Section 604.
- e. Outdoor lighting shall be of a type and location so as not to infringe upon adjacent residential properties.

26. Public Utilities and Facilities

Buildings and facilities associated with essential services, as defined in Article 2, shall be permitted as authorized by law and other ordinances in any use district. The construction, erection, alteration and maintenance of essential public utilities service buildings/stations shall be exempt from the application of this ordinance. Fees will be charged for substations, regulator buildings and auxiliary buildings, but not for those elements directly associated with distribution or transmission systems.

27. Recreational Vehicle Sales and Service

- a. Minimum lot size shall be one (1) acre.
- b. Minimum lot width shall be one hundred (100) feet.

- c. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- d. Storage or material display areas shall meet all the yard setback requirements applicable to any buildings in this district.
- e. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.

28. Restaurants

- a. A Special Use Permit shall be required for a deck or patio intended to be used as part of an eating or drinking establishment within the C-1 and C-2 Districts.
- b. In the case of a drive-in or drive-thru facility, the drive-thru facility shall be located on the site to accommodate a minimum depth (column) of four vehicles at one time.
- c. The right-of-way for vehicles using the drive-thru facility shall be separate from the required parking aisle.
- d. The area used for access to and from the drive-thru facility and for required off-street parking shall be paved with concrete or bituminous asphalt.

29. Office/Service Businesses in the O-R District

- a. Off-street parking associated with each business shall not be required on individual parcels. A common off-street parking area may be provided by all businesses within the O-R District or by the city. The minimum number of spaces to be provided in said common parking area shall equal one hundred (100) percent of the total

- b. combined number of spaces required for each of the participating businesses.
- c. New office or service business construction and remodeling shall reflect the same general architectural style of the existing buildings within the O-R District.
- d. All businesses shall meet American Disabilities Act standards for access.

603 Non-Conforming Uses and Structures

When a zoning ordinance is developed and adopted or amended, rules and regulations are imposed which would prevent the establishment or retention of certain existing land uses and structures in the places where they are located. These uses and structures are referred to as "non-conforming." It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

603:1 General Rules for Non-Conforming Uses and Structures

- 1. A non-conforming use or structure is that which is not specifically designated in a given zoning district as a principal use, accessory use or special use but was lawfully existing immediately prior to the time this Ordinance became effective.
- 2. A non-conforming use or structure can be made conforming only by:
 - a. Ordinance amendment.
 - b. Changing the use or structure to that as listed as principal, accessory or special use as designated in the district concerned as provided by this ordinance.
 - c. Variance, provided that only the terms of this ordinance such as lot size, lot dimension, distance from lot lines or height restrictions are involved.

3. A non-conforming use or structure may not be enlarged, extended, increased or moved in any district in which this use is not designated as a principal, accessory or special use.
4. If the operation of a non-conforming use or structure (except those used for seasonal businesses) ceases for any reason for a period of more than one hundred eighty (180) days, the subsequent use of the land or structure shall be treated using the regulations specified in this ordinance for a special use in the district in which the land or use or structure is located. In the event that a non-conforming use or structure has been terminated due to action by any governmental agency or if the use is of a seasonal nature and has ceased to operate for a period of twelve (12) or more months, reinstatement for operation may be made by action taken by the Standish City Council with a favorable vote.
5. A non-conforming use or structure may revert to another non-conforming use or structure providing that in the opinion of the Zoning Board of Appeals the new use is of a nature that is less nonconforming than the original use.
6. Any non-conforming use or structure may be materially altered or repaired to bring it to a safe condition provided that the cubic content of such use or structure is not enlarged.
7. Change of ownership of a non-conforming use or structure does not remove the non-conforming status nor does it change any time limits imposed by this Ordinance. .
8. If any parcel of land has located on it a non-conforming use or structure, no additional structure shall be erected, placed or otherwise located on such parcel until the non-conformity is removed. See 402:8, this Ordinance.
9. In the event that a non-conforming use or structure has been accidentally destroyed or damaged to any extent, such non-conforming use or structure may be repaired or replaced providing reconstruction does not in any way increase its non-conformity. Any debris that is remaining as a result of the destruction or damage shall be removed from the site within thirty (30)

days. Substantial evidence of construction must be shown within the subsequent twelve (12) month period.

604 Off-Street Parking and Loading Facilities

For all structures erected and all uses of land established after the effective date of this Ordinance, accessory parking and loading facilities shall be provided as required by this section.

604:1 Minimum Number of Parking Spaces Required

The minimum number of off-street parking spaces shall be provided in all districts accessory to permitted uses as follows:

1. Automobile sales and service garages - one (1) space for each five hundred (500) square feet of floor area.
2. Barber and beauty shops --three (3) spaces for each chair or booth.
3. Churches - one (1) space for each three (3) seats.
4. Commercial Amusements (outdoor) - twenty-five percent (25%) of lot area, but in no case less than ten (10) spaces.
5. Dance Hall, Assembly Hall, Exhibition Hall (without fixed seats) - one (1) space for each one hundred (100) square feet of floor area.
6. Drive-in Facilities:
 - Banks and similar financial institutions -four (4) storage spaces for each drive-in window.
 - Dry Cleaners, Drug Stores and other retail services with drive-in service facilities -three (3) storage spaces for each drive-in window.
7. Dwelling - two (2) spaces per family or dwelling unit. This may include the area under an approved structure on an improved surface.

8. Funeral Home or Mortuaries - one (1) space for each twenty-five (25) square feet in service parlors or chapels plus one (1) space for each funeral vehicle maintained on the premises-
9. Furniture Sales (retail) - one (1) space for each five hundred (500) square feet of floor area.
10. Hotels, Motels, Tourist Home - one (1) space for each lodging room plus one (1) space per three (3) full-time employees.
11. Launderette - one (1) space per 2 washer units.
12. Libraries, Museums, Governmental Administration Buildings - provide adequate parking facilities as approved by the Planning Commission.
13. Manufacturing and Industrial Uses - two (2) spaces for each employee on the largest shift and for a single shift - $1\frac{1}{4}$ spaces per employee.
14. Medical Clinics (including veterinary) - four (4) spaces for each doctor or veterinarian plus one (1) space for each two employees.
15. Office Buildings including Banks, Business and Professional Offices - one (1) space for each two hundred (200) square feet of floor area.
16. Restaurants, Bars (and similar establishments) - one (1) space for each three (3) seats provided for patron use plus one (1) space for each two (2) employees.
17. Retail Sales and Personal Services (except furniture, supermarkets and self-service stores) - one (1) space for each two hundred (200) square feet of sales floor area.
18. Schools - one and one-quarter ($1\frac{1}{4}$) space for each full-time employee (staff and faculty) plus one (1) space for each five (5) seats in the auditorium or gymnasium.
19. Service Stations - one (1) space for each two (2) employees plus one (1) space for owner or manager plus two (2) spaces for each service stall. Service stations which include retail sales of food and other items shall contain one additional space for each two hundred (200) square feet of

retail space. Service stations with adjunct fast food services shall contain one space for each three (3) seats provided for patron use plus one (1) space for each two (2) employees.

20. Supermarket or Self-Service Store - one (1) space for each one hundred (100) square feet of floor area.
21. Theaters and Auditoriums (not incidental to schools) -one (1) space for each four (4) seats plus one (1) space for each two (2) employees.
22. Warehouses, Storage Buildings, Lumber and Supply Yards, Wholesale Outlets - two (2) parking spaces for each employee.

604:2 Minimum Standards for Off-Street Loading Facilities

Loading and unloading spaces shall be provided in all districts in connection with commercial, industrial and institutional uses subject to the following standards and regulations:

1. The minimum amount of off-street loading space shall be required as accessory to permitted uses as follows:
 - a. Industrial and Commercial Uses
 - 10,000 - 20,000 square feet of floor area - one (1) space
 - 20,000 - 50,000 square feet of floor area -two (2) spaces

 - 50,000 -100,000 square feet of floor area -three (3) spaces
 - b. Schools - provide adequate space for safe loading and unloading of students from vehicles as approved by the Planning Commission.
 - c. Medical Facilities - provide adequate space for safe loading and unloading of patients as approved by the Planning Commission.
2. Off-street loading areas shall have an all-weather hard-surface and shall be sloped and drained to dispose of surface water into an approved drainage system.

3. Any lighting used to illuminate off-street loading areas shall be so arranged as to direct light away from adjoining premises.
4. Each loading space shall be at least ten (10) feet wide, twenty-five (25) feet long and shall have a minimum clearance of fourteen (14) feet above grade.
5. Required loading areas shall be in addition to required off-street parking areas.
6. Loading spaces may occupy all or any part of any required yard or court space providing it does not encroach upon any public right-of-way.
7. No loading spaces shall be located closer than fifty (50) feet to any lot in any R-1 or R-2 District unless wholly within an enclosed building or enclosed on all sides facing R-1 or R-2 Districts, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6) feet in height.

604:3 Minimum Standards for Off-Street Parking Facilities

Parking or storage of motor vehicles shall be required in all districts and for all uses, except single-family dwellings, subject to the following standards and regulations:

1. Any person desiring to establish, maintain or alter an off-street parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surface material, marking, lighting, drainage, curb cuts, entrances, exits, and any other pertinent features of the parking facility. Any curb cuts, entrances, exits and drainage design shall have the written approval of the Zoning Administrator.
2. In the case of a structure or premises which is not specifically mentioned in Section 604:1, the provisions of a structure or use which is most similar shall apply.

3. In the case of mixed or combined uses in the same structure or on the same zoning lot, the total requirements for off-street parking shall be the sum of the requirements for the individual uses computed separately.
4. Required parking spaces for a permitted use shall be computed relative to the entire first floor area of the building; parking for uses on additional floors, including basement, shall be added to the total required for the first floor. This applies to upper level apartments in commercial buildings.
5. Each off-street parking space shall have a minimum unobstructed area of one-hundred eighty (180) square feet with a minimum width of nine (9) feet and a minimum length of twenty (20) feet. Access drives to and from a parking space shall not be considered as part of the required parking area.
6. If the use of a structure or premises changes, the minimum parking requirements shall apply to the new use.
7. If a structure or premises is enlarged, the minimum parking requirements shall be applicable to the total area of the structure or premises.
8. All off-street parking spaces shall be provided adequate access by means of maneuvering lanes. Backing onto a street or unto or across a public walk shall be prohibited.
9. There shall be a curb or bumper rail provided wherever an off-street parking space is adjacent to a public sidewalk or right-of-way so designed to prevent any portion of the vehicle from extending beyond the limits of the required parking area.
10. Any lighting used to illuminate any off-street parking area shall be so installed and maintained as to confine light within the parking area and direct light away from adjoining premises.
11. Off-street parking areas including access drives shall have a prepared and maintained surface and shall be sloped and drained to dispose of all surface water. All off-street parking areas in C-1 and C-2 Districts shall be all-weather hard-surfaced.

12. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to one-half (1/2) shall be disregarded and fractions of one-half (1/2) and more shall be construed to mean one (1) space.
13. In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant a variance.
14. Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged so as to ensure the maximum of safety and the least interference of traffic upon said streets.
15. All off-street parking areas shall be screened on all sides which abut an R-1 or R-2 District with a fence or compact hedge not less than three (3) feet or more than six (6) feet of a type which will, at all seasons, obscure vision from adjoining premises but will not interfere with corner vision as stipulated in Section 402:5 of this Ordinance.
16. Each entrance and exit to and from any off-street parking area shall be by clearly unrestricted and defined drives and shall be at least twenty (20) feet distant from adjacent property lines in an R-1 or R-2 District.
17. No parking area shall be used for parking or storing of any commercial vehicle exceeding one (1) ton capacity in a residential District.
18. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in any required parking area.
19. Except as otherwise specified in this Ordinance, the location of required off-street parking facilities shall be within five hundred (500) feet of the structure containing the use they are intending to serve, measured from the nearest point of the structure.
20. Parking areas shall not be located in any required front yard or required side yard except as otherwise provided in this Ordinance.

21. The Zoning Administrator shall require such assurance, surety or performance bonds in the form, manner and amount, as in his discretion may be required to compel compliance with and performance of all off-street parking requirements of this Ordinance provided however, that such assurance, surety or performance bond shall not be for amounts greater than the reasonable cost of complying with the off-street parking requirements of this Ordinance.
22. A permit issued for a parking area under the provisions of this Ordinance shall be revocable, subject to compliance with all requirements and conditions as stipulated.

604:4 Off-Street Parking Requirements for Single-Family Dwellings

Parking areas to serve single family dwellings shall be required in all districts in which they are permitted subject to the following standards and regulations:

1. No commercial repair work, servicing or selling shall be conducted in such areas and no sign of any kind shall be erected thereon. No charge shall be made for parking or storage of vehicles.
2. All approaches shall have a prepared surface of blacktop or concrete. Driveways and off-street parking areas shall have a prepared surface of gravel, crushed stone, blacktop or concrete.
3. Parking shall be permitted only on the prepared surfaces.

701 Intent

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the City Council. This article is intended to regulate condominium projects that will include only one-family detached dwellings, or separate commercial, industrial or warehouse buildings developed as a site condominium project.

702 Purpose

702:1 The purposes of condominium regulations are to:

- A. Provide for the orderly growth and harmonious development of the community;
- B. Secure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities;
- C. Achieve individual property sites of maximum utility and viability;
- D. Secure adequate provisions for water supply, drainage and sanitary sewage and other health requirements.
- E. Secure adequate provisions for recreational areas, school sites and other public facilities.

703 Definitions

The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Condominium Act.

- A. Administrator refers to the City Administrator of the City of Standish.
- B. "Condominium Act" means Act 59 of 1978, as amended.



ARTICLE 7

Site Condominium Development

- C. "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
- D. "Condominiums subdivision plan" means the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
- E. "Condominium unit" means that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
- F. "Consolidating master deed" means the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- G. "Contractible condominium" means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- H. "Conversion condominium" means a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- I. "Convertible area" means a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- J. "Expandable condominium" means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

- K. "Front yard setback" shall be equal to the distance between the front yard area line and the condominium dwelling.
- L. "Lot" shall mean the same as "Homesite" and "Condominium Unit."
- M. "Master deed" means the condominium document recording the condominium project as approved by the City Council to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
- N. "Rear yard setback" shall be equal to the distance between the rear yard area line and the condominium dwelling.
- O. "Side yard setback" shall be equal to the distance between the side yard area line and the condominium dwelling.

704 Review Process

704:1 Preliminary Investigation

1. Prior to the preparation of the condominium subdivision plan, the condominium project developer may wish to meet informally with the Administrator to investigate the procedures and standards of the City with reference to the condominium project, the provisions of the City of Standish Comprehensive Plan, Zoning Ordinance regulations which affect the area in which the proposed condominium project is located. A condominium project shall be subject to all requirements and standards of the applicable zoning district in which it is located.
2. It is the responsibility of the condominium project developer to:
 - a. Be familiar with all applicable provisions of these Codified Ordinances and the City's construction standards;
 - b. Investigate the adequacy of existing schools and public open spaces; including parks and playgrounds, to serve the proposed project;
 - c. Investigate the relationship of the proposed plan with respect to major thoroughfares and plans for future widening of thoroughfares;

- d. Investigate the standards for sewage disposal, water supply, erosion control and drainage and flood control of the City and the health standards of Arenac County and the State; and
- e. Review the applicable State laws.

704:2 Review Procedure

1. City Administrator recommendation. The first step of the review process consists of a review of the condominium subdivision plan and a recommendation by the City Administrator after an administrative review has been accomplished by the appropriate departments of the City and, if deemed necessary or desirable, by the appropriate state or county agencies in accordance with Section 602:5 B. This procedure is intended to survey all existing and proposed conditions pertaining to the development of the property. See Section 705 below for more detail.
2. Planning Commission review and recommendation. The second step of the review process consists of a review and recommendation to the City Council by the Planning Commission after receiving the recommendation from the Administrator as specified under subsection 1 above, including staff recommendations. The planning Commission's recommendation may consist of approving the site condominium plan as presented, approving the plan with modifications, or not approving the plan.
3. City Council review. The third step of the review process consists of a review of the preliminary condominium plan and the recommendation of the Planning Commission. The City Council may give preliminary approval to the plan as presented, may recommend further modifications, or disapprove the preliminary plan. This stage is intended to provide the developer with an assurance that the preliminary concepts of the plan are acceptable and that detailed engineering may proceed. See Section 707 below for more detail.
4. Final approval and acceptance of detailed engineering plans by the City Council. Final approval of the condominium subdivision plan may be granted by the City Council. This step consists of final acceptance of the detailed plans for all improvements within the proposed project. Upon the granting of such approval by the City Council, construction of the project may begin.

Approval of the project engineering plans shall be effective for a period of one (1) year from the date of approval.

5. Final condominium project; acceptance of dedicated improvements by the City Council. This is the actual acceptance of the constructed improvements within the project by the City Council. Upon the approval of the final plan by the City Council, subsequent approval shall follow the procedures set forth in this Article and applicable State laws.

704:3 Initial Information:

Concurrently with notice required to be given the City of Standish pursuant to Section 71 of Public Act 59 of 1978, as amended, (MCL 559.171) a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

1. Fifteen (15) copies of the condominium subdivision plan pursuant to Section 66 of the Act together with an 11" x 17" reduced reproduction of the site plan and a written application shall be submitted to the Administrator for processing. Planning review fees are due and payable with the submission.
2. The condominium subdivision plan should include, in addition to the contents required in Section 705:
 - a. The proposed name of the condominium.
 - b. The name, address and telephone number of:
 - 1) All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3) The developer or proprietor of the condominium project.

ARTICLE 7

Site Condominium Development

- c. The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers.
- d. The acreage content of the land on which the condominium project will be developed.
- e. The purpose of the project (for example, residential, commercial, industrial, etc.).
- f. Approximate number of condominium units to be developed on the subject parcel.

704:4 Information to be Kept Current:

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

704:5 Site Plans:

New Projects Master Deed, and Engineering and Inspections:

- (a) Prior to recording the Master Deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559.108), the condominium project shall undergo site plan review and approval pursuant to Sections 706 through 708 of this Ordinance.
- (b) In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, City Attorney and City Engineer, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirement of the Condominium Act.

705 Condominium Subdivision Plan - Required Contents

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

705:1 Existing conditions. The condominium subdivision plan shall include:

1. An overall area map showing the relationship of the condominium project to surrounding areas within one-quarter (1/4) mile. Information on the area map shall include such things as section lines and/or major streets or collector streets. The minimum acceptable scale for such map is one inch equals two hundred (200) feet.
2. The boundary line of the proposed condominium project, section or corporation lines within or adjacent to the tract and the overall property dimensions;
3. Property lines of adjacent tracts of land shown in relation to the tract being proposed for condominium project, including those of areas across abutting roads;
4. The locations, widths and names of existing or prior platted streets and private streets, and public and private easements within or adjacent to the tract being proposed for condominium project, including those located across abutting roads;
5. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for condominium project;
6. The topography drawn as contours with an interval of not more than two (2) feet. Elevations shall be based on United States Geological Survey data;
7. Base flood elevation data, for a condominium proposal that is lying within a flood hazard area as identified by the Flood Insurance Study for the City. Base flood elevation shall indicate the anticipated high water level during a flood having a one percent chance of being equaled or exceeded in any given year;
8. Significant natural and man-made features which could influence the layout and design of the condominium proposal;
9. The school board or school board superintendent shall be informed and made known of the proposed condominium project by the proprietor and/or the City.

705:2 Proposed conditions.

The condominium subdivision plan shall include:

1. The layout of streets indicating proposed street names, right-of-way widths and connections with adjoining streets and also the widths and location of alleys, easements and public walkways. Street names shall be indicated as approved by the City;
2. The layout, numbers, area and dimensions of condominium units, including building set-back lines showing dimensions;
3. An indication of parcels of land intended to be dedicated or set aside for public or common use or for the use of property owners in the condominium project;
4. An indication of the ownership and the existing and proposed use of any parcel identified as "excepted" on the plan. If the developer has an interest in or owns any parcel so identified as "excepted," the plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed condominium project;
5. An indication of the system proposed for sewage by a method meeting the requirements of the City Council and the Michigan Department of Environmental Quality.
6. An indication of the system proposed for water supply by a method meeting the requirements of the City Council and the Michigan Department of Health; and
7. An indication of the storm drainage method and the disposal area, in accordance with the City of Standish engineering design standards.
8. In a case where the developer wishes to develop a given area but wishes to begin with only a portion of the total area, the plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly super-imposed upon the overall plan in

order to illustrate clearly the method of development which the developer intends to follow.

706 Review By Planning Commission

- 706:1 The City Clerk shall send a notice to the developer and the owners of property abutting the property to be developed, including the land across adjacent streets, of the receipt of the plan and the time and place of the meeting of the Planning Commission to consider such plan. Such notice shall be sent by first class mail not less than ten (10) days before the date fixed for the meeting.
- 706:2 The Administrator shall transmit copies of the condominium subdivision plan to the City Engineer and the Fire Department, for technical review and recommendation. Each shall prepare comments and recommendations in writing.
- 706:3 A written report shall be prepared which shall include the recommendations from the Zoning Administrator and the individuals and departments listed in (2) above. This report shall be submitted to the Planning Commission for its deliberation.
- 706:4 The Planning Commission shall review all details of the plan within the framework of this Zoning Ordinance, within the various elements of the City's Master Plan and within the standards of this Article and other applicable ordinances and regulations. All Condominium Subdivision Plans shall conform to the design, layout and improvement standards of the City of Standish Subdivision Control Ordinance. Nothing in this Article shall be construed as requiring a condominium subdivision to obtain plat approval under the Land Division Act.
- 706:5 The Commission shall recommend to the City Council approval, approval with changes, or disapproval of the plan, and a copy of the minutes containing the Commission's recommendation and all accompanying material shall be forwarded to the developer and the City Council.

707 City Council Review and Tentative Approval

The procedure for the City Council review and tentative approval is as follows:

707:1 Review.

1. The City Council shall not review a condominium subdivision plan until it has received the recommendation of the Planning Commission. Following the receipt of such recommendation, the City Council shall consider the plan at the meeting at which the matter is placed on the regularly scheduled agenda.
2. Preliminary approval of the plan shall not constitute final approval.

707:2 Approval

1. Tentative approval by the City Council of the plan shall be effective for twelve (12) months. Should the condominium subdivision plan in whole or in part not be submitted for final approval within this time period, an extension must be applied for by the developer and the request granted in writing by the City Council.
2. If the City Council approves the preliminary plan, it shall make a notation to that effect on each copy of the plan, and the City Clerk shall distribute copies of the same as follows:
 - a. Return one (1) copy to the developer.
 - b. Return one copy to the Planning Commission, which copy shall become a matter of permanent record in the City offices.
 - c. Return one (1) copy to the developer's surveyor.

707:3 If the City Council approves the preliminary condominium subdivision plan, the City Clerk shall inform:

1. The developer of the name and address of the permit holder operating a cable communications system in the vicinity of the proposed condominium project.
2. The cable communications system permit holder in the City of the proposed condominium project submitted by the developer.

707:4 If the preliminary condominium subdivision plan is disapproved by the City, the reasons shall be given to the developer with recommendations, if any.

708 Final Approval and Acceptance of Engineering Plan

708:1 The City Council shall take action on the condominium subdivision plan upon receipt of the Engineer's report and Zoning Administrator recommendations, within forty-five (45) days of the submission of all necessary approved documents.

708:2 If the plan conforms substantially to the plan tentatively approved by the Planning Commission, meets all conditions laid down for final approval (see Sections 709 and 710) and has been approved by the necessary agencies, the City Council shall approve the engineering plans.

708:3 The City Council shall instruct the City Clerk to record all proceedings and the minutes of the meeting which record shall be open for public inspection.

708:4 The City Clerk shall promptly notify the developer of approval or rejection of the condominium subdivision plan in writing. If rejected, reasons shall be given.

708:5 Approval of the plan shall be effective for a period of one (1) year from the date of approval. The one (1) year period may be extended if applied for by the developer and granted by the City Council in writing.

708:6 No installation or construction of any improvement shall be made before the plan has received final approval by the City Council and before the engineering plans have been certified to conform to City construction standards. The developer shall be responsible for obtaining all necessary construction permits from the involved regulatory agencies prior to the start of construction.

709 Final Engineering/Site Plan Requirements

The procedure for final approval of the condominium subdivision plan, and final approval of the detailed plans for all improvements within the proposed condominium project shall be:

709:1 Upon preliminary approval of the condominium subdivision plan by the City council, the developer shall submit fifteen sets of detailed working drawings and calculations, showing plans for grading, drainage structures, all proposed utilities (including a street lighting plan), road construction plans (including traffic control devices) for roads within and adjoining the project and soil erosion and sedimentation measures. These shall be distributed to the City Engineer and Fire Department.

709:2 The plan submitted for final approval shall conform substantially to the condominium subdivision plan as tentatively approved, and it may constitute only that portion of the approved plan which the developer proposed to record and develop at the time. However, such portion shall conform to all applicable State laws

709:3 When the complete set of plans is approved, one (1) set of plans shall be provided to the City before construction may begin.

709:4 Plans submitted shall be on twenty-four (24) inch by thirty-six (36) inch white prints having blue or black lines.

709:5 For projects having more than one sheet of plans, a general plan having a scale of one inch equals one hundred (100) feet shall be provided showing the overall project and indicating the location of all improvements shown in the detailed plans. Street names, street and easement widths, lot lines, lot dimensions and lot numbers shall be shown on all plans. Superimposed on this general plan shall be two-foot contours of the area outside the boundaries of the proposed project to the extent necessary to demonstrate that the drainage patterns of adjacent properties will not be adversely affected. Detailed plan sheets showing all improvements should be prepared at a scale of one inch equals forty (40) feet.

709:6 All sewers shall be shown in the plan and profile. Profiles of sewers shall indicate the size, class of pipe, invert and slope of the sewer and shall indicate

the existing ground along the route of the sewer and the proposed easement grade or the existing or proposed top of curb or centerline of pavement grade. The location of required compacted granular backfill shall be indicated on the profile, together with other intersecting, existing or proposed utilities.

- 709:7 Elevation shall be based on United States Geological Survey data. There shall be at least one (1) benchmark established within the site and which shall be shown on each plan sheet.
- 709:8 Finished grades of utility structures shall be indicated on the plan or profiled for all utilities.
- 709:9 When construction plans are submitted to the City for approval, they shall include all proposed construction within the project. All required improvements shall be shown to the boundaries of the project, unless otherwise approved by the Administrator. A complete plan shall generally include sanitary sewers, water mains, storm sewers and paving. A single plan submittal cannot be approved without all other utilities shown.
- 709:10 When the complete set of plans is approved, one (1) set of plans shall be provided to the City before construction may begin.

710 Monuments Required - Site Condominium Projects

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

- 710:1 Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the side lines of the streets.
- 710:2 Monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

ARTICLE 7

Site Condominium Development

- 710:3 Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
- 710:4 If the required location of monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- 710:5 If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- 710:6 All required monuments shall be placed flush with the ground where practicable.
- 710:7 All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
- 710:8 The City Council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the City Clerk cash or a certified check, or irrevocable bank letter of credit running to the City of Standish, whichever the proprietor selects, in an amount to be determined by the City Council. Such fee shall be assessed on a "per monument" basis and include a "not to exceed" amount for the total number of monuments. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

711 Final Condominium Project; Acceptance of Public Improvements By City Council

The procedure for submittal, approval and acceptance of improvements in the project is as follows:

711:1 Filing

1. One (1) mylar copy and three prints of the final condominium plan and 11" x 17" reduced reproduction of the condominium subdivision plan shall be filed by the developer with the Administrator.
2. One mylar copy and a paper print of "as-built plans" for utilities and other improvements shall be filed by the developer with the Administrator.
3. The project shall comply with provisions of any applicable State laws and this Article.
4. The developer shall submit, as evidence of title, a policy of title insurance for examination in order to ascertain whether or not the proper parties have conveyed the improvements.
5. The developer shall submit copies of receipts from the City Treasurer indicating that all fees and charges and other charges required by any regulations and other ordinances have been paid.
5. Submission of the plan shall constitute an offer of all public improvements for City Council acceptance.
6. The City Council shall review all recommendations and take action on the approval and acceptance of all public improvements within thirty (30) days of the date of filing. The date of filing shall be that date on which all required information has been provided.
7. Developer shall submit copies of lien waivers from all contractors and sub-contractors, approved bill of sales for materials used in construction of public utilities, warranty deed for all public road right-of-way and easements for all public utilities not located within the right-of-way, if any.

ARTICLE 7

Site Condominium Development

8. Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
9. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and records as part of the master deed.
10. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area and building setback requirements, for the district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

711:1 Review

1. The improvements shall be reviewed by the Administrator as to compliance with the approved condominium subdivision plan and approved Engineering plans for utilities and other improvements.
2. The project and public improvements shall conform substantially to the plan as approved.
3. The Administrator shall certify that inspection during construction has been conducted in accordance with the requirements of Section 713.
4. A report shall be prepared by the Administrator, including recommendations for either approval or rejection of the project.

711:3 Approval

1. Upon the approval and acceptance of public improvements by the City Council, the City Clerk shall inform the developer.

2. The City Council shall instruct the City Clerk to record all proceedings and the minutes of the meeting, which shall be open for inspection, and to certify on the approved condominium plan on behalf of the City Council, the Council's approval and the date of the approval.
3. A mylar copy of the condominium subdivision plan and as-built plans shall be filed with the City as record.

712 Completion of Improvements

- 712:1 Before the acceptance of public improvements by the City Council, the developer of the condominium project shall complete all the street, sanitary and other improvements, including condominium unit improvement. The developer shall also convey such improvements to the City of Standish free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- 712:2 In lieu of completion of all improvements and with specific consent of the City Council, acceptance of the public improvements may be authorized. As a condition of such acceptance, prior to the undertaking of any improvement, the developer shall deposit with the City a true copy of an acceptable agreement showing that the developer has deposited with the bank or other agent acceptable to the City, cash, a certified check, an irrevocable bank letter of credit or surety bond, in an amount estimated by the City as sufficient to secure to the City the satisfactory construction, installation and dedication of the required improvements. The amount of deposit shall also secure any public improvements on the individual units of the project. The amount of the deposit shall represent one hundred fifty (150) percent of the estimated construction costs of completion of the required improvements. Such deposit shall comply with all statutory requirements and shall be satisfactory to the City Administration as to form, sufficiency and manner of execution as set forth in these Ordinances.
- 712:3 The developer shall build and pay for all costs of temporary improvements required by the City Council and shall maintain the same for the period specified by the City Council.
- 712:4 All required improvements shall be made by the developer at his or her expense without reimbursement by the City.

712:5 If the required improvements are not completed within the time period specified by the City Council, the City may thereupon declare the guaranty or surety to be in default and require that all the improvements be installed regardless of the extent of building development at the time of the guaranty.

713 Inspection of Public Improvements

713:1 The City may retain an engineer who shall be responsible for the inspection of the construction of all public improvements and shall certify that such construction shall be satisfactorily completed. The cost of such engineering services shall be paid by the developer/applicant and be included in the filing fees in Section 704 D.1. If the engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the approved plan, the City construction standards or the requirements of the City Council, the developer shall be responsible for completing or modifying the public improvements. Wherever the cost of public improvements is covered by a guaranty or surety, the developer and the bank, bond company or other agent shall be severally and jointly liable for completing the public improvements according to specifications.

713:2 Certification required, reduction of surety.

1. The City Council shall not accept the conveyance of the required public improvements or release or reduce the guaranty or surety until the developer has certified, in a manner approved by the City Attorney, that the public improvements have been completed and are free and clear of any and all liens and encumbrances; until the City's engineer (if one has been retained) has certified that the required public improvements have been completed; and until the developer's engineer has certified to the City, through submission of reproducible "as-built" plans, that the layout and design of the public improvements are in accordance with approved construction plans for the project. Upon such approval and recommendation, the City Council may accept the public improvements for conveyance in accordance with the established procedure.

2. The surety shall be reduced upon actual completion of the public improvements, but only to the ratio that the completed public improvements bear to the total public improvements for the subdivision. In no event shall the surety be reduced below ten percent of the principal amount before final acceptance of all public improvements by the City Council.

714 Late Completion of Improvement/Temporary Occupancy

714:1 Whenever, by reason of the season of the year, any improvement required cannot be performed, the Building Official may issue a certificate of occupancy, provided there is no danger to health, safety or general welfare, upon accepting a cash deposit in an amount to be determined by the City for the cost of such improvement. Such funds shall be deposited with the City. The surety covering such lot improvement shall remain in full force and effect.

714:2 All required improvements for which a bond has been accepted by the City at the time of issuance of the certificate of occupancy, shall be installed by the developer within one (1) year. If the improvement(s) have not been properly installed at the end of such time period, the Zoning Administrator and Building Official shall give two (2) weeks written notice to the developer requiring installation of the same. If the improvement(s) are not installed within such a two-week period, the Building Official and/or Zoning Administrator may then request the City Council to authorize the City to contract out the work for the installation of the necessary improvement at a sum not to exceed the escrow deposit. At the time of issuance of the certificate of occupancy for which a deposit was made with the City, the developer shall obtain and file a notarized statement from the purchaser of the premises authorizing the installation of the public improvement at the end of the one (1) year if the same has not been duly installed by the developer.

715 Issuance of Zoning Code Building Permits

715:1 No building permit shall be issued for more than ten (10) percent of the condominium units in a project until all public improvements required by the City Council have been fully completed and conveyed to the City and accepted by the City Council.

ARTICLE 7

Site Condominium Development

715:2 No certificate of occupancy for any building in a project shall be issued prior to the completion of the improvements, conveyance of those improvements to the City, and acceptance of the improvements by the City Council, except as provided in Section 714.

716 Maintenance of Public Improvements

716:1 The developer shall file a maintenance bond with the City prior to dedication, in an amount equal to twenty-five (25) percent of the construction cost of the required public improvements, and in a form satisfactory to the City Administrator, in order to assure the condition and operation of such public improvements, including all public improvements on the individual condominium units, for a period of two (2) years after the date of their acceptance by the City Council.

716:2 The applicant shall maintain all public improvements within the project until acceptance of such public improvements by the City Council.

801 City Council**801:1 Establishment and Authority**

The City Council is established by provisions of the City Charter by which all powers of the City shall be vested and all matters of policy of the City shall be determined by the Council. For the purposes of this Ordinance, the City Council, as provided in the City Charter and in Michigan State Statutes as amended, Act 285 P.A. 1931 and Act 207 P.A. 1921 may develop and maintain or may appoint a Planning Commission, Zoning Board of Appeals and a Zoning Administrator to develop and maintain a Zoning Ordinance and to report any findings, violations and recommendations to the City Council for appropriate legislative action.

801:2 Duties and Procedures

For the purposes of administering this Ordinance all matters concerning Zoning shall be directed to the City Administrator for referral to the appropriate official, commission or board for proper action. In any case which will involve an amendment or change to the text or map of this Ordinance the City Council shall direct the Planning Commission to conduct a public hearing and to make recommendations back to the City Council for final legislative action. The processing of Special Use Permits and Site Plan Reviews shall be the responsibility of the Planning Commission. The exception will be for Planned Residential Development and Site Condominium Development, in which case the Planning Commission shall review the site plan and make a recommendation to the City Council regarding final approval. In all other matters pertaining to the administering of this Ordinance, the decision of the City Council shall be final except for appeals which have been decided by the Zoning Board of Appeals in accordance with Section 803, this Ordinance and Section 5, Act 207 P.A. 1921, as amended (The City and Village Zoning Act).

802 City Planning Commission

802:1 Appointment and Establishment

The City Planning Commission is authorized by the provisions of the Municipal Planning Act being Act 285, P.A. 1931, and State of Michigan, which states that the Planning Commission shall be appointed by the City Council. For the purposes of administering this Ordinance and by authority of the City and Village Zoning Act, being Act 207, P.A. 1921 State of Michigan, the City Council may appoint the City Planning Commission to perform the duties as specified in said Act.

802:2 Duties and Responsibilities

The Planning Commission is authorized to adopt Rules of Procedure consistent with the statutes of Michigan, the provisions of the City Charter and the provisions of this Ordinance. The Planning Commission as directed by the City Council shall develop and administer this Ordinance. All matters pertaining to the amendment or the changing of the Ordinance text or map or for a Special Use Permit request shall be referred to the Planning Commission. For each request for an amendment or change of the Ordinance, or for Planned Unit Development or Site Condominium Development requests, the Planning Commission shall review the request, conduct a Public Hearing and forward recommendations for approval, conditional approval or denial to the City Council which shall make the final decision on the request. Public hearings for, and review and decision on, Special Use permits and the review and approval of site plans shall be the responsibility of the Planning Commission.

803 Zoning Board of Appeals

803:1 Authority

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Act 207 of 1921, as amended. The Board of Appeals shall perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this ordinance shall be observed, the public health, safety and welfare assured and justice served.

803:2 Board Membership

The City of Standish Zoning Board of Appeals shall consist of the City Council.

If the Council should choose to appoint a separate Zoning Board of Appeals it shall consist of the following five members:

1. The first member of the Board of Appeals shall be a member of the Planning and Zoning Commission.
2. The remaining members of the Board of Appeals shall be selected and appointed by the City Council from among the electors residing in the incorporated areas of the City.
3. The City Council may appoint not more than two alternate members to the Board. The alternative members shall have the same term as regular members of the Board and be subject to the same qualifications and other provisions contained in this Article applicable to regular members of the Board.
4. The Chairperson, or the Vice-Chairperson of the Board in the absence of the President, may call upon either or both of the alternate members as needed to sit as regular members of the Board in the absence of one (1) or two (2) regular members if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Board or for a period of more than thirty (30) consecutive days; or where the regular member has abstained for reasons of conflict of interest.
5. Once appointed to hear a case, an alternate member shall serve in the case until a final decision has been made and shall have the same voting rights as a regular member of the Board.

803:3 Expenses

The total amount allowed the Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the City Council.

ARTICLE 8

Administration and Enforcement

803:4 Terms of Office

Terms of office will run with membership on the City Council. If a separate Board is established, terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission whose terms shall be limited to the time they are members of the Planning Commission, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Members of the Board of Appeals may be removed by the City Council for nonperformance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself from any vote in which he has a conflict of interest. Failure to do so shall constitute misconduct in office.

803:5 Employees

The Board may employ such clerical or other assistance as may be necessary, provided that it shall not at any time incur any expense beyond the amount of the appropriation made and then available for that purpose.

803:6 Required Hearing

The Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any ordinance adopted pursuant to Act 207 of 1921, as amended: The Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

803:7 Majority Vote

The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under this ordinance, or to effect any variation in this ordinance. If a member of the Board is absent, the appellant shall be given the option of postponing the hearing until a full Board is present.

803:8 Board Meeting

The Board of Appeals shall not conduct business unless two-thirds (2/3) of the members are present. A meeting of the Board of Appeals shall be held at the call of the City Clerk or Secretary of the Zoning Board of Appeals, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings, proceedings at hearings and other official actions, all of which shall be immediately filed in the office of the City Clerk, and shall be a public record. The Board of Appeals shall adopt its own rules of procedure for meetings.

803:9 Appeal

The Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of this Zoning Ordinance including interpretation of the City of Standish zoning map. Such an appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the county or state. It shall hear and decide appeals from and review any orders, requirements, decisions or determination made by the administrative official and/or Planning Commission charged with enforcement of any ordinance adopted pursuant to the provisions of Act 207 of 1921, as amended.

1. Grounds for Appeal: The grounds for any such determination shall be stated in the records of the Board's proceedings.
2. Time of Appeals: An appeal shall be taken within ten (10) days of the decision being appealed, which is the basis for the appeal, by filing with the Zoning Administrator a notice of appeal specifying the grounds for the appeal. The Zoning Administrator from whom the appeal is taken shall forthwith transmit to the Board all the papers, including the notice of appeal, constituting the record upon which the action appealed from was taken.

3. Stays: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of appeal shall have been filed with the Zoning Administrator, that by reasons of facts stated in the certificate, a stay would cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court on application, on notice to the Zoning Administrator and on due cause shown.

4. Time, Notices, Appearance: Upon the filing of any appeal or other matter for which the Board has jurisdiction, the Board shall hold a public hearing on such matters not earlier than fifteen (15) days after the date of such filing. Any party may appear at the hearing in person or may be represented by an agent or attorney. The City Clerk or Zoning Board of Appeals Secretary shall give notice of the time, place and purpose of the hearing by hand (and obtain signatures from recipients of the notice), or by certified mail, to all owners of property within three hundred (300) feet of the property to be affected by the appeal at least ten (10) days prior to the hearing. The City Clerk or Zoning Board of Appeals Secretary shall present satisfactory proof to the Board at the time of the hearing that said notices have been served. Whenever said owners are nonresidents, the notice shall be given by certified mail to the last known address of the property owner as shown by the most recent tax lists. The Board shall render a decision within sixty (60) days after the hearing and notify the applicant of its decision. Failure of the Board to take action on a request for appeal or other matter for which the Board has jurisdiction within 60 days of the hearing shall constitute approval of the request.

803:10 Powers of the Board

In deciding upon matters referred to it, or upon which it is required to act under this Ordinance, the Board of Appeals, after public notice and hearing, shall take into consideration the public health, safety and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance. The Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken and may

issue, or direct the issuance of, a permit. The Board of Appeals, in hearing and deciding appeals, shall have the authority to:

1. Permit the erection and use of a building or an addition to an existing building, or a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established.
2. Permit the modification of the off-street motor vehicle parking space and loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
3. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape and size, or so located with relation to surrounding development or other physical characteristics, that it cannot otherwise be appropriately improved without modification, provided that the modification of lot area regulations shall be permitted only in instances where the nature of the soils and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste.
4. Permit the modification of site plan review standards, as may be established in this ordinance, where physical hardship and unusual circumstances peculiar to the property in question exist.

803:11 Granting of Variances

The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, as specified in this ordinance PROVIDED all the basic conditions listed and any ONE of the SPECIAL conditions listed thereafter can be satisfied. The procedure for applying for a variance shall be the same as for an appeal from a ruling of the Zoning Administrator, as identified in Section 803:9. In addition, a request for a variance may be taken only by the owner of the

property in question or the owner's agent or assign. The request for a variance shall be submitted to the Zoning Administrator on a standard form provided by the Zoning Administrator.

1. Basic Conditions

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved (see 2 below).
- b. That special conditions and circumstances exist which are not generally applicable to the lands, structures, or buildings in the same district (see 2 below).
- c. That the special conditions and circumstances do not result from the actions of the applicant (see 2 below)
- d. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district, under the terms of the Ordinance.
- e. The variance will not be injurious to the neighborhood or otherwise detrimental to the general welfare.
- f. That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- g. That the spirit, purpose and intent of this Ordinance shall be observed, and the public safety secured.

2. Special Conditions: Special conditions for the granting of a variance shall include any one of the following clearly demonstrated conditions, when applied to the applicant's use and when there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of use of that particular parcel of land.

- a. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property involved, or to the intended use of the property, that did not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this ordinance.

3. Land Use Variance - In the case of a land use variance for a use not regulated by this ordinance or for a use not permitted within a zone the Board shall forward the request to the city plan commission for study and report. The Board shall not schedule a hearing on the appeal earlier than two (2) weeks after the next regularly scheduled meeting of the City Plan Commission. No decision shall be made by the board until the report of the Plan Commission is received. The board shall not approve a land use variance upon an unfavorable report from the plan commission, except by a concurring vote of four (4) members, any other provision of this ordinance notwithstanding. The provisions of Section 24.12 shall also be complied with. In approving an appeal the board may impose requirements it deems necessary to carry out the intent of this Ordinance and to protect surrounding properties.
4. Rules for Granting of Variances: The following rules shall be applied in the granting of variances.
 - a. In granting a variance, the Board may specify in writing to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which the variance applies. The breach of any such conditions shall automatically invalidate the permit granted.
 - b. Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within one (1) year after the granting of the variance.
 - c. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
 - d. In authorizing any variance, the Board of Appeals may require that a bond be furnished to ensure compliance with the requirements, specifications and conditions imposed with the grant of the variance.

803:12 Variances Prohibited

No variance in the provisions of this Ordinance shall be authorized unless the board finds from reasonable evidence that the variance will not be detrimental to adjacent property and the surrounding neighborhood, will not impair the intent and purpose of this ordinance and that at least two (2) of the following conditions are found to exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties in the same zoning district.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that proposed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
3. That the condition or situation of the specific piece of property or the intended use of said property, for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for the conditions or situation.

803:13 Special Exceptions

The Board of Appeals, after public hearing, shall have the power to grant the special exceptions heretofore authorized and in addition, may authorize the following:

1. The vertical extension of a building existing at the time of enactment of this Ordinance to the height as the original drawings of said building indicated, where the building was actually designed and constructed to carry the additional stories necessary for said height limit;
2. Permit the erection or structural alteration, in a district where the use is permitted, of a grain elevator, gas holder, or other industrial structure, to a height over the limit specified for the district;

3. Permit the construction of a dwelling of not less than nine hundred (900) square feet in any residential district provided the board finds:
 - a. That both sides of the streets in the immediate block are at least seventy-five (75) percent developed;
 - b. That the construction of the dwelling will not be substantially different in character with existing dwellings on both sides of the street in the immediate block.

803:14 Approval Periods

No order of the Board of Appeals permitting the erection of a building or structure shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within the one (1) year period, and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit. No order of the Board of Appeals permitting a requested use of a building or premises shall be valid for a period longer than one (1) year unless the use is established within the one (1) year period; provided, however, that the order of the Board of Appeals shall continue in force and effect, and a permit for the erection or alteration has been obtained (if erection or alteration is necessary), and the work is started and proceeds to completion in accordance with the permit.

803:15 Final Action on Appeals

The decision of the Board of Appeals shall not be final, and any person aggrieved by any such decision shall have the right to petition to the Circuit Court in questions of law and fact.

803:16 Fees

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the City Clerk to be credited to the General Revenue Fund.

804 Zoning Administrator

804:1 Appointment and Authority

The Zoning Administrator may also be the Building Inspector, City Administrator or any other official who shall be charged with administering this Ordinance. The Zoning Administrator may be employed in accordance with Section 5 of Act 285 Michigan P.A. 1931, as amended and the provisions of the City Charter.

804:2 Duties and Responsibilities

The Zoning Administrator shall be responsible for the updating and maintenance of the "master copy" of the Zoning Ordinance text and map. The Zoning Administrator shall be thoroughly familiar with the provisions of this Ordinance in order to administer it adequately.

The Zoning Administrator shall make periodic checks of all properties in the City to assure compliance with this Ordinance. Any violations of this Ordinance shall be reported in writing to the City Administrator for further action.

The Zoning Administrator shall review all applications for Building Permits to assure that the proposed use is in compliance with the terms of this ordinance.

The Zoning Administrator shall receive all requests for rezoning, Ordinance amendments, variances, Special Use Permits and to forward these requests to the proper official, commission or council. He or she shall, under no circumstances, be permitted to make changes in any part of this ordinance or to vary the terms of this ordinance in carrying out his or her duties as Zoning Administrator.

Prior to the occupancy of any structure or use permitted by the provisions of this Ordinance, the Zoning Administrator shall issue a Certificate of occupancy stating that the proposed use is in compliance with the provisions of this ordinance.

The Zoning Administrator shall act as a non-voting advisor to the City Council, Planning Commission and Zoning Board of Appeals. Any information, data or statements presented to these bodies by the Zoning Administrator shall be purely

advisory in nature for the purpose of clarification and coordination and will not restrict decisions made by these bodies.

All applications for building permits submitted to the Zoning Administrator for review shall be accompanied by a Zoning Permit. Application for a zoning permit for a single family or duplex residence and accessory structures on a zoning lot of record in a district where such uses are permitted by right shall be made on a form supplied by the Zoning Administrator. Each application shall be accompanied by a site plan or plot plan drawn to a scale of 1 in. = 20 ft. showing the location and footprint of all existing and proposed structures on the zoning lot of record, the location and dimensions of property lines, the point(s) of ingress and egress on the property, the name of the abutting road or street, the zoning designation of adjacent property, the dimensions of all yard setbacks relative to the proposed structure(s), the location, type and height of walls or fences, if any, and off-street parking areas, if any. Upon review and approval by the Zoning Administrator, the permit shall be issued and contain the signature of the applicant to verify intent and the signature of the Zoning Administrator to verify review. Both signatures shall be dated.

Application for a zoning permit for all other permitted uses which require a site plan review by the Planning Commission shall follow the procedures and requirements specified in sections 602.4 and 602.5. Application for a Special Use Permit shall follow the procedures and requirements specified in Section 601:3.

805 Public Hearings

Official Public Hearings shall be conducted by the respective agency, board, commission, board of appeals or legislative body at any time this Ordinance is amended, supplemented, changed or otherwise altered or in any circumstance in which a Public Hearing is required by State enabling legislation, City Charter or this Ordinance.

Each Public Hearing shall be for the purpose of permitting residents and property owners to state views, opinions, suggestions and questions about the item for which the Hearing is being held. Public Hearings shall be open for public attendance and participation within the procedures adopted for conducting such Hearing.

Each Public Hearing shall be conducted in accordance with the procedures adopted by the respective board, commission or council. An official record of each Public Hearing shall be made, a copy of which shall be maintained as a public record.

The minutes of the Public Hearing shall be considered the official record of the Hearing.

805:1 Zoning Ordinance Amendment Hearings

For each proposed amendment to this Ordinance the City Council shall direct the Planning Commission to conduct at least one (1) Public Hearing and to forward its recommendations for approval or denial to the City Council. For each proposed amendment for which the Planning Commission has forwarded its recommendation, the City Council may conduct one or more additional Public Hearings if it considers it necessary, or as may be required by charter.

Each Public Hearing shall be announced not less than fifteen (15) days prior to the date of the Hearing by publication in a newspaper of general circulation in the community and by registered mail to all public utilities and railroads operating within the Corporate Limits of the City. Each Public Hearing notice shall state the purpose, date, time and place of the Public Hearing.

805:2 Special Use Permit Hearings

For each application for a Special Use Permit the Planning Commission shall conduct a Public Hearing in accordance with procedures outlined in Subsection 601:3, this Ordinance. Matters to be considered shall be the provisions as stipulated for respective uses in accordance with Subsection 601:4, this Ordinance.

805:3 Appeals Hearings for Interpretation, Administrative Review or Variance

For each case in which the Zoning Board of Appeals has the authority to act on matters concerning interpretation, administrative review or a variance the Board of Appeals shall conduct a Public Hearing.

Each Public Hearing shall be announced not less than fifteen (15) days prior to the date of the Hearing by publication in a newspaper of general circulation in the community and by personal delivery or by U. S. Mail to the appellant, to the

officer from whom the appeal is taken, to the respective owners on record of real property within three hundred (300) feet of the property in question and to the occupants of all single and two family dwellings within three hundred (300) feet at the addresses given in the last assessment roll. If the tenants name is not known, the term "Occupant" may be used.

806 Violations and Penalties

Any owner or agent, and any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be subject to penalty and/or remedial action under the City of Standish Civil Infraction Ordinance.

The owner of any building or structure, lot or land or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, Contractor, agent, person or corporation employed in connection therewith and who assists in the commission of such violation shall each be guilty of a separate violation and shall be subject to penalty and/or remedial action under the City of Standish Civil Infraction Ordinance.

807 Validity

Should any Section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

808 Conflicting Ordinances

All other ordinances and parts of ordinances, or amendments thereto, of the City of Standish, in conflict with the provisions of this Ordinance are hereby repealed.

809 Effective Date

This Ordinance shall take effect on ____ (date) _____.