

# City of Grayling ZONING ORDINANCE

City of Grayling  
Crawford County  
Michigan

Adopted:

Effective:

Prepared with the Assistance of:  
**Northeast Michigan Council of Governments**  
[www.nemcog.org](http://www.nemcog.org)

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# Article 1

## Purpose, Authority & Effect of Zoning

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### Section 1.1 Title

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

### Section 1.2 Purpose

The purpose of this Ordinance is to promote, protect, regulate, restrict and provide for the use of land and buildings within the City of Grayling; to meet the needs of the state's residents for places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

In providing for all of these uses, services and infrastructure, the City of Grayling shall be promoting and approving the development of land and the extension of utilities in a logical and consistent pattern consistent with the continuation of the existing street patterns and the implementation of the traditional town pattern of interconnecting blocks.

The City is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.

It is also the purpose of this Ordinance to provide for the establishment of a Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent.

### Section 1.3 Authority

This Ordinance is enacted into law pursuant to [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act MCL 125.3101 et. seq.\)](#). Such enabling act is hereby made a part of this Ordinance just

as if said Act were repeated word for word herein.

**Section 1.4 Effects of Zoning**

**1.4.1 Requirements held to a minimum.**

This Ordinance shall be liberally construed in such manner as to best implement its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

**1.4.2 Compliance with Ordinance required.**

1. **Conformance to Ordinance Required.** No building or structure, or part thereof, shall hereafter be erected, constructed, relocated, reconstructed or altered, and no new use or change of use shall be made of any building, structure, land, or part thereof, except as permitted by the provisions of this Ordinance.
2. **Buildings to be Moved.** No permit shall be granted for the moving of buildings or structures from without or within the limits of the City to be placed on property within said limits unless the Building Official shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location, and will fully comply with the Building Code and other codes regulating public health, safety, and general welfare. A performance bond as established by the City Council of sufficient amount to insure the cost of completing the building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before permit is issued. Any building moved within a district and placed upon a foundation or any building moved into a district shall be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.
3. **Building/Use Already Under Construction.** In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion.
4. **Building Declared a Nuisance.** In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.
5. **Zoning Extends Vertically.** Zoning affects every structure and use and extends vertically.

6. **Lots Shall Comply with Ordinance.** No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**1.4.3 Unsafe/unhealthy buildings.**

Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

**1.4.4 Barrier-free modifications.**

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

**Section 1.5 Validity and Severability Clause**

**1.5.1 Part declared invalid.**

If a court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

**1.5.2 Application of ordinance declared invalid.**

If a court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

**Section 1.6 Conflicting Laws & Regulations**

**1.6.1 More restrictive provision governs.**

Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable conditions imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

**1.6.2 Conflict with easement, covenant, or private agreement.**

This Ordinance is not intended to modify or annul any easement, covenant, or other private

agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

**1.6.3 Conflicting graphics, tables, and text.**

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

**Section 1.7 Vested Right**

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

# Article 2 Definitions

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## Section 2.1 Rules Applying to Text

The following rules of construction apply to the text of this Ordinance.

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future, words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
7. The word "person" includes an individual, a firm, a corporation, a partnership, an association, an incorporated association, a limited liability company, or any other similar entity, or their agents.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows.
  - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions or events may apply

singly or in any combination.

- c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

9. Terms not herein defined shall have the meaning customarily assigned to them.

10. "City" shall refer specifically to the City of Grayling.

## Section 2.2 Definitions

### A

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

**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 USE.** A use reasonably and customarily, incidental and subordinate to, the principal use of the premises.

**ACCESSORY BUILDING OR ACCESSORY STRUCTURE.** A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building or buildings. An accessory structure attached to a main structure shall be considered part of the main structure. Fences and walls are not considered accessory structures.

**ADJACENT PROPERTY.** All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

**ADULT FOSTER CARE FACILITY.** A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include the following:

- (a) A nursing home licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- (b) A home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.
- (c) A hospital licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.



- (d) A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.
- (e) A county infirmary operated by a county department of social services or family independence agency under section 55 of the social welfare act, 1939 PA 280, MCL 400.55.
- (f) A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
  - a. Two, if the total number of residents is 10 or fewer.
  - b. Three, if the total number of residents is not less than 11 and not more than 14.
  - c. Four, if the total number of residents is not less than 15 and not more than 20.
  - d. Five, if the total number of residents is 21 or more.
- (g) A foster family home licensed or approved under 1973 PA 116, MCL 722.111 to 722.128, that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of 1973 PA 116, MCL 722.115.
- (h) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
- (i) A facility created by 1885 PA 152, MCL 36.1 to 36.12.
- (j) An area excluded from the definition of adult foster care facility under section 17(3) of the continuing care community disclosure act, MCL 554.917

The following additional definitions shall apply in the application of this Ordinance.

1. **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
2. **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
3. **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

4. **ADULT FOSTER CARE CONGREGATE FACILITY.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
5. **STATE-LICENSED RESIDENTIAL FACILITY.** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

**AGGRIEVED PERSON.** A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

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

**ALTERATIONS.** Any change, addition or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**ANTENNA.** An exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**APPLICANT.** Any person who applies for a permit or petition.

**APPLICATION.** The process by which the owner of a parcel of land within the City submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

**APARTMENT.** A room or suite of rooms in a residential building or residential portion of a building are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

**APPURTENANCE.** An ornamental, structural or mechanical element that is attached to and subordinate to a building or structure.

**ARCHITECTURAL FEATURES.** Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

**ASSISTED LIVING HOME.** A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

**AUTOMOBILE REPAIR.** See "Vehicle Repair".

**AUTOMOBILE SERVICE STATION.** A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including sale of accessories and services, such as. polishing, washing, cleaning, greasing, undercoating, and minor repairs, but not including bumping, painting, or refinishing thereof. In addition to automobile service, convenience stores and carry out restaurants may be included.

**AUTOMOBILE WASHES.** A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

**AVERAGE.** For the purpose of this Ordinance, the term, "average" shall be an arithmetic mean.

**AWNING.** Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

**B**

**BASEMENT.** That portion of a building having more than one-half (1/2) of its height below finished grade.

**BED AND BREAKFAST ESTABLISHMENT.** A residential structure occupied by the owner(s) or resident manager with sleeping rooms available for rent by guests on a short term basis at which the owner(s) or resident manager(s) may provide breakfast to guests at no additional cost.

**BLOCK.** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the City.

**BOARDING HOUSE.** See [Rooming House](#).

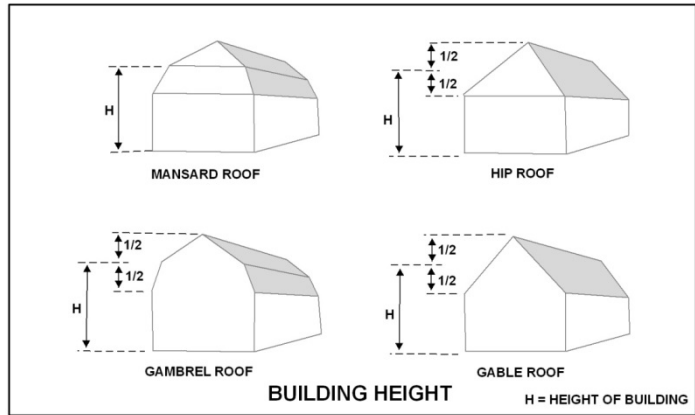
**BUILDABLE AREA.** That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**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, chattels, or property of any kind.

**BUILDING, ACCESSORY.** See [Accessory Building](#).

**BUILDING, FRONT.** That façade of the building most nearly parallel to and nearest the front lot line.

**BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.



**BUILDING LINE.** A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

**BUILDING SETBACK LINE.** The line established by the minimum required setbacks forming the area within a lot in which a building may be located.

**BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the premises on which it is situated.

**BUILDING OFFICIAL.** The administrative official designated by the City Council to enforce the Building Code.

**C**

**CANOPY.** A permanent roof-like shelter that extends from part or all of a building face.

**CEMETERY.** Property, including crematories, mausoleums, and/or columbariums, used or intended to be used for the perpetual interment of deceased human beings or household pets.

**CHILD CARE FACILITY.** A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under [P.A. 116 of 1973, as amended \(Child Care Organizations Act, being MCL §§ 722.111 - 722.128\)](#), and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows.

1. **FAMILY CHILD CARE HOME.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting 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 (4) weeks in a calendar year.
2. **GROUP CHILD CARE HOME.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and

supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting 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 (4) weeks in a calendar year.

- 3. **CHILD CARE CENTER.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
  
- 4. **CHILD CARING INSTITUTION.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school licensed under section 1335 of the revised school code, 1976 PA 451, MCL 380.1335, a hospital or facility operated by the state or licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a child has been placed under section 5(6).

**CHURCH.** See Religious Institution.

**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.

**CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**COLLEGE.** A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

**COMMERCIAL USE.** The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

**COMMISSION.** City of Grayling Planning Commission.

**CONVALESCENT OR NURSING HOME.** A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

**CONVENIENCE STORE.** A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

**COTTAGE INDUSTRY.** A Home Occupation which, due to the nature of the investment or operation, includes one or more of the following aspects:

1. requires regular visits by clients or customers;
2. needs frequent delivery or shipment of goods;
3. conducts regular operations or store materials outside of the residence;
4. employs two or more individuals who reside off premises;
5. and, has the potential to rapidly increase in size and intensity

**D**

**DECK.** A structural platform without a roof or walls, usually projecting from the wall of a building. Also includes balconies.

**DENSITY.** The number of dwelling units on, or to be developed upon, a net acre of land.

**DEVELOPMENT.** All structures and other modifications of the natural landscape above and below ground or water on a particular site.

**DISTRICT.** A portion of the incorporated area of the City of Grayling within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. "District" as used herein is synonymous with the word "zone", "zoning district", or "overlay district".

**DRIVE-THROUGH.** An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

**DRIVEWAY.** A means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

**DWELLING.** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be

considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**DWELLING, MANUFACTURED.** A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974, as amended](#). The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

**DWELLING, MULTIPLE-FAMILY.** A building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

**DWELLING, SINGLE-FAMILY DETACHED.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other (a)dwelling. A single family dwelling that does not share a party wall with any other dwelling is a detached single family dwelling.

**DWELLING, SINGLE-FAMILY ATTACHED.** A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

**DWELLING, TWO-FAMILY OR DUPLEX.** A building designed exclusively for occupancy by two (2) families living independently of each other.

**E**

**EASEMENT.** The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

**ERECTED.** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage and the like shall be considered a part of erected.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public or private utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, fiber optic, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health,



safety or welfare. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, wind turbine generator, public buildings and public utility substations are not included within this definition.

**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, except common household gardening and ground care.

**EXTRACTIVE OPERATION.** Premises from which any rock, gravel, sand, topsoil or earth in excess of fifty (50) cubic yards in any calendar year is excavated or removed for the purpose of disposition away from the premises except excavation in connection with the construction of a building or within public highway rights-of-way.

**F**

**FAÇADE.** The exterior wall of a building exposed to public view.

**FAMILY.**

1. An individual or a group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes and foster family group homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

**FENCE.** A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable man-made materials for the purpose of preventing or controlling entrance or to confine within or to mark boundary.

**FLOOD PLAIN.** The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of 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 100 years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by [FEMA \(Federal Emergency Management Agency\)](#).

**FLOOR AREA.** The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.



**FLOOR AREA- USABLE.** That area of a 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 usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the floors in the building measured from the interior faces of the exterior walls.

**G**

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

**GARBAGE.** Waste material which will or may decompose and become offensive or dangerous to public health.

**GARAGE SALE.** The display and/or offering for sale, new or used household goods, for a limited period of time, in a residential district. For the purposes of this Ordinance, Garage Sale is analogous with “Yard Sale” and “Moving Sale”.

**GRADE.** The degree of rise or descent of a sloping surface.

**GRADE, FINISHED.** The final elevation of the ground surface after development.

**GRADE, NATURAL.** The elevation of the ground surface in its natural state, before man-made alternations.

**GREENBELT.** A landscaped area between the property line and the front yard building or parking setback line, this area also includes a front yard parking lot setback area.

**H**

**HAZARDOUS SUBSTANCES.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**HOME OCCUPATION.** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**HOMELESS SHELTER.** See [Residential Human Care Facility](#).

**HOSPITAL.** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered

hospitals.

**HOTEL.** A building or part of a building with a common entrance in which the dwelling units or rooming units are accessed from the interior of the building and are used primarily for transient occupancy of less than thirty (30) days, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms. Hotels that provide transient occupancy for longer than thirty (30) days may be approved as a Special Use.

**I**

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**IMPERVIOUS SURFACE.** Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.

**IMPROVEMENTS.** Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the City to protect natural resources or the health, safety and welfare of the residents of the City, and future users or inhabitants of the proposed project or project area.

**INDUSTRIAL PARK.** A legally recorded subdivision that has been specifically designed for industrial purposes and use.

**J**

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**JUNK.** All rubbish, refuse, and debris including, but not limited to, the following. nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

**JUNK YARD.** A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar materials such as old iron, metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

**K**

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**KENNEL.** A kennel is any place or premise where four (4) or more adult dogs, cats, or other domestic pets, more than six (6) months of age, are maintained, boarded, bred, or cared for in

return for remuneration, or are kept for the purpose of sale.

**L**

**LANDSCAPING.** The following definitions shall apply in the application of this Ordinance:

1. **BERM.** A landscaped mound of earth which blends with the surrounding terrain.
2. **BUFFER.** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
3. **PLANT MATERIAL.** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.

**LIVING QUARTERS.** A building or area in a building designed as an abode distinguished with kitchen facilities that compliment sleeping facilities.

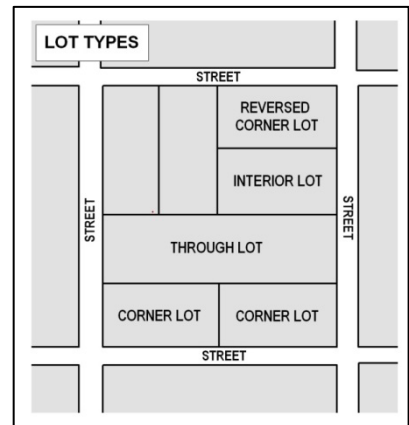
**LOADING SPACE.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LOT.** A lot is a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. Any combination of complete and/or portions of lots of record;
4. A parcel of land described by metes and bounds.

**LOT, CORNER.** A lot with frontage on two intersecting public and private streets.

**LOT, DOUBLE FRONTAGE (THROUGH LOT).** A lot other than a corner lot having frontage on two (2) or more parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.



**LOT, INTERIOR.** Any lot other than a corner lot.

**LOT, REVERSED CORNER.** A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

**LOT, WATERFRONT.** A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the front lot line.

**LOT AREA.** The total horizontal area within the lot lines of a lot, but excluding that portion within a street right-of-way.

**LOT COVERAGE.** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, swimming pools, decks above 8” above grade, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences.

**LOT DEPTH.** The mean horizontal distance from the front line to the rear lot line; or in the case of a waterfront lot, from the lake frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

**LOT LINES.** Any line dividing one lot from another or from a public right-of-way, and thus constitutes the property lines bounding a lot.

1. **FRONT LOT LINE.** In the case of an interior lot, that line separating said lot from the street or right-of-way. Corner lots are considered to have two (2) front lot lines.
2. **REAR LOT LINE.** That lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, it means an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
3. **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT OF RECORD.** A lot where the dimensions of which are shown on a subdivision plat recorded in the Office of the Register of Deeds for Crawford County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

**LOT WIDTH.** The required horizontal distance between the side lot lines measured at the two (2) points where the required front yard setback line intersects the side lot lines. For lots located on the turning circle of a cul-de-sac, the lot width may be reduced to eighty (80%) percent of the required lot width.

**M**

**MANUFACTURED HOME.** see Dwelling, Manufactured.

**MANUFACTURED HOUSING COMMUNITY.** A parcel or tract 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 of 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 HOUSING COMMUNITY HOMESITE.** The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

**MANUFACTURING.** The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale or other use of any goods, substance, article, thing or service.

**MARQUEE.** A permanent structure that extends from part or all of the building face of a motion picture or live theater and is constructed entirely of non-combustible materials and contains advertising for activities occurring within the building.

**MASTER DEED.** The condominium document recording the condominium project as approved by the City to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by Section 8 of the Condominium Act.

**MASTER PLAN.** The City of Grayling Master Plan including background information, maps, goals and objectives, and plans for the development of the City of Grayling and including any part of such plan and any amendments to such plan or parts thereof.

**MAXIMUM LOT COVERAGE.** Total permitted area of a lot that is not open space due to structures built on the land. Structures such as principal buildings, garages, accessory buildings, decks, porches, and parking lots are counted. Ground covering such as residential driveways, gazebos, yard ornaments and signs are not counted.

**MEDICAL MARIHUANA.** The following definitions 1 through 8 are related to medical marihuana.

1. **MEDICAL MARIHUANA.** Marihuana as defined by the [Initiated Law 1 of 2008, as amended \(Michigan Medical Marihuana Act, being MCL 333.26421 et. seq.\)](#) grown, used or transferred for “medical use” as defined by the Act.
2. **ENCLOSED, LOCKED FACILITY.** That term as defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#).
3. **MARIHUANA.** A controlled substance as defined in section 7106 of the public health code, [P.A. 368 of 1978, as amended \(Michigan Public Health Code, being MCL 333.7106\)](#).

4. **PRIMARY CAREGIVER.** That term defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#) who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
5. **PRIMARY CAREGIVER FACILITY.** A building in which the activities of a Primary Caregiver are conducted.
6. **QUALIFYING PATIENT.** That term defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marijuana Act, being MCL 333.26423\)](#) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

**MOBILE HOME.** See [Manufactured Home](#).

**MOBILE HOME PARK.** See [Manufactured Housing Community](#).

**MOTEL.** A building or part of a building in which the dwelling units or rooming units are accessed from the exterior of the building and are used primarily for transient occupancy of less than thirty (30) days, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A motel may include a restaurant or cocktail lounge and public banquet halls or meeting rooms. The term "motel" shall include tourist cabins, motor courts, automobile courts, auto cabins, motor lodges and similar facilities within this definition, but it shall not include tourist homes, rooming houses, boarding houses, multiple dwellings or hotels. Motels that provide transient occupancy for longer than thirty (30) days may be approved as a Special Use.

**MUNICIPAL CIVIL INFRACTION.** A an act or omission that is prohibited by the City of Grayling Zoning Ordinance or the City of Grayling Municipal Civil Infractions Ordinance, but which is not a crime under this ordinance or any other county ordinance, and for which civil sanctions, including fines, damages, expenses and costs, may be ordered, as authorized by [Chapter 87 of P.A. 236 of 1961, as amended \(Revised Judicature Act, being MCL §§ 600.8701 – 600.8735\)](#). A municipal civil infraction is not a lesser included offense of a violation of the City of Grayling Zoning Ordinance that is a criminal offense.

**MUNICIPALITY.** The City of Grayling, Michigan.

**N**

**NONCONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

**NONCONFORMING SIGN.** A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

**NONCONFORMING USE.** A use which lawfully occupied a building or parcel of land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**NON-RESIDENTIAL ZONING DISTRICT.** Any of the following Districts: C-1, C-2, C-3A, C-3B, CBD, I and G.

**NUISANCE.** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to. (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, (q) a condemned structure.

**NURSERY SCHOOL OR PRE-SCHOOL.** A daytime facility which has as its main objective a development program for pre-Kindergarten children and whose staff meets the educational requirements established by the State.

**NURSING HOME.** See [Convalescent or Nursing Home](#).

**O**

**OFFICE.** A place where a business, executive, administrative or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged or sold.); Provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives. The following types of activities are not business or professional services within the context of this ordinance: retail sales of merchandise, manufacturing, entertainment, and education of students on site.

**OPACITY.** The state of being impervious to light or sight.

**OPEN AIR BUSINESS.** Includes uses operated for profit substantially in the open air including outdoor display and sale of garages, motor homes, manufactured homes, snowmobiles, farm implements, swimming pools and similar activities or retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

**OPEN SPACE.** Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

**OUTDOOR STORAGE.** A land area occupied and used for open storage of products, building



materials, sand, gravel, stone, lumber, equipment and other supplies.

**ORDINARY HIGH WATER LINE.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is evidenced in the soil itself, the configuration of the soil and the vegetation.

**OWNER.** A person holding any legal, equitable, option or contract of interest in land.

**P**

**PARCEL.** See "Lot".

**PARK.** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, for recreational purposes.

**PARKING, OFF-STREET.** Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

**PARKING LOT, OFF-STREET.** A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exits for the parking of more than two (2) vehicles.

**PARKING SPACE.** One (1) unit of a parking area provided for the parking of one (1) vehicle, and shall be exclusive of driveways, aisles, or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.

**PATIO.** A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, placed directly on the ground.

**PERFORMANCE GUARANTEE.** Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the City of Grayling.

**PLACE OF WORSHIP.** See [Religious Institution](#).

**PLANNED UNIT DEVELOPMENT (PUD).** Land under unified control which allows a development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

**PLANNING COMMISSION.** The body appointed by the City Council under the provisions of P.A. 33 of 2008, as amended (Michigan Planning Enabling Act, being MCL 125.3801 et. seq.) Refers to the City of Grayling Planning Commission.

**PLAT.** A map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

**PLOT PLAN.** The drawings and documents depicting and explaining all salient features of a proposed

City of Grayling Zoning Ordinance FINAL DRAFT	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments



development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

**PORCH, ENCLOSED.** A covered entrance to a building or structure which has a roof and/or walls and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**PORCH, OPEN.** An entrance to a building or structure which is not enclosed and projects out from the main wall of said building or structure.

**PRACTICAL DIFFICULTY.** A situation in which a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the “minimum practical” standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty.

**PRINCIPAL BUILDING OR STRUCTURE.** The main building or structure in which the primary use is conducted.

**PUBLIC UTILITY.** Any person, firm, corporation, or municipal agency authorized under Federal, State, County or municipal regulations to furnish electricity, gas, communications, transportation, water, or sewer services.

**PUBLIC UTILITY BUILDINGS.** This term shall include telephone exchange buildings, transformer stations and substations, gas regulator stations and similar structures.

**R**

**RECREATIONAL VEHICLE.** "Recreational Vehicles" shall include the following:

1. **BOATS AND BOAT TRAILERS.** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
2. **FOLDING TENT TRAILER.** A canvas folding structure, mounted on wheels and designed for travel and vacation use.
3. **MOTOR HOME.** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
4. **OTHER RECREATIONAL EQUIPMENT.** Equipment similar but not limited to snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.

5. **PICKUP CAMPER.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
6. **TRAVEL TRAILER.** A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

**RECREATION VEHICLE PARK (RV PARK).** A facility for the overnight, short-term or seasonal, but not permanent or year-round parking of travel trailers, recreation vehicles or tents and which can include other recreational facilities.

**RECYCLING CENTER.** See Resource Recovery Facility.

**RELIGIOUS INSTITUTION.** A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

**RESIDENTIAL HUMAN CARE FACILITY.** A facility (not within a private residence) providing.

1. Emergency shelter and services for battered individuals and their children in a residential structure;
2. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
3. Emergency shelter for individuals who are homeless.
4. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

**RESORT.** A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

**RESOURCE RECOVERY FACILITY.** Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

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

**RIGHT-OF-WAY.** A legal right of passage over real property typically associated with roads and

railroads.

**RIVER FRONT LANDS.** The land paralleling the river bank of all rivers, streams and flow-ages of water in the City, fifty (50) feet wide, as measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

**ROOMING HOUSE.** A dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire without meals.

**S**

**SCHOOL.** A public or private educational institution for the purpose of elementary or secondary education, offering students an academic curriculum and which meets all of the requirements of the compulsory education laws of the State of Michigan. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

**SCRAP YARD.** An establishment where scrap metals are collected, processed, stored, and/or sold.

**SCREEN.** A structure providing enclosure, such as a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials such as trees and shrubs.

**SEASONAL USE.** Any use or activity that is not conducted during each month of the year.

**SEASONAL USE SALES.** Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

**SETBACK.** The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

**SEXUALLY ORIENTED BUSINESS.** A business or commercial enterprise engaging in any of the following. (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

1. **ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
2. **ADULT BOOKSTORE OR ADULT VIDEO STORE.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following.

- a. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

- 3. **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following.
  - a. Persons who appear in a state of nudity;
  - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - c. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  - d. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- 4. **ADULT MOTEL.** A hotel, motel or similar commercial establishment that.
  - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
  - b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- 5. **ADULT MOTION PICTURE THEATER.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or

description of Specified Sexual Activities or Specified Anatomical Areas.

- 6. **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
  
- 7. **NUDE MODEL STUDIO.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
  
- 8. **NUDITY OR A STATE OF NUDITY.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following.
  - a. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
  
  - b. Material as defined in [Section 2 of P.A. 343 of 1984, as amended \(Obscene Material, being MCL 752.362\)](#) of the Michigan Compiled Laws.
  
  - c. Sexually explicit visual material as defined in [Section 3 of P.A. 33 of 1978, as amended \(Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors, being MCL 722.673\)](#) of the Michigan Compiled Laws.
  
- 9. **SPECIFIED ANATOMICAL AREAS.** Means and includes any of the following.
  - a. Less than completely and opaquely covered.
    - (1) Human genitals;
    - (2) Pubic region;
    - (3) Buttocks
    - (4) Female breast below a point immediately above the top of the areola.
  
  - b. Human male genitals in a discernible turgid state even if completely or opaquely covered.
  
- 10. **SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following.
  - a. Human genitals in a state of sexual arousal;
  
  - b. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy,

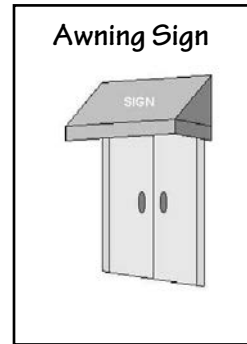
bestiality, fellatio or cunnilingus; or

- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
- d. Excretory functions as part of or in connection with any of the activities set forth in a – c above.

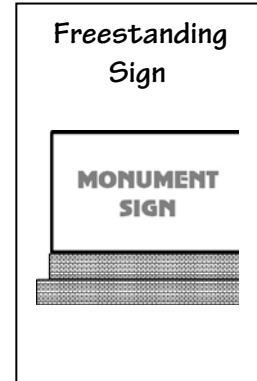
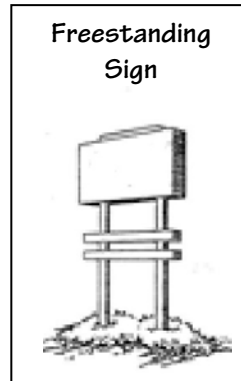
**SHOPPING CENTER.** More than one (1) commercial establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**SIGN.** Any structure or wall or other object used for the display of any message.

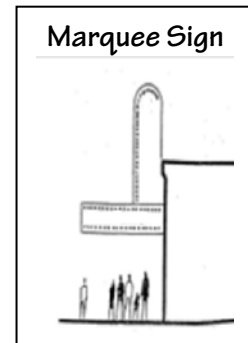
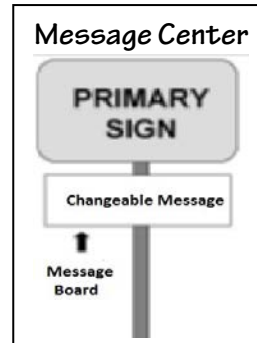
- 1. **ABANDONED SIGN.** A sign to which any of the following applies:
  - a. The sign has remained blank over a period of one (1) year.
  - b. The sign’s message becomes illegible in whole or substantial part.
  - c. A sign which has fallen into disrepair.
- 2. **A-FRAME SIGN.** Self-supporting temporary sign consisting of two panels hinged at the top providing advertising on each panel and can be readily moved within a property or to another property. Also called “sandwich board”.



- 3. **AWNING OR CANOPY SIGN.** A sign painted on, printed on, or attached flat against the surface of an awning or canopy.
- 4. **CLUSTER SIGN.** An on-premises sign which identifies a complex of establishments on one parcel and contains multiple signs on one structure including one for each establishment and one for the complex as a whole



- 5. **FREESTANDING SIGN.** A sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be placed in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
- 6. **MARQUEE SIGN.** Any sign attached to or supported by a marquee structure.



- 7. **MESSAGE CENTER, STATIC.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that must be changed manually by non-electronic means.

- 8. **MESSAGE CENTER, ELECTRONIC.** A sign with a changeable display/message consisting of alphabetic, pictographic, or symbolic informational content that is composed of a series of lights that may be changed through electronic means.
- 9. **OFF-PREMISE ADVERTISING SIGN (BILLBOARD).** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered other than upon the premises where such sign is located.
- 10. **OFF-PREMISE ADVERTISING SIGN, DIGITAL (BILLBOARD - DIGITAL).** A billboard displaying static images controlled by electronic communications.

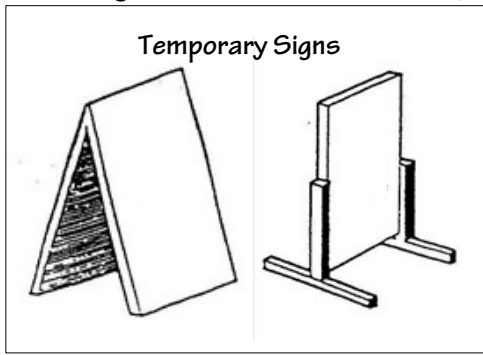
11. **PROJECTING SIGN.** A sign other than a wall sign, which is perpendicularly attached to, and projects from a structure or building wall not specifically designed to support the sign.

12. **ROOF SIGN.** Any sign wholly erected to, constructed/or maintained on the roof structure of any building.

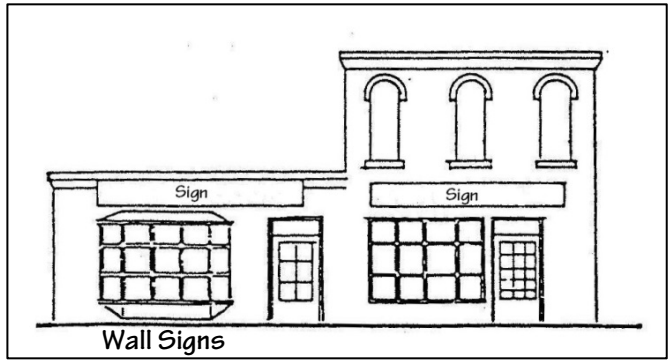
13. **PORTABLE CHANGEABLE COPY MESSAGE BOARD:** Any changeable copy sign not permanently attached to the ground or a building and is designed to be transported by some means such as a trailer or wheels.



14. **TEMPORARY SIGN.** A display sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration. A temporary sign shall not be used as a substitute for a permanent on-premise advertising sign, except as permitted within this ordinance. A temporary sign is one that is not affixed to the ground permanently and can be easily moved.



15. **WALL SIGN.** Any sign that shall be affixed parallel to the wall or printed or painted on the wall of any building; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign.





16. **WINDOW SIGN.** A sign installed inside a window and intended to be viewed from the outside.

17. **SIGN, AREA.**

- a. The sign face area shall be computed by including the entire area within a single, continuous perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the back drop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- b. If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign face area.
- c. With respect to two-sided, multi-sided, or three dimensional signs, the sign face area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point, without otherwise limiting the generality of the foregoing.
- a. The sign face of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three (3) feet.
- b. The sign face area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference) so long as the interior angle of the "v" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

18. **SIGN HEIGHT.** The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

19. **SIGN SURFACE.** That part of the sign upon, against, or through which the message is displayed or illustrated.

**SITE CONDOMINIUM.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed. The following additional definitions are provided:

- 1. *Condominium Act:* Act 59, Public Acts of 1978, as amended.
- 2. *Condominium Documents:* The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.



3. *Condominium Lot:* The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
4. *Condominium Unit:* The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
5. *General Common Elements:* The common elements other than the limited common elements.
6. *Limited Common Elements:* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
7. *Master Deed:* The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.

**SITE PLAN.** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

**SMALL-SCALE CRAFT MAKING.** Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than 50% of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

**SOLID WASTE TRANSFER FACILITY.** A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

**SPECIAL LAND USE.** A use which is subject to approval by the City of Grayling Planning Commission. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming Use nor is it considered a variance.

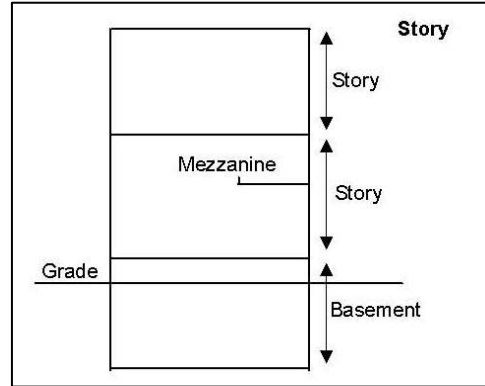
**SPECIAL LAND USE PERMIT.** A permit issued by the City of Grayling to a person or persons intending to undertake the operation of an activity upon land or within a structure which is classified in this Ordinance as a Special Land Use and which has been given approval by the Planning Commission.

**STATE LICENSED RESIDENTIAL FACILITY:** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

**STORAGE.** To leave or deposit in a place for preservation or disposal in one or more of the following ways.

1. **STORAGE-ACCESSORY.** Storage which is accessory to the principal use of the premises.
2. **STORAGE FACILITY.** A building or property on which storage is carried out as the principal use of the property.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



**STORY, ONE-HALF.** A story under the gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.

**STREET.** A public or private thoroughfare which affords the principal means of access to abutting property.

**STREET RIGHT-OF-WAY LINE.** The line which forms the outer limits of a street right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

**STRUCTURE.** Anything constructed or erected above ground level or which is attached to something located on the ground. Structures typically include such things as buildings, signs, amateur radio towers, sheds, and decks.

**SUBDIVISION.** The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat or other instrument.

**T**

**TEMPORARY USE OR BUILDING.** A use or structure permitted to exist for one hundred eighty (180) days or less.

**TOWNHOUSE.** See “One-Family Attached.”

**TOURIST HOME.** A dwelling furnishing overnight sleeping quarters to transient guests and

containing not more than three (3) guest bedrooms.

U

**UNNECESSARY HARDSHIP.** A situation in which a property owner, due to conditions of a lot or parcel, cannot use said lot or parcel for any legal use allowed by this Ordinance in the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish an alternate use when allowed use options are available or due to situations created by an owner subsequent to the amendment of this Ordinance is not an Unnecessary Hardship.

**USE.** The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

**USE, PRINCIPAL.** The primary use to which the premises are devoted.

V

**VARIANCE.** A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

**VARIANCE, NON-USE.** A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

**VARIANCE, USE.** A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that zone. Use Variances are granted based on the showing of an unnecessary hardship.

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

**VEHICLE SALES.** An authorized dealership for the sale of new and/or used vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of new and/or used vehicles such as minor repairing, servicing, and restoring, shall be performed within completely enclosed facilities.

W

**WATERFRONT SETBACK.** The minimum required horizontal distance from the ordinary high water line of a waterfront lot within which no buildings or structures may be placed.

**WIRELESS COMMUNICATIONS (TELECOMMUNICATION TOWERS AND FACILITIES DEFINITIONS).**

1. **ALTERNATIVE TOWER STRUCTURE.** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
2. **ANTENNA ARRAY.** An Antenna Array is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.
3. **ATTACHED WIRELESS COMMUNICATIONS FACILITIES.** Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
4. **COLLOCATION.** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
5. **HEIGHT.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
6. **SETBACK.** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure.
7. **WIRELESS COMMUNICATIONS.** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
8. **WIRELESS COMMUNICATIONS EQUIPMENT.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
9. **WIRELESS COMMUNICATION FACILITY.** A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).
10. **WIRELESS COMMUNICATIONS SUPPORT STRUCTURE.** Structures erected or modified to support wireless communication antennas. Support structures within this definition

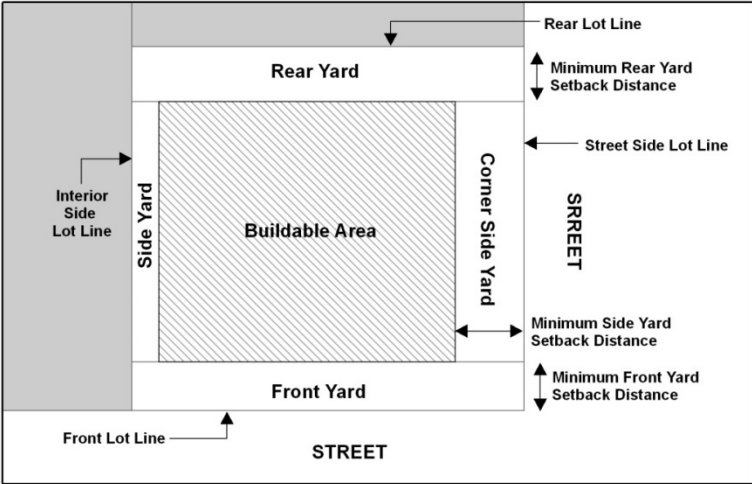
include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**Y**

**YARD.** An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

1. **FRONT YARD.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the principal building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. In all cases, the front lot line shall be considered to be that portion of the lot which abuts a public road right-of-way, private road easement or shoreline.
2. **REAR YARD.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

3. **SIDE YARD.** A yard between any building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of principal building.



4. **CORNER SIDE YARD.** An open space between a main building and the street side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the street side lot line to the nearest point of the main building.

**Z**

**ZONING ADMINISTRATOR.** The person retained by the City of Grayling to administer and enforce this Zoning Ordinance.

**ZONING APPEAL.** An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

**ZONING BOARD OF APPEALS.** As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

**ZONING DISTRICT.** A portion of the City of Grayling within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**ZONING PERMIT.** A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for. A zoning permit is also known as a land use permit.

# Article 3

## General Provisions

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3.25	Essential Services	3-55

### Section 3.1 Intent

The intent of this Article is to provide for those regulations which generally apply regardless of the particular zoning district and to those Special uses which may be permitted in certain zoning districts.

### Section 3.2 Zoning Lots, Zoning Lot Occupancy, and Illegal Dwellings

#### 3.2.1 Zoning Lots.

1. **New Lots to be Buildable.** All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
2. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance with the exception of parcels described and designated as "outlots" in a recorded plat which are so arranged or subdivided as to provide for one or more principal buildings with a

land area allocated to each building which is equal to or greater than the lot area required in the district, and the building and land complies with all other requirements of the district in which it is located.

**3.2.2 Zoning Lot Occupancy.**

No single-family detached residential structure shall be erected upon a lot with another single-family detached residential structure unless otherwise provided in this Ordinance.

**3.2.3 Illegal Dwellings.**

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been issued. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

**Section 3.3 Access**

Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to a public street, easement which provides access to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off street parking.

**Section 3.4 Cluster Housing Option**

The cluster housing option may be applied for as a Special Land Use in RC, R-1A, R-1B, and R-2 Districts subject to the standards set forth in §6.4, Special Land Uses, and this Section.

**3.4.1 Intent.**

The intent of the cluster housing option is to permit the development of single-family residential patterns which, through design innovation, will:

- allow greater flexibility;
- encourage a more creative approach to the development of single-family residential areas;
- encourage a more efficient, aesthetic, and desirable use of the land;
- provide a more desirable living environment through the preservation and conservation of natural features such as topography, wetlands, woodlands, bodies of water, and other natural assets; and
- encourage the provision of open space so that benefits may accrue directly to the residents of the development or the community as a whole.

**3.4.2 Qualification of Parcels.**



The parcel must be located in a district zoned for residential use and must meet one (1) or more of the following characteristics listed below. Requests for qualification under these conditions must be supported by documented evidence supplied by the applicant in either narrative or graphic form.

**Parcel Characteristics Qualifications:**

1. **Natural Assets.** The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, wetlands, bodies of water, unusual topographic features, or other natural assets which should be preserved. Requests for qualification under these conditions must be supported by documented evidence.
2. **Topography.** The parcel contains major topographic conditions which would require mass grading resulting in loss of significant natural features.
3. **Floodplains and Wetlands.** The parcel contains substantial portions of flood plain and wetlands. A flood plain and wetlands map indicating the extent of the wetlands and flood plain area shall be submitted to the Planning Commission in order to support the proposal for the parcel's qualification for cluster development.
4. **Size and Shape.** The parcel, due to its size or shape, cannot be reasonably developed as a conventional subdivision or site condominium development.

**3.4.3 Site Design Requirements.**

Unless specifically noted in this Section, all cluster developments submitted under this option shall conform to all dimensional and development standards of this Ordinance:

1. **Open space.** When completed, the development shall have twenty (20%) percent of the gross acreage in the development devoted to open space, which shall remain in its natural state and/or be restricted to active and/or passive outdoor recreational purposes. Dedication of open space shall comply with the standards set forth in §3.5. Designated open space shall include area within any greenbelts required by §3.4.3.2 and §3.4.3.3, subject to the restrictions contained herein.

The computation of designated open space shall not include: rights-of-way or easements designated for road purposes; areas within the minimum setbacks of a dwelling unit; land which is under water (lakes, streams, water courses, and other similar bodies of water); any area to be improved into a lake or pond; and/or more than twenty-five (25) percent of the area of regulated wetlands.

2. **Greenbelt Adjacent and Parallel to Public Streets.** A greenbelt may be required along public streets. If required, greenbelts shall conform to §3.10.
3. **Transition from Adjacent Parcels.** In order to provide an orderly transition for access and density between the proposed development and adjacent areas when a cluster development abuts a single-family residential district, the Planning Commission, at its discretion, may require

one or more of the following measures: location of streets to meet up with adjacent streets, an area or row of lots of comparable size as the neighboring residential lots, designation of open space along the common boundaries, and/or screening in accordance with the requirements of **§3.10 and §3.11** of this Ordinance.

- 4. **Density.** Density allowed within a cluster development is flexible and is at the discretion of the Planning Commission on a case by case basis.
- 5. **Setbacks.** Setbacks shall conform to the district requirements in **Article 4**.
- 6. **Required Street Frontage.** Any cluster lot contained within a cluster lot development shall have frontage on and direct access to a public street which has been accepted for maintenance by the City. The extent of street frontage shall be determined by the City, in its discretion, taking into consideration topographic and/or other natural resource considerations, size and shape of the development site, and public safety factors.

**Section 3.5 Open Space Preservation.**

**3.5.1 General.**

Whenever the preservation of open space is required by this Ordinance, the applicant shall provide a demonstrated means that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the land uses continue as approved in the open space community plan.

The dedicated open space shall be set aside by the applicant through an irrevocable conveyance that is found acceptable to the City Attorney, such as:

- 1. Recorded deed restrictions.
- 2. Covenants that run perpetually with the land,
- 3. Conservation easements such as those established per the , **P.A. 197 of 1980, as amended (State of Michigan Conservation and Historic Preservation Act M.C.L. 399.251)**.

**3.5.2 Conveyance.**

Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

- 1. Indicate the proposed allowable use(s) of the dedicated open space.
- 2. Demonstrate to the satisfaction of the City that dedicated open space shall be maintained.

3. Provide standards for scheduled maintenance of the open space.
4. Provide for maintenance to be undertaken by the City in the event that the dedicated open space is inadequately maintained, or is determined by the City to be a public nuisance, with the assessment of costs upon property owners within the proposed development.

**Section 3.6 Accessory Buildings/Structures and Uses**

**3.6.1 Requirements Applicable to Accessory Buildings and Structures:**

1. **Detached Accessory Buildings/Structures.** A building or structure not attached to a principal building shall be considered a detached accessory building or structure.
2. **Attached Accessory Building/Structures.** Where the accessory building is structurally attached to a main building, it shall conform to all setback and height regulations of this Ordinance and building codes applicable to main buildings.
3. **Accessory Buildings/Structures without a Principal.** No accessory building or structure shall be erected upon a residential lot or parcel unless and until a principal structure is erected. An accessory building or structure without a principal building may be erected on the lot adjacent to the lot on which the principal structure is located if the adjacent lot is under the same ownership. If this occurs, then the lot containing the principal structure and the lot containing the accessory structure shall hereafter be considered one lot for zoning purposes.
4. **Lot Coverage.** Accessory buildings and structures shall be included in lot coverage limitations.
5. **Height.**
  - a. With the exception of **subsection b** below, no detached accessory building or structure shall exceed twelve (12) feet in overall height.
  - b. **Detached Garages.** The maximum height is limited to the height of the principal structure or twenty-four (24) feet, whichever is less.
6. **Right-of-Way/Easement.** In no instance shall an accessory building or structure be located within a dedicated easement or right of way.
7. **Location in Yard.**
  - a. With the exception of **subsection b** below, detached accessory structures shall be erected only in a rear yard. If the lot is a corner lot, accessory structures shall remain behind all building lines adjacent to streets.
  - b. Detached garages may be placed in side or rear yards.

8. **Relationship to Other Buildings.** No detached accessory building or structure shall be constructed or placed within ten (10) feet of any other building located on the same lot or parcel.

9. **Setbacks.**

Accessory Buildings and Structures located in Side or Rear Yards		
	Minimum setback from lot line	
District	Side	Rear
RC	5 feet	10 feet
R-1A	10 feet	10 feet
R-1B	5 feet	5 feet
R-2	5 feet	10 feet
C-1	3 feet	3 feet
C-2	3 feet	3 feet
C-3A	10 feet	10 feet
C-3B	10 feet	10 feet
CBD	3 feet	3 feet
I	10 feet	10 feet
G	10 feet	10 feet

All accessory buildings and structures shall not be located closer than three (3) feet to a utility.

10. **Compliance with Building Codes.** Accessory structures shall be subject to all applicable building code regulations of the City of Grayling.

11. **Nontraditional Storage Facilities.** Truck bodies, school bus bodies, manufactured homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory structures. Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear yard only.

12. **Accessory Structure as a Dwelling.** No detached accessory structure or garage shall be used for dwelling purposes unless otherwise permitted in this Ordinance.

13. **Maintenance.** All accessory structures, regardless of type of construction (wood, metal, plastic, etc. or combinations) shall be maintained in good order and repair. To preserve the property values in all zoning districts, accessory structures shall not be allowed to deteriorate, have loose parts, broken windows, non-operating doors, holes, or leaking roofs. Wild animals and pests shall not be allowed to make habitation in accessory structures.

### 3.6.2 Recreational Vehicles

In all Residential Districts, a recreational vehicle may be parked or stored subject to the following conditions:

1. Storage or parking shall not be permitted on vacant lots or parcels, except as approved by the Zoning Administrator.
2. Unless within a completely enclosed building, a recreational vehicle shall be parked or stored in one of the following manners.
  - a. Within the side or rear yard, but no closer than five (5) feet from any side or rear lot line; or,
  - b. In those instances where the side or rear yard is not accessible or has insufficient clearance for the passage of a recreational vehicle, the Zoning Administrator may allow the parking or storage of a recreational vehicle in the front yard. In those instances where a recreational vehicle is to be parked or stored in a front yard, only the driveway portion of such yard shall be utilized and in no instance shall such recreational vehicle be parked or stored in a manner which obstructs pedestrian or vehicular visibility, as regulated in § 3.9. Recreational vehicles shall not be stored in the tree lawn (greenspace between the sidewalk and the street).
3. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes on the premises, except for occasional living purposes to accommodate visitors not to exceed a maximum period of three (3) months in a calendar year.
4. No recreational vehicle shall be stored on a public street or right of way or private road easement.
5. A recreational vehicle stored outside shall be in a condition for the safe and effective performance of its intended function.

**Section 3.7 Temporary Dwellings**

**3.7.1 Emergency Temporary Dwellings.**

When permitted, emergency temporary dwellings may be permitted upon a finding by the City that the principal residential structure has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is uninhabitable and the standards set forth herein have been met.

**3.7.2 Temporary Dwellings During Construction.**

Temporary buildings may be utilized during construction for the storage of construction materials, for construction offices, or for temporary dwelling purposes during a construction period as permitted herein. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance. The size of temporary dwelling units shall be the only exception to this rule. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling or construction purposes unless authorized by the issuance of a zoning permit by the Zoning Administrator.

**3.7.3 Dwelling as a Sales/Management Office**

The Zoning Administrator may authorize a certification for a dwelling to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

**3.7.4 Permit Application and Review.**

1. An application for a permit for the temporary use and installation of a manufactured home, modular, prefabricated dwelling unit, or similar structure shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of the proposed structure.
2. The temporary dwelling unit shall comply with all applicable Zoning District requirements including setback, area, bulk, and other requirements, except minimum house size requirements.
3. The granting of a permit for a temporary dwelling unit shall be for a period of up to one (1) year from the date of approval. Any conditions of approval shall be specified in writing on the permit. The Zoning Administrator may extend the temporary dwelling permit up to one (1) additional year.
4. To guarantee compliance with the provisions of the ordinance and removal of the temporary dwelling upon expiration of the permit, the City Council may require a cash bond to be posted prior to the issuance of a permit.

**Section 3.8 Single-Family Dwellings, Manufactured Homes, Prefab Housing**

No single-family dwelling (site built), manufactured home, modular housing, or prefabricated housing located outside a manufactured home park or manufactured home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

**3.8.1 Square Footage.**

Each such dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone district in which it is located.

**3.8.2 Dimensions.**

With the exception of manufactured homes located within a manufactured housing community, each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) feet and shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.

**3.8.3 Foundation.**

Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of such dimensions to adequately support the dwelling. All dwellings shall be securely anchored to the foundation in order to prevent displacement during windstorms.

**3.8.4 Undercarriage.**

Dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

**3.8.5 Sewage Disposal or Water Supply.**

Each such dwelling unit shall be connected to public sewer and water.

**3.8.6 Storage Area.**

Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, which ever shall be less.

**3.8.7 Architecture.**

All homes shall have a roof overhang of not less than six (6) inches on all sides or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two (2) exterior doors with one door being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

**3.8.8 Additions.**

Each such dwelling unit shall contain no addition or room or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

**3.8.9 Code Compliance.**

Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said manufactured home shall be of a type and quality conforming to the “Manufactured Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended or superseded. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Manufactured homes shall not be used as an accessory building.

**3.8.10 Building Permit.**

All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Building Code provisions and requirements.

**3.8.11 Exceptions.**

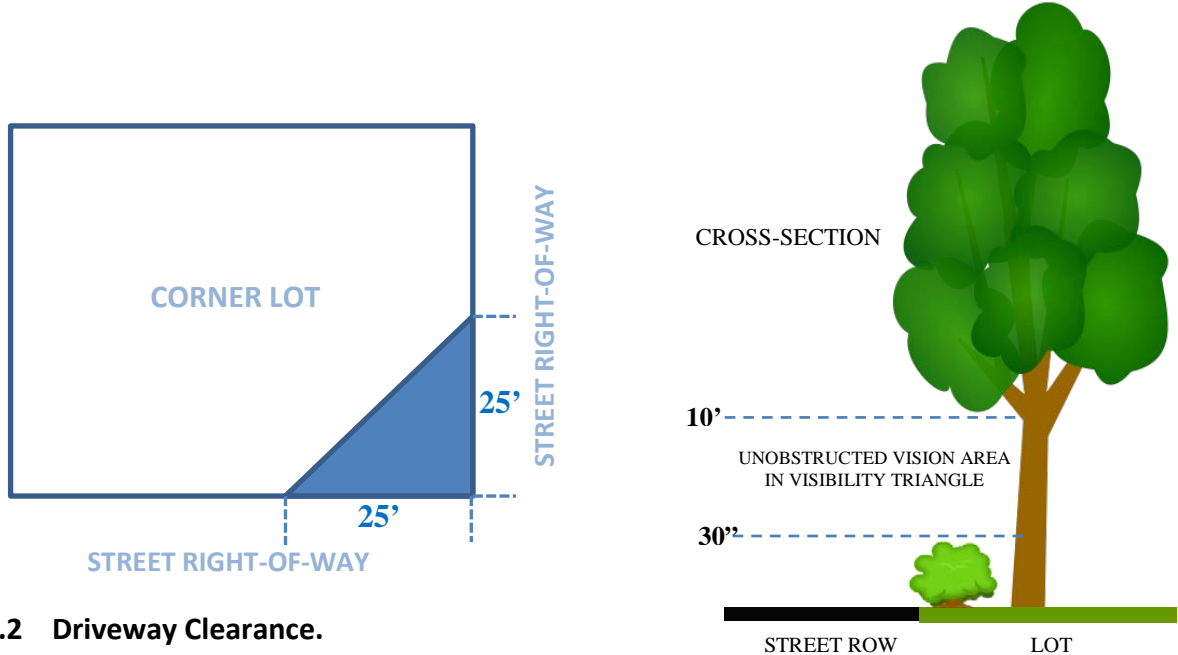
The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance and pertaining to such parks. Manufactured homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a manufactured home park or a manufactured home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.



**Section 3.9 Clear Vision Requirements**

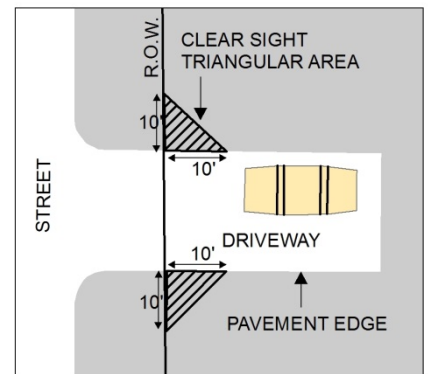
**3.9.1 Clear Vision.**

No fence, wall, shrubbery, sign, or other privately-owned structure or planting shall obstruct vision between the height of thirty (30) inches and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines adjacent to a lot and twenty-five (25) feet distant from their point of intersection. Driveways and alleys shall not be located within the intersection visibility triangle. If the road is an access drive, these dimensions shall be measured from the pavement edge.



**3.9.2 Driveway Clearance.**

On any interior lot in a block, no fence, wall, screen, hedge, sign, or other privately-owned structure or planting shall obstruct the visibility of a driveway, either on a parcel or on an adjacent parcel, between the height of thirty (30) inches and ten (10) feet in the triangle formed when measured from the point where the driveway intersects the street's edge ten (10) feet along the driveway edge and along the street right-of-way.



**3.9.3 Residential Entranceway.**

In all Residential Districts, entrance-way structures, including but not limited to, walls, columns and gates marking entrances to single-family subdivisions, multiple-family housing projects, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in **§3.9.1 and § 3.9.2 above**, provided that such entranceway structures shall be approved during the required Planning Commission review.

**Section 3.10 Landscaping, Greenbelts and Buffers, and Screening**

**3.10.1 Intent.**

The intent of this section is to:

1. Protect and preserve the appearance, character, and value of the community.
2. Minimize noise, air, and visual pollution.
3. Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
4. Prevent soil erosion and soil depletion and promote sub-surface water retention.
5. Encourage an appropriate mixture of plant material, such as evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
6. Encourage the integration of existing woodlands in landscape plans.
7. Encourage flexibility and latitude in site design and the use of plant materials.

**3.10.2 Application of Requirements.**

These requirements shall apply to all uses for which site plan review is required under **Article 5** of this Ordinance and subdivision plat review as required under the Subdivision Control Ordinance.

**3.10.3 Landscape Plan Requirements.**

A landscape plan shall be required to be submitted to the City as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this Section are met and shall include, but not necessarily be limited to, the following items:

1. Location of tree, shrub, and plant cover.
2. Typical construction details to resolve specific site conditions, such as landscape walls and tree wells used to preserve existing trees or maintain natural grades.
3. Identification of existing trees and vegetative cover to be preserved.
4. Identification of grass and other ground cover and method of planting.

**3.10.4 Greenbelts.**

A greenbelt may be utilized to comply with screening requirements pursuant to **§ 3.11.7**. The selection, spacing and size of plant material shall be such as to create a horizontal obscuring effect

for the entire length of the required greenbelt area, and a vertical obscuring effect of such height as is determined adequate by the Planning Commission for proper screening between land uses. In addition to trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials to provide the maximum screening effect.

**3.10.5 Site Landscaping to Screen Site Features.**

In addition to any landscape greenbelt and/or parking lot landscaping required by this Ordinance, site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air-conditioning units, and loading areas. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds.

**3.10.6 Landscaping Standards.**

The following minimum standards shall apply:

1. **Quality.** Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Crawford County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
2. **Composition.** A mixture of plant material, such as evergreen trees, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. **Non-Plant Materials.** Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, patterned concrete, bark and wood chips shall be limited to small areas and shall not exceed twenty-five (25) percent of the required landscape area. All such ground covers shall be at least six (6) inches deep. Loose gravel less than three (3) inch minimum aggregate size shall not be used in areas abutting public streets or sidewalks.
4. **Drainage Patterns and Visibility.** All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
5. **Access.** All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants or other fire connections, not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.
6. **Berms.** Berms shall be constructed with slopes not to exceed a 1:3 gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.

7. **Existing Trees.** The preservation and incorporation of existing trees is encouraged. Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:

- a. Paving, or other site improvements, shall not encroach upon the drip line of the existing tree(s) to be preserved.
- b. If existing plant material is labeled “To Remain” on site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the perimeter of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the drip line of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the City.
- c. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the drip line, as determined by the City, the Contractor shall replace them with trees which meet Ordinance requirements.

8. **Minimum Plant and Tree Size.** Minimum plant sizes at time of installation:

Deciduous Canopy Trees	2½”	dbh (diameter at breast height)
Deciduous Ornamental Trees:	2”	dbh
Evergreen Tree:	5’	height
Narrow Evergreen Trees	3’	height
Deciduous Shrub:	2’	height
Large Evergreen Shrub:	2’	height
Spreading Evergreen Shrub:	18” – 24”	spread

9. **Installation, Maintenance, and Completion.**

- a. All landscaping required by this Ordinance shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee, as set forth in **§9.3**, shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.
- b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
- c. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a strong and healthy condition, free from refuse, debris and insects. All materials used to satisfy the requirements of this Ordinance which become unhealthy or dead shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

**Section 3.11 Fences, Walls and Screens**


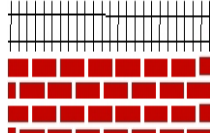
Any person desiring to build or cause to be built a fence or upon property within the City of Grayling shall first apply to the Zoning Administrator for a permit. Application for such permit shall contain any and all information, including site plan, which are required and necessary for the determination of whether the erection of such fence would be contrary to the provisions of this Ordinance. The fee for such permit shall be set by Council resolution.

Except as otherwise required by this Ordinance, the following regulations shall apply:


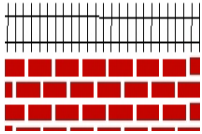
**3.11.1 Construction and Maintenance – All Districts.**

1. It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended.
2. The City Zoning Administrator shall approve the construction materials of the wall or fence which may include but not limited to face brick, poured-in-place simulated face brick, pre-cast brick face panels having simulated face brick, stone, wood, decorative vinyl fencing, wrought iron, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or old doors are specifically prohibited.
3. Chain link fences shall be constructed of materials specifically designed by fence manufacturers for such use. Fences will have top rails between supporting posts and caps on end or corner posts. No chain link fences shall be allowed in the front yard.
4. The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings, or wherever deemed necessary in the interests of public safety.
5. No fence shall be constructed or maintained which is charged or connected with an electrical current.
6. Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
7. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
8. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.
9. **Clear Vision Area.** Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct clear vision areas as regulated in **§3.9.**

3.11.2 Fences – Residential Districts.

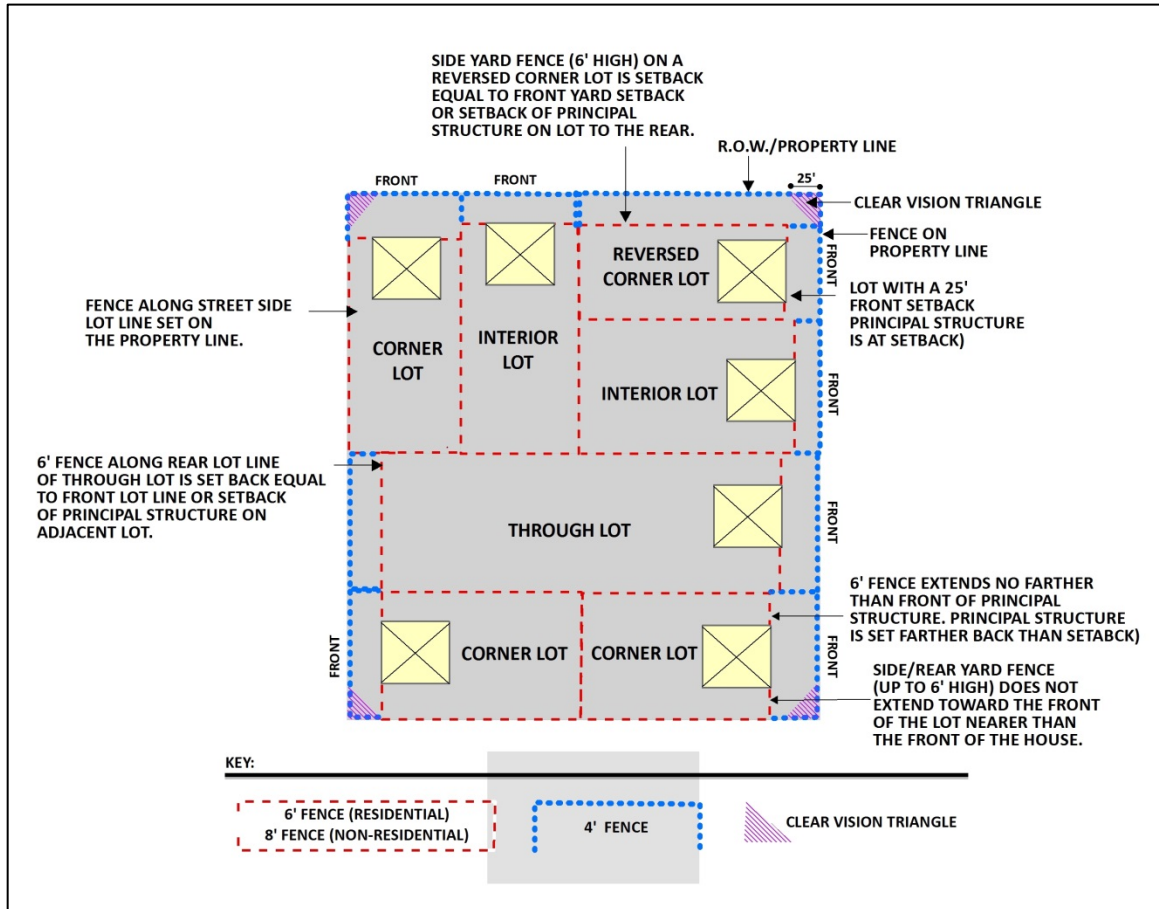
Table 3.11.2 Residential Fences & Walls	
<p><b>1. Front Yard</b></p>	<p>a. Fences may be up to 4’ high.                      b. Fences may be set on the property line.                      c. Fences in the front yard shall be either of the following:                      (1) Open Style: Have 50 % or more open space; or                      (2) Fence/Wall Combination: Solid wall may be up to 2’ high. Open-style fence may make up the balance up to total fence/wall combination height of 4’.</p> <p style="text-align: center;"><i>Open Style Fence Example</i>                      <i>Fence/Wall Combination Example</i></p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div>
<p><b>2. Rear Yard &amp; Side Yard</b></p>	<p>a. Fences may be up to 6’ high as measured on the side of the proposed wall having the higher grade.                      b. Outer face may abut property line.                      c. Fences over 4’ high may not extend toward the front of the lot nearer than the front of the principal structure.</p>
<p><b>3. Reversed Corner Lot – Side Yard</b></p>	<p>a. Fences may be up to 6’ high as measured on the side of the proposed wall having the higher grade.                      b. Fences up to 4’ high may abut property line.                      c. Fences greater than 4’ but not greater than 6’ high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</p>
<p><b>4. Riverfront Lots</b></p>	<p>a. No fence shall be placed closer to the front lot line (riverfront) than the front (riverfront) of the primary structure.                      b. Fences along the side or rear (street side) lot line may be up to 4’ high.</p>
<p><b>Through Lots</b></p>	
<p><b>5. Front Yard</b> (the lot line upon which the front of the principal structure faces)</p>	<p>a. Fences may be up to 4’ high.                      b. Fences may be set on property line.</p>
<p><b>6. Side Yard</b></p>	<p>c. Fences may be up to 6’ high. Outer face may abut property line.</p>
<p><b>7. Rear Yard</b> (the lot line opposite the front lot line)</p>	<p>a. Fences up to 4’ high: Outer face may abut property line.                      b. Fences greater than 4’ but not greater than 6’ high shall be set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</p>

3.11.3 Fences – Non-Residential Districts.

Table 3.11.2 Non-Residential Fences & Walls	
<p><b>1. Front Yard</b></p>	<p>a. Fences may be up to 4’ high.                      b. Fences may be set on the property line.                      c. Fences in the front yard shall be either of the following:                      (1) Open Style: Have 50 % or more open space; or                      (2) Fence/Wall Combination: Solid wall may be up to 2’ high. Open-style fence may make up the balance up to total fence/wall combination height of 4’.</p> <p style="text-align: center;"><i>Open Style Fence Example</i>                      <i>Fence/Wall Combination Example</i></p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div>
<p><b>2. Rear Yard &amp; Side Yard</b></p>	<p>a. Fences may be up to 8’ high as measured on the side of the proposed wall having the higher grade.                      b. Outer face may abut property line.                      c. Fences over 4’ high may not extend toward the front of the lot nearer than the front of the principal structure.</p>
<p><b>3. Reversed Corner Lot – Side Yard</b></p>	<p>a. Fences may be up to 8’ high as measured on the side of the proposed wall having the higher grade.                      b. Fences up to 4’ high may abut property line.                      c. Fences greater than 4’ but not greater than 8’ high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal structure of the lot to the rear, whichever is less.</p>
<p><b>4. Riverfront Lots</b></p>	<p>a. No fence shall be placed closer to the front lot line (riverfront) than the front (riverfront) of the primary structure.                      b. Fences along the side or rear (street side) lot line may be up to 4’ high.</p>
<b>Through Lots</b>	
<p><b>5. Front Yard</b> (the lot line upon which the front of the principal structure faces)</p>	<p>a. Fences may be up to 4’ high.                      b. Fences may be set on property line.</p>
<p><b>6. Side Yard</b></p>	<p>a. Fences may be up to 8’ high. Outer face may abut property line.</p>
<p><b>7. Rear Yard</b> (the lot line opposite the front lot line)</p>	<p>a. Fences up to 4’ high: Outer face may abut property line.                      b. Fences greater than 4’ but not greater than 8’ high shall be set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</p>



**3.11.4 Fence Diagram for Sections 3.11.2 and 3.11.3.**



**3.11.5 Retaining Walls.**

Retaining walls shall be designed and constructed in accordance with applicable building code requirements.

**3.11.6 Temporary Construction Fences.**

Temporary construction fences and fences required for protection around excavations shall comply with the Basic Building Code. Such fences shall not remain in place for a period greater than a year or after an occupancy permit is granted.

**3.11.7 Commercial and Industrial Fences & Walls Required for Screening Purposes.**

For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):



TABLE 3.11.6 Fences & Walls for Screening Purposes	
Side/Rear Yard Screening Requirements for Uses Abutting or Adjacent to a Residential Use Or District	
All off street parking areas	4' high fence or wall
Commercial District or Commercial Use	6' high fence or wall
Industrial District or Industrial Use	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

1. **Screening Materials.** A solid wall or fence, chain link or other wire fence utilizing metal, plastic or wood slats shall be considered an obscuring wall for the purpose of this Ordinance. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or adjacent land uses would result. Greenbelt plantings shall be regulated under **§3.10.4**. The construction of a fence or wall in combination with a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.
2. **Construction for Screening Purposes.** All fences and walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof and shall be maintained by the commercial or industrial property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
3. The requirement for an obscuring wall between off-street parking areas or outdoor storage areas and abutting or adjacent residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting or adjacent residential use or district.
4. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to **§3.11.7**.

**3.11.8 Screening of Trash Containers.**

1. Outside trash disposal containers two (2) yards or greater in capacity shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less

than six (6) feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.

2. Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the building they serve.
3. Containers and enclosures shall be located away from public view insofar as possible.
4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
5. Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
6. The enclosure area and pad size shall be increased to amply accommodate the storage of recyclable materials and their containers.
7. Screening and gates shall be of a durable construction.

## Section 3.12 Performance Standards

### 3.12.1 Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities

### 3.12.2 Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the City. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

### 3.12.3 Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review the applicant

shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.

- 2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

**3.12.4 Gases.**

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

**3.12.5 Electrical Disturbance, Electromagnetic, or Radio Frequency Interference**

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

**3.12.6 Glare and Heat.**

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

**3.12.7 Noise.**

Noise, as per **Section 24-96 of the Grayling Code of Ordinances**, which is objectionable as determined by the City due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled.

In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

**3.12.8 Vibration.**

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

**Section 3.13 Hazardous Substances and Solid, Liquid, and Sanitary Wastes**

**3.13.1 General.**

1. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the City through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
2. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall obtain the necessary permits or approval from the appropriate Federal, State or local authority having jurisdiction.
3. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file a Hazardous Chemicals Survey on a form supplied by the City in conjunction with the following:
  - a. Upon submission of a site plan.
  - b. Upon any change of use or occupancy of a structure or premise.
  - c. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.

**3.13.2 Facilities which Use, Store, or Generate Hazardous Substances.**

All business and facilities which use, store, or generate hazardous substances in quantities greater than 100 kilograms per month (equal to or greater than 25 gallons or 220 pounds) shall comply with the following standards:

**1. Above-Ground Storage and Use Areas for Hazardous Substances.**

- a. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficiently impervious to contain the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- b. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
- c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains.
- d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used shall be designed and constructed to prevent discharge or runoff.

2. **Underground Storage Tanks.** Existing and new underground storage tanks shall be registered, installed, operated, maintained, and removed in accordance with requirements of the appropriate Federal, State or local authority having jurisdiction.
3. **Loading and Unloading Areas.** Areas used for the loading and unloading of hazardous substances shall be designed and constructed to prevent the harmful release to the environment of hazardous materials which may be spilled or leaked.

**3.13.3 Site Plan Review for Hazardous Substances.**

All site plans for business or facilities which use, store or generate hazardous substances shall be reviewed by the Fire Department, City Officials and any other appropriate experts determined necessary by the Planning Commission prior to approval by the Planning Commission.

**Section 3.14 Glare and Exterior Lighting**

**3.14.1 Intent and Purpose.**

The purpose of glare and exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

**3.14.2 Light and Glare from Indirect Sources.**

1. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
2. The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
3. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

**3.14.3 Exterior Lighting from Direct Sources.**

1. **Lighting for Safety.** Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.
2. **Lighting not to be a nuisance.** Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provision is not intended to apply to public street lighting.
3. **Lighting color and shielding.** Only white, non-glare lighting such as metal halide, color-corrected high pressure sodium, or other types of lighting which achieve the same effect shall be permitted. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.
4. **Light fixture height.** Except as noted below, lighting fixtures shall not exceed a total height of twenty-five (25) feet. In portions of a site located within one hundred (100) feet of a residential area, lighting fixtures shall not exceed a total height of twenty (20) feet.
5. **Lighting shown on site plans.** All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties, and traffic safety.
6. **Upward directional lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
7. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.
8. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
9. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.

### 3.14.4 Exempted Areas and Types.

The following types of outdoor lighting shall not be covered by this Ordinance:

1. Temporary holiday lighting and decoration.

2. Lights located within the public right-of-way or easement.
3. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
4. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
5. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
6. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.

**3.14.5 Sign Lighting.**

Lighting for signs is regulated in **§3.23**.

**Section 3.15 Fire Hazard**

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

**Section 3.16 Safety**

Existing hazards or potential hazards and nuisances, such as construction sites, junk yards, landfills, sanitary landfills, demolition sites, unused basements, abandoned wells or cisterns and sand, gravel, and stone pits or piles are to be enclosed by suitable fencing or barriers so as not to endanger public health, safety and welfare.

**Section 3.17 Storm Water Management**

**3.17.1 Storm Water Management.**

All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site.

Storm water Management shall comply with the following standards:

City of Grayling Zoning Ordinance FINAL DRAFT	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

1. The design of storm sewers, detention facilities, and other storm water management facilities shall comply with the standards for green site technology.
2. Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.
3. The use of swales and vegetated buffer strips is encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
4. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
5. Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the Michigan Department of Environmental Quality. Based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the City, with consultation of appropriate experts.
6. Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

**3.17.2 On-Site Storm Water Detention.**

For the purpose of controlling drainage to off-site properties and drainage ways, all properties which are developed under this zoning ordinance, whether new or improved shall provide for on-site detention storage of storm water in accordance with the current Michigan Department of Environmental Quality standards.

**Section 3.18 Regulation of Floodplain Areas**

**3.18.1 Purpose.**

1. The floodplains of the City are subject to periodic inundation of floodwaters which result in loss of property, health, and safety hazards, disruption of commerce and governmental service, and impairment of tax base.
2. It is the purpose of this section to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Vol. 41, No. 207, October 26, 1976, and re-designated at 44FR 31177, May 31, 1979.
3. The provisions of this section are intended to:



- a. help protect human life, prevent or minimize material losses, and reduce the cost to the public for rescue and relief efforts;
- b. restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause excessive increases in flood heights or velocities;
- c. require that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
- d. protect individuals from buying lands which are designated to be unsuited for intended purposes because of flooding;
- e. permit reasonable economic use of property located within a designated floodplain area.

**3.18.2 Delineation of Floodplain Areas.**

- 1. Designated floodplain areas shall overlay existing zoning districts delineated on the Zoning District Map of the City. The boundaries of the floodplain areas are identified in the report entitled, the Flood Insurance Study, City of Grayling, prepared by FEMA with an effective date of June 15, 1982, as may be revised from time to time. The study and accompanying maps are adopted by reference, appended, and declared to be part of this Ordinance.
- 2. The standard applied to establishing the floodplain area is the base floodplain delineated by the base flood. In areas associated with ravine flooding, a floodway is designated within the floodplain area.
- 3. Where there are disputes as to the location of a floodplain area boundary, the Zoning Board of Appeals shall resolve the dispute in accordance with **Article 8**.

**3.18.3 Application of Regulations.**

- 1. In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this section shall be necessary for all development occurring within designated floodplain areas. Conflicts between the requirements of this section and other requirements of this Ordinance or any other Ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section. In such cases, the more stringent requirement shall be applied.
- 2. Upon application for land use permits, the Zoning Administrator shall determine whether said use is located within a designated floodplain area utilizing the documents cited in **§3.18.2**. The issuance of a land use permit within the floodplain area shall comply with the following standards:
  - a. The requirements of this section shall be met;

- b. The requirement of the underlying districts and all other applicable provisions of this Ordinance shall be met; and
- c. All necessary development permits shall have been issued by appropriate Local, State, and Federal authorities, including a floodplain permit, approval, or letter of authority from the Michigan Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968. Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

**3. Floodplain Management Administrative Duties.**

- a. With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in **§3.18.4**, the duties of the Zoning Administrator shall include, but are not limited to;
  - (1) Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
  - (2) Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood proofed; and
  - (3) Recording of all certificates of flood proofing, and written notification to all applicants to whom variances are granted in flood hazard area zone indicating the terms of the variance. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- b. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- c. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering the Ordinance in the absence of data from FEMA.

**3.18.4 Floodplain Standards and Requirements.**

- 1. **Uses Proposed for a Floodplain Area.** The following general standards and requirements shall be applied to all uses proposed to be located within the floodplain area:
  - a. All new construction and substantial improvements within a floodplain, including the placement of prefabricated buildings and manufactured homes, shall;
    - (1) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;

- (2) Be constructed with materials and utility equipment resistant to flood damage;
  - (3) Be constructed by methods and practices that minimize flood damage.
  - b. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
  - c. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters.
  - d. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
  - e. Adequate drainage shall be provided to reduce exposure to flood hazards.
  - f. The City Engineer or his representative shall review development proposals to determine compliance with the standards in this section, and shall transmit his determination to the Zoning Administrator.
  - g. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
  - h. The flood carrying capacity of any altered or relocated watercourse not subject to state and Federal regulations designed to insure flood carrying capacity shall be maintained.
  - i. Available flood hazard data from Federal, state, or other sources, shall be reasonably utilized in meeting the standards of this section. Data furnished by FEMA shall take precedence over data from other sources.
2. **Uses Proposed for a Floodplain Area but not within Floodway.** The following specific standards shall be applied to all uses proposed to be located within the floodplain area but not within the floodway portion of the floodplain area.
- a. All new construction and substantial improvements of non-residential structures shall have either;
    - (1) The lowest floor, including basement, elevated at least one-tenth (0.1) foot above the base flood level;
    - (2) Be constructed such that below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the flood proofing methods employed are

adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with base flood in the location of the structure.

3. **Manufactured Home Standards.** The following general standards and requirements shall be applied to manufactured homes located within flood plain areas:

- a. Anchoring must meet HUD specifications, per rule 605.
- b. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the City and Crawford County Sheriff Department for manufactured home parks and manufactured home subdivisions.
- c. Manufactured homes within zones A1-30 on the Flood Insurance Rate Map shall be located in accord with the following standards:
  - (1) All manufactured homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.
  - (2) Adequate surface drainage away from all structures and access for a manufactured home hauler shall be provided.
  - (3) In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten (10) feet apart; and reinforcement shall be provided for piers more than six (6) feet above ground level.
  - (4) In manufactured home parks and manufactured home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds fifty (50%) percent of the value of the streets, utilities, and pads before the repair, the standards in the subparagraphs above shall be complied with.

4. **Uses within Floodway.** The following standards shall be applied to all uses proposed to be located within the floodway portion of the floodplain area.

- a. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Department of Natural Resources that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.
- b. The placement of manufactured homes shall be prohibited.
- c. The uses of land permitted in an underlying zoning district shall not be construed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

**3.18.5 Warning and Disclaimer of Liability.**

1. The degree of flood protection required by provisions of this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.
2. These provisions do not imply that areas outside the floodplain or land uses permitted within such districts will be free from flooding or flood damages nor shall the City or any officer or employee thereof be liable for any flood damages that result from reliance on the provisions of this section or any administrative decision lawfully made there under.

**Section 3.19 Building Grades**

**3.19.1 Grade to Direct Run-Off.**

Any building requiring yard space shall be located at such an elevation that a finished grade shall be maintained to cause the flow of surface water to run away from the walls of the building. All grades shall be established and maintained so that surface water run-off damage does not occur to adjoining properties prior to, during, and after construction.

**3.19.2 Existing Grades Have Priority.**

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Building Official shall use the existing established finished grade or the minimum established grade, in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude normal run-off of surface water to flow onto the adjacent property.

**3.19.3 Grading Plan**

Final grades shall be approved by the Building Official who may require a grading plan which has been duly completed and certified by a registered engineer or land surveyor.

**Section 3.20 Riverfront Lands**

1. Any building or use within the area between the rivers or waterways and the normal high water mark must adhere to **§3.18**.
2. Setbacks for riverfront lands per district are contained in **Article 4**.
3. Docks and/or walkways shall not extend past the edge of the actual waterline of the river and shall be setback a minimum of ten (10) feet from the side lot lines as shown per district in **Article 4**.

**Section 3.21: Unclassified Uses**

When a use is not expressly mentioned in the Zoning Ordinance, the Planning Commission shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district and similar uses allowed in the district. The decision of the Planning Commission regarding unclassified uses may be appealed to the Zoning Board of Appeals.

**Section 3.22: Nonconforming Uses, Structures & Lots**

**3.22.1 Intent.**

Certain existing lots, structures and uses of lots and structures were lawful before this Ordinance was adopted, but have become non-conformities under the terms of this Ordinance and its amendments. It is the intent of this Ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such non-conformities to conforming status. Nonconformities are declared by this Ordinance to be incompatible with the structures and uses permitted in the various Districts.

**3.22.2 Nonconforming Lots.**

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

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

**3.22.3 Nonconforming Uses of Land.**

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

1. **Expansion of Nonconforming Use.** A nonconforming use may be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
2. **Extension of Nonconforming Use throughout Parcel of Land.** A nonconforming use may be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. **Change of Nonconforming Use.** No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after said use has been changed to a conforming use.
4. **Destruction of Nonconforming Use.** In the event any nonconforming use of a building or use of land shall be damaged or destroyed by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored to its original configuration.
5. **Abandonment of Nonconforming Use.** If a property owner has the intent to abandon a nonconforming use of land and in fact abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:
  - a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
  - b. Whether the property, buildings, and grounds have fallen into disrepair.
  - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
  - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
  - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

**3.22.4 Nonconforming Structures.**

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

1. **Maintenance of Nonconforming Structures.**
  - a. Nothing in this Ordinance shall prevent such necessary repairs, reinforcement and incidental

alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this ordinance prevent compliance with the provisions of any Building Code in effect in Grayling relative to the maintenance of structures.

- b. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the Americans with Disabilities Act. Nothing in this ordinance shall prevent any alteration, improvement or repair as required by the Health Department as necessary to protect the public health, safety, and welfare.

- 2. **Alterations to Nonconforming Structures.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- 3. **Destruction of Nonconforming Structures.** In the event any nonconforming building shall be damaged or destroyed by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored to its original configuration as long as the nonconformity is not increased.
- 4. **Relocation of Nonconforming Structures.** Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

**3.22.5 Uses Allowed as Special Approval Uses, Not Nonconforming Uses.**

Any use in existence at the time of adoption of this Article for which Special approval is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

**3.22.6 Change of Tenancy or Ownership.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses or structures provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

**3.22.7 Nonconforming Signs.**

- 1. **Nonconforming Signs.** Any sign, billboard, commercial advertising structure or object which existed and was maintained at the time this zoning ordinance was adopted and which are subject to the regulations of this zoning ordinance because of any changes or additions made by this new ordinance, shall be deemed a nonconforming sign. Nonconforming signs may remain provided they are not expanded, enlarged or reduced other than routine maintenance and upkeep of the sign itself.
- 2. **Removal of Nonconforming Signs.** Any nonconforming sign shall be removed or made to conform to the provision of this ordinance within thirty (30) days of the happening of any of the following events:



- a. Any alterations or changes to the sign.
  - b. Relocation of the sign.
  - c. Substantial change to the sign.
3. **Change in Copy of Nonconforming Signs.** Change in the copy of the sign surface may be made without making the sign compliant.
4. **Destruction of a Nonconforming Sign.** If a nonconforming sign is destroyed by any, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
5. **Repair and Maintenance of a Nonconforming Sign.** Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.
6. **Abandoned Nonconforming Signs.** Any sign that is nonconforming and has been abandoned shall remove the sign or make the sign conform to the ordinance. Upon failure to comply and after receiving written notice, the City may remove the sign and recover its cost as a nuisance special assessment to the property. **Subsection 6** shall not apply to signs advertising seasonal businesses. A sign shall be considered abandoned if it remains blank for a period of six (6) months. For purposes of this section, a sign is “blank” if:
- a. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
  - b. The advertising message it displays becomes illegible in whole or substantial part; or
  - c. The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.
7. **Removal of Abandoned Nonconforming Signs.**
- a. All abandoned nonconforming signs existing at the time of adoption of this ordinance shall be made conforming by December 31, 2018.
  - b. When a sign is declared by the Zoning Administrator to be abandoned, the sign shall be removed prior to the next occupancy of the lot or prior to the expiration of six (6) months after the declaration of abandonment, whichever is less.

**Section 3.23: Signs**

**3.23.1 Intent and Purpose.**

The intent of this Section is to regulate the location, size, construction, and manner of display of signs designed to be visible to the public in a manner which does not restrict content while recognizing the communication needs of the public and minimizing their harmful effects on the public health, safety and welfare. The number and size of signs may be distracting to motorists and pedestrians and can create a traffic hazard. The number and size of signs can also reduce the effectiveness of signs needed to direct the public and may mar the appearance of the landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to protect property values and neighborhood character; create a more attractive business environment; promote pedestrian and traffic safety; and promote pleasing community aesthetics.

To achieve its intended purpose, this Ordinance has the following objectives:

1. To prevent the placement of signs in a manner that will conceal or obscure adjacent signs;
2. To keep the number of signs at the level reasonably necessary to communicate a message;
3. To keep signs within a reasonable scale with respect to the buildings they identify;
4. To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
5. To promote a quality manner of display which enhances the character of the City;
6. To prevent the proliferation of temporary signs which might promote visual blight.
7. To eliminate the potential for any adverse effects on the neighboring properties.
8. To prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.

**3.23.2 Substitution Clause.**

Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

**3.23.3 Illumination and Glare.**

Internally and externally lighted reflective, glowing and other forms of illumination shall be permitted on all signs. All illumination shall be concentrated on the area of the sign or landscape feature near the sign or directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.

**3.23.4 Safety.**

1. All signs shall be erected and maintained in compliance with all applicable building codes, and other applicable ordinances governing construction within the City. In the event of conflict between this Ordinance and other laws, the most restrictive shall govern.
2. All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
3. No sign shall be erected, relocated or maintained so as to obstruct firefighting or prevent free access to any door, window or fire escape.

**3.23.5 Signs Prohibited in All Districts.**

1. **Roof signs.**
2. **Moving/Flashing Signs.** Signs containing flashing, intermittent or moving lights, moving or revolving parts, or reflecting parts which may distract drivers. This provision is not intended to exclude electronic message centers.
3. **Signs Affixed to Nontraditional Surfaces.**
  - a. Signs affixed to utility poles, trees, rocks, shrubs or similar natural features.
  - b. Signs mounted upon a stationary motor vehicle or similar object not usually used for signage and put on non-mobile display. Signs permanently painted on, or, otherwise permanently displayed upon a vehicle, licensed and operating on the public streets and highways, identifying the owner's occupation or livelihood, shall be permitted.
4. **Signs Constituting a Traffic Hazard.** Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic.
5. **Signs in the Right-of-Way.** Signs other than those erected by a public agency which are located within or overhang the public right-of-way or on public property, unless otherwise specified herein.
6. **Hazardous Signs.** Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
7. **Unlawful signs.** Any sign unlawfully installed, erected or maintained.
8. **Obscene Material.** Signs which contain statements, words, or pictures of an obscene nature which would appeal predominantly to a prurient interest in sexual conduct, depict or describe

sexual conduct in a patently offensive way, and be offensive, rude, lewd or disgusting according to accepted moral standards.

9. **Obstructions to Doors, Windows and Fire Escapes.** Signs which are erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

**3.23.6 Signs Allowed without a Permit.**

The following signs are permitted in all districts without a permit.

1. Signs not exceeding two (2) square feet in size.
2. Commercial and industrial accessory signs in parking lots and on accessory structures and equipment.
3. Temporary Signs and Attention-Getting Devices such as Air Dancers and Swooper Banners/Flags. Attention-Getting Devices such as Air Dancers and Swooper Banners/Flags shall be allowed up to four (4) times per year for a maximum of thirty (30) days each.
4. Portable Changeable Copy Message Boards. Portable Changeable Copy Message Boards shall be no greater than thirty-two (32) square feet and shall be allowed for no more than thirty (30) days at a time. In the CBD district, these signs must not occupy an eight foot sidewalk clear area space. In all other districts, the signs shall not be placed in a public right-a-way.
5. Signs erected by an official governmental body, public utility, or historic agency.
6. Awning signs and Canopy Signs.
7. Flags.
8. Public Banners. Banners across public rights-of-way subject to any terms or conditions City Council or its designee deems appropriate.
9. Signs not readable by motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels.
10. Legal postings.

**3.23.7 Unsafe, Damaged, and Illegal Signs.**

In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall within ten (10) days of receipt of a written notice from the Zoning Administrator make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists. In the event said owner or lessee does

not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the City shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

**3.23.8 Permitted Freestanding Signs.**

Freestanding Signs					
	Height <sup>1</sup>	Area <sup>2</sup>	Number Allowed	Setback	Other
<b>CBD</b>	6 feet	Twenty (20) square feet per side. If the sign is to be placed in front of the business, there must be at least twenty (20) feet between the building and the property line.	<b>1 per premise</b> with 1 public road frontage.	A freestanding sign shall have a minimum setback of <b>5 feet</b> from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.	1. The supporting sign structure shall not be more than 1 foot higher than the height of the permitted sign.  2. In lieu of a freestanding sign, a sign may be attached to an independent standing canopy as long as no part of the sign or support structure extends over the property line, that the bottom of the sign is a minimum of ten feet from the ground or sidewalk level, that the total square footage of the sign is thirty (30) square feet or less, and that any illumination does not present a safety issue with a passing motorist.
<b>C-1</b>	8 feet	Thirty two (32) square feet per side.			
<b>C-2</b>	6 feet	Twenty (20) square feet per side. If the sign is to be placed in front of the business, there must be at least twenty (20) feet between the building and the property line.	<b>2 per premise</b> with 2 public road frontages. If two 2 signs are allowed, one sign shall not exceed 50% percent of the area requirements set forth herein and shall be placed at least 100 feet from the first sign and along the second street.		
<b>C-3A</b>	12 feet	Thirty six (36) square feet per side			
<b>C-3B</b>	14 feet	Forty eight (48) square feet per side.			
<b>C-3B</b> (Lots within 300' radius of any expressway exit)	20 feet				
<b>I</b>	8 feet	Forty (40) square feet per side.			
<b>RC</b>	12 feet	Thirty six (36) square feet per side			
<b>G</b>	8 feet	Thirty two (32) square feet per side.			
<b>R-1A R-1B R-2</b> Uses: Non-Residential	6 feet	Twenty (20) square feet per side.			
<b>R-1A R-1B R-2</b> Uses: Residential		Sixteen (16) square feet per side.			
<b>R-1A R-1B R-2</b> Uses: Multi-Family, Subdivisions, Residential Developments		Thirty two (32) square feet per side.			

<sup>1</sup>Measured from the level of the ground to the top of the sign or sign support whichever is higher.  
<sup>2</sup>Cluster Signs may have a sign 50% larger than otherwise permitted.

3.23.9 Permitted Wall Signs.

Wall Signs			
	Area	Number Allowed	Other
<b>CBD</b>	Two (2) square foot for each lineal foot of building wall not to exceed a total of ninety six (96) square feet.	Unlimited as long as the maximum allowable sign area per building is not exceeded.	<ol style="list-style-type: none"> <li>1. No wall sign shall be erected to extend above the top of the wall to which it is attached, or extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of a mansard roof are considered to be wall signs.</li> <li>2. All wall signs shall be safely and securely attached to the building.</li> <li>3. For buildings with distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage shall not exceed the maximum allowable square footage specified for each district.</li> <li>4. <b>Marquee Signs</b> are exempt from area standards and may project above the wall on which it is attached. Marquee Signs may project over the public sidewalk and shall maintain an eight (8) foot vertical clearance above the sidewalk.</li> </ol>
<b>C-1</b>	Two (2) square foot for each lineal foot of building wall not to exceed a total of ninety six (96) square feet.		
<b>C-2</b>	One (1) square foot for each lineal foot of building wall not to exceed a total of thirty two (32) square feet.		
<b>C-3A</b>	Two (2) square foot for each lineal foot of building wall not to exceed a total of one hundred twenty (120) square feet.		
<b>C-3B</b>			
<b>I</b>			
<b>RC</b>	Two (2) square foot for each lineal foot of building wall not to exceed a total of ninety six (96) square feet.		
<b>G</b>	One (1) square foot for each lineal foot of building wall not to exceed a total of thirty two (32) square feet.		
<b>R-1A R-1B R-2</b>	One (1) square foot for each lineal foot of building wall not to exceed a total of twenty (20) square feet.		

**3.23.10 Permitted Projecting Signs.**

1. One (1) projecting shall be permitted in all districts for non-residential uses in addition to the primary freestanding and/or wall signs.
2. The surface area of the projecting or suspended sign shall not exceed twenty (20) square feet on each side or a total of forty (40) square feet. The total square feet of the projecting sign (both sides) shall be subtracted from the total allowable wall signage square footage permitted for the District which the sign is located.
3. The bottom of the projecting shall be a minimum of eight (8) feet above the surface of the sidewalk or ground area, or otherwise be located so as not to interfere with pedestrian traffic.
4. Projecting signs may extend above a public right-of-way in the CBD.

**3.23.11 Permitted Temporary Signs.**

1. **Residential.** The total square footage for all temporary signs allowed per residential zoning lot shall be, in sum, sixteen (16) square feet.
2. **Non-Residential.** The total square footage for all temporary signs allowed per non-residential zoning lot shall be, in sum, thirty-two (32) square feet

**3.23.12 Permitted Message Boards.**

Only one (1) static or one (1) electronic message board shall be permitted per non-residential use in all districts in addition to the primary freestanding and/or wall sign. The size of the message board shall be no greater than thirty-two (32) square feet.

1. **Electronic Message Boards.**
  - a. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
  - b. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas.
  - c. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
  - d. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.
  - e. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

**3.23.13 Permitted Sandwich Boards.**

Sandwich style signs are to be removed when the business is not open for business. The panels of these signs shall not exceed two (2) feet by four (4) feet nor be less than two (2) feet by two (2) feet. A sign permit is not required, however, these signs must be registered and adhere to the ordinance.

**3.23.14 Permitted Directory Signs**

For offices, office parks, industrial parks, and multi-tenant buildings, directory signs which identify only the names and locations of occupants or uses within a building on a lot shall be permitted in addition to other signs permitted under these regulations.

1. No more than one (1) directory sign per lot is permitted, except where a lot has frontage on two or more roads.
2. No directory sign shall exceed twenty-four (24) square feet in area or six (6) feet in height from finished grade.
3. No directory sign shall be located closer than ten (10) feet to any property line in all districts and shall not be a projecting sign.

**3.23.15 Permitted Off-Premise Signs (Billboards).**

1. **Where Permitted.** Billboards shall be permitted only in the I District, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
2. **Spacing.**
  - a. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. The linear mile measurement shall not be limited to the boundaries of the City of Grayling where the particular street or highway extends beyond such boundaries.
    - (1) Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one (1) face visible to traffic proceeding from any given direction on a street or highway shall be considered as one (1) billboard.
    - (2) Billboard structures having tandem billboard faces (i.e., two (2) parallel billboard faces facing the same direction and side by side to one (1) another) or stacked billboard faces (i.e., two (2) billboard faces facing the same direction with one (1) face being directly above the other) shall be considered as one (1) billboard.
    - (3) Otherwise, billboard structures having more than one (1) billboard face shall be considered as two (2) billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in Subsection 2 below.



- b. No billboard shall be located within 1,000 feet of another billboard on either side of the same street or highway.
  - c. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
  - d. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
3. **Height.** The height of a billboard shall not exceed thirty (30) feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two (2) streets or roads having different levels, the height of the billboard shall be measured from the higher street or road.
4. **Surface Area.** The surface display area of any side of a billboard may not exceed three hundred (300) square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three hundred (300) square feet.
5. **Illumination.** A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
6. **Construction and Maintenance.**
- a. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
  - b. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
7. **Digital Off-Premise Signs.**
- a. **Rate of Change:** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
  - b. **Luminance:** The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.

- c. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.

**3.23.16 Permitted Off-Premise Directional Signs (Small).**

Small off-premise signs may be permitted in all districts subject to the review of the Zoning Administrator and the following standards:

1. No more than two (2) signs per use shall be permitted.
2. The size of an off-premise directional sign shall not exceed two (2) square feet in size.
3. The height of an off-premise directional sign shall be no less than three (3) feet nor exceed six (6) feet from grade. However, variations in height may be granted by the Planning Commission to ensure its visibility to motorists.
4. Illumination shall not be permitted.
5. Permission of the property owner where the proposed sign is to be located must be provided and included with the permit application.

**3.23.17 Permits Required.**

1. It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise specifically noted within the Ordinance.
2. A permit shall be issued by the Zoning Administrator only if the proposed sign meets all requirements of the Ordinance. If an alteration of an existing sign is limited to the information communicated on the sign, without increasing its size or creating a structural modification then the alteration is allowed without a fee.
3. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the zoning official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City.
4. The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such applications shall be made in writing on forms furnished by the City and shall be signed by the applicant.
5. The application for a sign permit shall be accompanied by the following plans and other information;
  - a. The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
  - b. The location by street address of the proposed sign structure.

- c. Complete information as required on application forms including a site plan and elevation drawings of the proposed sign and such other data as are pertinent to the application.
- d. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be use.
- e. An application, including all required information, for an electrical permit if the sign will have an electrical connection.
- f. A statement of valuation.

**3.23.18 Severance Clause.**

Provisions of §3.23 shall be deemed to be severable, and should any section, subsection, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Section as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Section to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

**Section 3.24: Circulation & Parking**

**3.24.1 Intent and Purpose**

The purpose of this section is to ensure the provision of off-street parking facilities that are sufficient in number, adequately sized and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the City or with land uses allowed by this Ordinance.

**3.24.2 Pedestrian Travelways**

- 1. **Required Pedestrian Travelway.** All developments except for single- and two-family dwellings shall provide clearly defined pedestrian travelways from the public sidewalk to main entrances of the buildings or to the sidewalk fronting the building in the case of a multi-entrance building.
- 2. **No Existing Public Sidewalk.** When a public sidewalk does not exist, the following shall apply:
  - a. For new construction on vacant land, both a public sidewalk and the required designated pedestrian connections shall be installed. The sidewalk must be constructed with a minimum five (5) foot landscaped green space (tree lawn) between the curb and the outside edge of the sidewalk. Street trees must be planted at intervals of not less than forty (40) feet apart.

- b. For reconstruction on an existing development, a public sidewalk shall be installed if at least forty (40) percent of the properties on both sides of the street in the same block have public sidewalks, as well as the required designated pedestrian routes.
3. **Standards.** Walkways shall be designed to be recognizable to both drivers and pedestrians. Any combination of at least two (2) of the following walkway treatments shall be used:
- a. Constructing the walk/crosswalk with different materials, such as concrete or brick or other material approved or recognized under The Americans with Disabilities Act (ADA) requirements;
  - b. Placing bollards at sufficient regular intervals to delineate the walk/crosswalk;
  - c. Aligning planting islands to define the walk/ crosswalk;
  - d. Raising the walk/ crosswalk; and
  - e. Painting pavement with walk/crosswalk striping.
  - f. Pedestrian travelways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travel way shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver.

**3.24.3 Bicycle Parking Substitution**

In off-street parking areas with twenty-five (25) or more automobile parking spaces, bicycle parking spaces may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of ten (10) automobile spaces replaced with bicycle parking.

**3.24.4 Motor Vehicle Parking – General Provisions.**

- 1. **Parking Required.** In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.
- 2. **Compliance Required.** Off-street parking and loading provisions of this section shall apply to the following:
  - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this chapter.
  - b. **Enlargement.** Whenever a building is expanded resulting in an increase in the required parking.

- c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
  - d. **Parking Area Construction and Expansion (For all new parking areas and whenever existing parking areas are expanded or upgraded).** Normal maintenance, such as re-grading of legal nonconforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.
3. **Compliance Not Required.** Regulations pertaining to off-street parking shall not apply to:
    - a. Commercial buildings in existence at the time of adoption of this Ordinance; or
    - b. Uses within the CBD.
  4. **Existing Off-Street Parking at Effective Date of Ordinance.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size to less than that required under the terms of this Ordinance.
  5. **Required Location and Setbacks.** Parking lot location and setback requirements are contained within **Article 4 District Regulations**.
  6. **Parking Duration.** Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or creating a junk yard or a nuisance in such area.
  7. **Units and Methods of Measurement.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:
    - a. **Floor Area.** Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, excluding that floor areas within the principal building used for parking, incidental service and storage, housing of mechanical equipment, heating systems and similar uses need not be included.
    - b. **Employees.** For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

- c. **Places of Assembly.** In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each twenty-four (24) inches of such shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
- d. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.

**3.24.5 Location of Parking**

- 1. **Single- and Two-Family Dwellings.** The off-street parking facilities required for single- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Section.
- 2. **Multiple-Family and Single-Family Attached Residential.** The off-street parking facilities for multiple-family dwellings and single-family attached dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in this Section.
- 3. **Other Land Uses.** The off-street parking facilities required for all other uses shall be located on the lot or within three hundred (300) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.
- 4. **Restriction on Parking on Private Property.** It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property without the authorization of the owner or agent of such property.

**3.24.6 Off-Street Parking Requirements.**

- 1. The amount of required off-street parking spaces for new uses or buildings, and additions to existing buildings shall be determined in accordance with the Schedule set forth in **§3.24.7**. Parking requirements listed in **§3.24.7** shall not include off-street stacking spaces for drive-through facilities set forth in **§3.24.10**.
- 2. **Similar Uses and Requirements.** When a use is not specifically mentioned, the requirements of off-street parking for a similar use shall apply.
- 3. **Collective Provisions.**
  - a. **Collective Parking for Uses Overlapping in Hours of Operation.** Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or uses, provided such facilities collectively shall not be less

than the sum of the requirements for the various individual uses computed separately in accordance with **§3.24.7** of this Article.

- b. **Collective Parking for Uses NOT Overlapping in Hours of Operation.** Joint use of a required parking area may be permitted for two (2) or more uses located on the same, adjacent, or nearby parcels provided that the developer or owner demonstrates that the uses will not overlap in hours of operation or in demand for shared spaces. In this case, a collective parking lot may be constructed providing the number of spaces required for only the use with the highest amount of required parking. The owners of all parcels used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve and shall be connected to that use by a defined pedestrian walkway.
4. **Parking Exemption.** As of the effective date of this Ordinance, nonresidential buildings and uses located within the CBD shall be exempt from providing off-street parking. However, in no case should a building or use be expanded to remove off-street parking established before the effective date of this Ordinance.
  5. **Flexibility in Application.** The City recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in **§3.24.7** may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring site, excessive paving and storm water runoff and misuse of space which could otherwise be left as open space.
    - a. The Planning Commission, based on a recommendation from the Zoning Administrator may permit deviations from the requirements of **§3.24.7** and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.
    - b. The Planning Commission may attach conditions to the approval of a deviation from the requirement of **§3.24.7** that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.
    - c. The Planning Commission, based on a recommendation from the Zoning Administrator, may allow deviations from the hard durable surface lot requirement for seasonal or auxiliary lots. The recommended surface shall be suitable for the given parking area in question.
  6. **Residential Driveways.** Driveways in R-1A or R-1B districts shall be a minimum of ten (10) feet in width. Driveways may not be located within thirty (30) feet of a street intersection. The Planning Commission may modify the requirements of this **§3.24.6 (6)**.

**3.24.7 Table of Off-Street Parking Requirements.**

City of Grayling Zoning Ordinance FINAL DRAFT	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

The amount of required off-street parking space for new uses or buildings, and additions to existing buildings shall be determined in accordance with the following table:

<b>Residential Uses</b>	
Single- or Two-Family Dwelling	2 Per each dwelling unit
Multiple-Family Dwelling	2 Per each dwelling, plus 1 Per each ten (10) dwelling units
Senior Citizen Housing and Senior Assisted Living	1 Per each dwelling unit, plus 1 Per each ten (10) dwelling units, plus 1 Per each employee
<b>Institutional Uses</b>	
Churches	1 Per each eight (8) seats based on maximum seating capacity in the main place of assembly therein.
Private Clubs, Lodges, and Senior Centers	1 Per each three (3) individual members allowed within the maximum occupancy load as established by fire and/or building codes
Hospitals	1 Per each four (4) beds, plus 1 Per staff doctor, plus 1 Per each employee @ peak shift
Convalescent Homes, Homes for the Aged, Children's Homes	1 Per each five (5) beds, plus 1 Per each staff doctor, plus 1 Per each employee @ peak shift
High Schools, Trade Schools, Colleges & Universities	1 Per each teacher, plus 1 Per each ten (10) students, plus 1 Per each employee
Elementary & Middle Schools	1 Per each teacher, plus 1 Per each twenty-five (25) students, plus 1 Per each employee
Child Care Center, or Nursery Schools	1 Per each five (5) students, plus 1 Per each employee
Day care homes	1 Per each employee and/or caregiver
Stadiums, Sports Arenas, and Auditoriums	1 Per each four (4) seats based on maximum seating capacity
Libraries, & Museums	1 Per each 500 sq. ft. of floor area
<b>General Commercial Uses</b>	
Retail Stores, except as noted below	1 Per each 300 sq. ft. of floor area specified herein
Supermarkets, drugstores, and other self-serve retail establishments	1 Per 200 sq. ft. of floor area
Convenience Stores and Video Stores	1 Per 100 sq. ft. of floor area
Planned shopping center	1 Per 150 sq. ft. of floor area for the first 15,000 sq. ft., plus 1 Per 300 sq. ft. of floor area in excess of 15,000 sq. ft.
Furniture, Appliances, Hardware, Household Equipment Sales	1 Per each 600 sq. ft. of floor area, plus 1 Per each employee
Motels and Hotels	1 Per each guest bedroom, plus 1 Per each 10 guests bedrooms, plus



	1 Per employee, plus amount required for accessory uses, such as a restaurant or cocktail lounge
Fast Food Restaurants	1 Per each 125 sq. ft. of floor area, plus 1 Per each employee during peak shift
Sit-Down Restaurants	1 Per each four (4) seats for the first 48 seats, and 1 per each eight seats for the next 49 seats to 100 seats, and 1 per each 12 seats over 100 plus 1 Per each employee during shift peak
Taverns and cocktail lounges	1 Per each four (4) persons allowed within the maximum occupancy load as established by fire and/or building codes, plus 1 Per each employee during peak shift
Garden Stores, Building Material Sales	1 Per each 800 sq. ft. of lot area used for said business provided for herein
Movie Theaters	1 Per each four (4) seats based on the maximum seating capacity, plus 1 Per each employee
Wholesale Stores, Machinery Sales, and other similar uses	1 Per each 800 sq. ft. of floor area, plus 1 Per each employee
Auto Sales	1 Per each 200 sq. ft. of showroom floor area, plus 1 Per each employee, plus 1 Per each service stall
Automotive Repair Facilities	2 Per each service stall, plus 1 Per each employee, plus 1 Per each service vehicle
Gasoline Stations without Convenience Store	1 Per each pump unit, plus 2 Per each service stall, plus 1 Per each employee
Gasoline Stations with Convenience Store	1 Per each pump unit, plus 2 Per each service stall, plus 1 Per each employee, plus 1 Per each 100 sq. ft. of floor area devoted to retail sales and customer service
Car Washes (self-serve)	1 Per each wash stall, plus 1 Per each vacuum station, plus 1 Per each employee
Car Washes (Automatic)	1 Per 200 sq. ft. of floor area of customer waiting and service areas, plus 1 Per each vacuum station, plus 1 Per each employee
Collision or Bump Shops, and other	2 Per each stall or service area, or similar uses 1 Per each employee

**Office & Service Uses**

Medical & Dental Office	1 Per each 200 sq. ft. of floor area
Business & Professional Offices	1 Per each 200 sq. ft. of floor area
Banks	1 Per each 200 sq. ft. of floor area
Barber & Beauty Shops	2 Per each stall or service area, or similar uses
Laundromats, or coin operated dry	1 Per each 2 washing or dry cleaning machines

cleaners	
<b>Recreational Uses</b>	
Bowling Alleys	4 Per bowling lane, plus 1 per employee, plus Amount required for accessory uses such as a restaurant or cocktail lounge
Private Tennis, Swim or Golf Clubs, or other similar uses	1 Per each two (2) memberships, plus Amount required for accessory uses such as a restaurant or cocktail lounge
Golf Course, open to the general public	4 Per each hole, plus 1 Per each employee, plus Amount required for accessory uses such as a restaurant or cocktail lounge
<b>Industrial Uses</b>	
Industrial or Manufacturing or Establishments	1 Per each employee, at peak shift, or 1 Per each 800 sq. ft. of floor area (whichever is greater)
Warehouses and Storage Buildings	1 Per each employee, or 1 Per each 2,000 sq. ft. of floor area (whichever is greater)
Contractors Office	1 Per each employee

**3.24.8 Off-Street Parking Lot Design and Construction.**

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before use of the property as a parking lot and before a Certificate of Occupancy is issued. Unless incorporated in a site plan prepared and approved in accordance with **Article 5**, plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot.

1. All such parking lots, driveways, or loading areas required for uses other than single- or two-family residential shall be a hard durable, smooth, and dustless surface and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely constructed prior to a Certificate of Occupancy being issued. Drainage for parking lots shall conform to the standards set forth in **§3.17** Hard durable surface is defined as cement, bituminous materials (asphalt), or other comparable compacted materials.
2. All illumination for all such parking lots shall meet the standards set forth in **§3.14**.
3. Parking lot landscaping and buffering requirements shall meet the standards set forth in **§3.10 and 3.11**. Landscaped islands shall be required for any parking lot exceeding thirty-three (33) parking spaces.
4. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.

5. Where necessary to prevent encroaching upon pedestrian walkway or damaging required landscaping, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.
6. All parking lots larger than 3,000 sq ft or containing more than ten (10) parking spaces shall provide an on-site snow storage area. The minimum basis for the required area shall be a 10:1 ratio to the parking area. Show storage areas shall be located in such a manner that they do not interfere with clear visibility of traffic on adjacent streets and driveways or interfere with pedestrian passage.
7. All parking lots must clearly mark parking spaces either by painted lines, wheel stops, or the equivalent.
8. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations.

<b>Off-Street Parking Facilities</b>				
<b>Degree of Parking Pattern</b>	<b>Maneuvering Lane Width</b>		<b>Parking Space Width</b>	<b>Parking Space Length</b>
	<b>One-way</b>	<b>Two-way</b>		
<b>0 Parallel</b>	12 ft	18 ft	9 ft	20 ft
<b>30 – 53</b>	12 ft	20 ft	9 ft	20 ft
<b>54 – 74</b>	18 ft	20 ft	9 ft	20 ft
<b>75 – 90</b>	20 ft	24 ft	9 ft	20 ft

**3.24.9 Off-Street Loading Requirements.**

1. On the same premises with every building or part thereof, erected and occupied for any uses involving the receipt or distribution of trucks and/or delivery vehicles, material or merchandise, adequate space for loading and unloading shall be provided.
2. Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

<b>Gross Floor Area of Building (sq. ft.)</b>	<b>Required Loading &amp; Unloading Spaces</b>
<b>0-5,000</b>	None
<b>5,000-10,000</b>	One (1) space with a minimum length of 20 ft
<b>10,000-20,000</b>	One (1) space
<b>20,000 - 100,000</b>	One (1) space plus one (1) space for each 20,000 sq ft in excess of 20,000 sq ft
<b>100,000 - 500,000</b>	Five (5) spaces plus one (1) space for each 40,000 sq ft in excess of 100,000 sq ft
<b>over 500,000</b>	Fifteen (15) spaces plus one (1) space for each 80,000 sq ft in excess of 500,000 sq ft

3. **Required Greenbelt, Setbacks, and Screening.**

- a. Off-street loading shall be permitted within the required side or rear yard setbacks, provided a minimum ten (10) foot setback is maintained between off-street loading and the abutting side and rear lot lines.
- b. Off-street loading which abuts residentially zoned or used property shall be screened in accordance with § 3.11.

4. **Double Count.** Off-Street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

**3.24.10 Off-Street Stacking Space for Drive-Through Facilities.**

- 1. All businesses which provide drive-through facilities for serving customers within their automobile shall provide adequate off-street stacking space and lanes which meets the following requirements:
- 2. Each stacking space shall be computed on the basis of ten (10) feet in width and twenty (20) feet in length. Each stacking lane shall be a minimum of twelve (12) feet in width.
- 3. Clear identification and delineation between the drive-through facility and parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
- 4. For all drive-through facilities which have a single stacking lane, an escape lane shall be provided which allows other vehicles to pass those waiting to be serviced.
- 5. The number of stacking spaces per service lane shall be provided for the following uses:

Use*	Stacking Spaces Per Service Lane
Pharmacy	2
Bank	4
Photo Service	4
Dry-Cleaning	4
Fast-Food Restaurants	6
Car Washes (Self-Service)	
Entrance	3
Exit	1
Car Washes (Automatic)	
Entrance	6
Exit	2
*When a use is not specifically mentioned, the requirements for off-street stacking space for a similar use shall apply.	

**Section 3.25: Essential Services**

Essential services shall be permitted as authorized and regulated by law and other ordinances of the City. The construction of buildings, but not storage yards, associated with essential services shall be subject to the provisions of **Article 5**. Otherwise, the construction, maintenance, and alteration of essential services shall be exempt from the provisions of this Ordinance.

# Article 4 District Regulations

Sec	Name	Pg	Sec	Name	Pg
4.1	District Designations	4-1	4.9	C-2 Medical/Professional Office/Mixed Use District	4-25
4.2	Zoning District Map	4-1	4.10	C-3A General Commercial District	4-28
4.3	Application of District Regulations	4-3	4.11	C-3B General Commercial –South Town District	4-34
4.4	RC, Recreation District	4-6	4.12	CBD Central Business District	4-39
4.5	R-1A Single-Family Residential District, Low Density	4-10	4.13	I General Industrial District	4-43
4.6	R-1B Single-Family Residential District, Med. Density	4-14	4.14	G Government District	4-47
4.7	R-2 Multiple-Family Residential District	4-17	4.15	Table of Permitted Uses & Special Land Uses	4-51
4.8	C-1 Local Service District	4-21	4.16	Schedule of Regulations	4-63

## Section 4.1 District Designations

For the purpose of the Ordinance, the City of Grayling is hereby divided into the following districts:

- RC Recreation District
- R-1A Single-Family Residential, Low Density District
- R-1B Single-Family Residential, Medium Density District
- R-2 Multiple-Family Residential District
- CBD Central Business District
- C-1 Local Service District
- C-2 Medical Cottage Industry/Professional Office/Mixed Use District
- C-3A General Commercial District
- C-3B General Commercial – South Town District
- I Industrial District
- G Government District

## Section 4.2 Zoning District Map

### 4.2.1 Identified.

The zoning districts as provided in §4.1 are bounded and defined as shown on the map entitled "Zoning District Map of the City of Grayling." The Zoning District Map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this Ordinance.

### 4.2.2 Authority.

Regardless of the existence of purported copies of the Zoning District Map which may be published, a true and current copy of the Zoning District map available for public inspection shall be located in and maintained by the office of the City Clerk. The Clerk's copy shall be the final authority as to the current status of any land, parcel, lot, district, use, building, or structure in the City.

### 4.2.3 Interpretation of District Boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

1. A boundary indicated as approximately following the centerline of a street, highway, alley, or easement shall be construed as following such centerline.
2. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
3. A boundary indicated as approximately following a municipal boundary line shall be construed as following such line.
4. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.
5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
6. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
7. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where an existing physical feature is at variance with that shown on the Official Zoning Map or any other circumstances not covered by (1) through (7) preceding, the Zoning Board of Appeals shall interpret the location of the zoning district boundary.
9. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

**4.2.4 Zoning of Annexed Areas.**

Whenever any area is annexed to the City of Grayling, one of the following conditions will apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council and the Council shall approve same by resolution.
2. Land not zoned prior to annexation shall be automatically classified as an R-1 District until a Zoning Map for said area has been adopted by the City Council. The Planning Commission shall

recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the City Council.

**4.2.5 Zoning of Vacated or Filled Areas.**

1. **Vacated Areas:** Whenever any street, highway or other public right-of-way within the City of Grayling shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.
2. **Filled Areas:** Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Village unless appropriate permits are obtained.

**Section 4.3 Application of District Regulations**

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district.

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner.

**4.3.1 Uses in Districts.**

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses.
2. **Special Uses.** Special uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses.

**4.3.2 Application of Area and Width Regulations.**

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.



2. Every parcel of land shall meet the minimum lot width requirements set forth in **§4.16 Schedule of Regulations** and shall have frontage on and/or direct access to a public street which has been accepted for maintenance by the City.
3. Except in the R-1A District, access to a single-family dwelling shall be limited to one individual driveway. Corner lot owners may seek an additional driveway off the opposite street as a Special Use.

**4.3.3 Application of Yard Regulations.**

1. No part of a yard required for any building for the purposes of compliance with this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
2. All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.
3. All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the structure and the side or rear lot line parallel thereto.
4. On corner lots the required front yards shall be provided along both street frontages.
5. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way except for those improvements authorized by the City.

**4.3.4 Application of Height Regulations.**

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, as set forth in **§4.16, Schedule of Regulations**.
2. **Exception to Height Regulations.** Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, and screens, flagpoles, chimneys, smokestacks, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure shall exceed by more than fifteen (15) feet the height limit of the district in which it is located.
3. Communications towers (wireless communications facilities) shall be subject to the regulations set forth in **§7.23**.
4. Height of structures shall conform to the Michigan Aeronautics Commission rules and regulations and Part 77 of the Federal Aviation Administration regulations, and the **Crawford County Airport Zoning Ordinance**.

**4.3.5 Location and Number of Buildings on Lot of Record.**

1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.

2. Except where otherwise specified in this Ordinance, there shall be only one (1) single-family dwelling permitted per lot in the Recreation or single-family zoning districts. Where there is more than one (1) single-family dwelling located on a lot of record at the time of adoption of this Ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this Ordinance.

**Section 4.4 RC, Recreation District**

**RC**

**4.4.1 Purpose.**

This District is composed of those areas of the City whose principal use is and ought to be residential areas and recreationally-related uses. The regulations of this District are designed to provide for single-family detached and attached dwelling units and to encourage development on the Au Sable River.

**4.4.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.4.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

<b>RC: Recreation District</b>		<b>Table 4.4.2</b>
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>		
P = Permitted by right    S = Permitted with a Special Use Permit		<b>RC</b>
<b>ACCOMODATION &amp; FOOD SERVICES</b>		
<i>Bed &amp; Breakfasts (including participation in program such as Air B &amp; B)</i>		<b>S*</b>
<i>Rooming Houses &amp; Tourist Homes</i>		<b>S*</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>		
<i>Amusement Parks</i>		<b>S*</b>
<i>Golf Courses &amp; Driving Range</i>		<b>S*</b>
<i>Private Clubs; Lodges</i>		<b>S</b>
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas</i>		<b>P</b>
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>		
<i>State-Licensed Residential Facilities (6 or less adults)</i>		<b>P*</b>
<i>Adult Foster Care Family Homes (6 or less adults)</i>		
<b>MISCELLANEOUS</b>		
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>		<b>P</b>
<i>Planned Unit Developments</i>		<b>S*</b>
<i>Resource Extraction/Mining</i>		<b>S*</b>
<b>RESIDENTIAL</b>		
<i>Accessory Dwelling Units/Guest Houses</i>		<b>S*</b>
<i>Cluster Housing (§3.4)</i>		<b>S*</b>
<i>Medical Marijuana Primary Caregiver Facility</i>		<b>P*</b>
<i>Single-Family Dwelling</i>		<b>P</b>
<i>Single-Family Attached Dwelling (Townhouses, Condominiums)</i>		<b>P</b>

4.4.3 Development Standards

**Lot & Structure Standards (Figure 1)** **Table 4.4.3 A**

<b>Lot Area (minimum)</b>	7,200 sq ft
<b>Lot Width (minimum)</b>	60 ft
<b>Building Height<sup>1</sup> (maximum)</b>	2 ½ stories and 35 ft (75 ft for farm buildings) <sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning ordinance.
<b>Building Width – Primary Structure (minimum)</b>	20 feet for single-family detached dwelling units.
<b>Lot Coverage (maximum)</b>	Single-Family Detached & Two-Family Dwelling Units: 75%. All other uses: no maximum.
<b>Floor Area (minimum)</b>	<b>Per Dwelling Unit:</b> Single-family: 800 sq ft Two-family: 720 sq ft Multiple-family <sup>1</sup> : Studio Unit 400 sq ft 1 bedroom+ unit 600 sq ft <b>Nonresidential:</b> No minimum square footage except as required by building code.

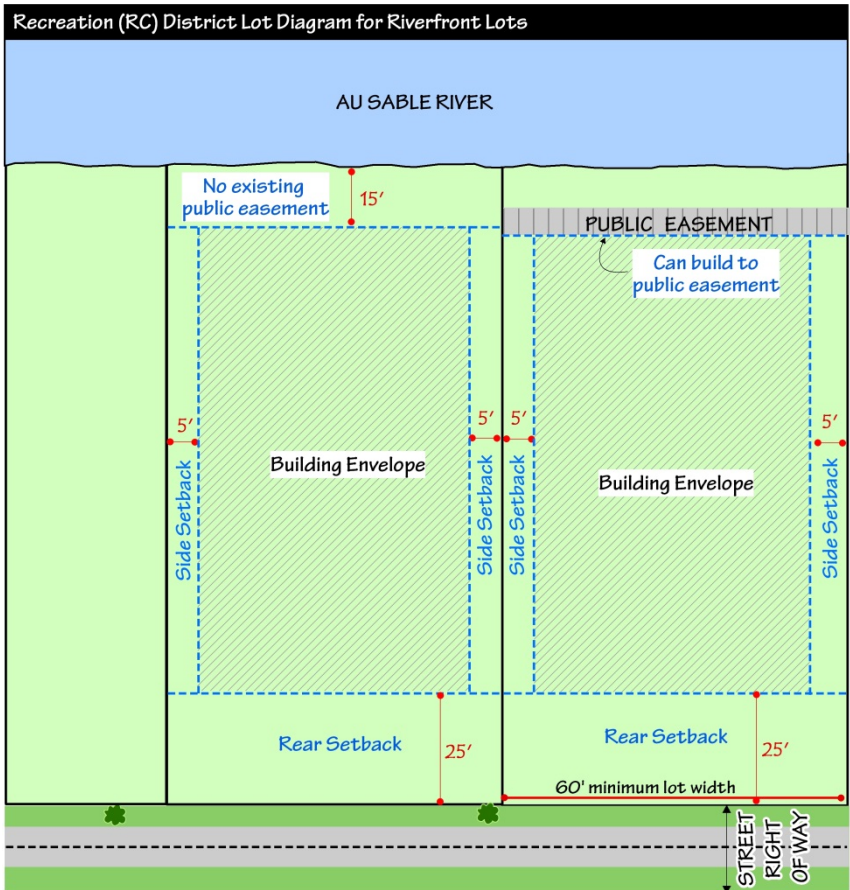
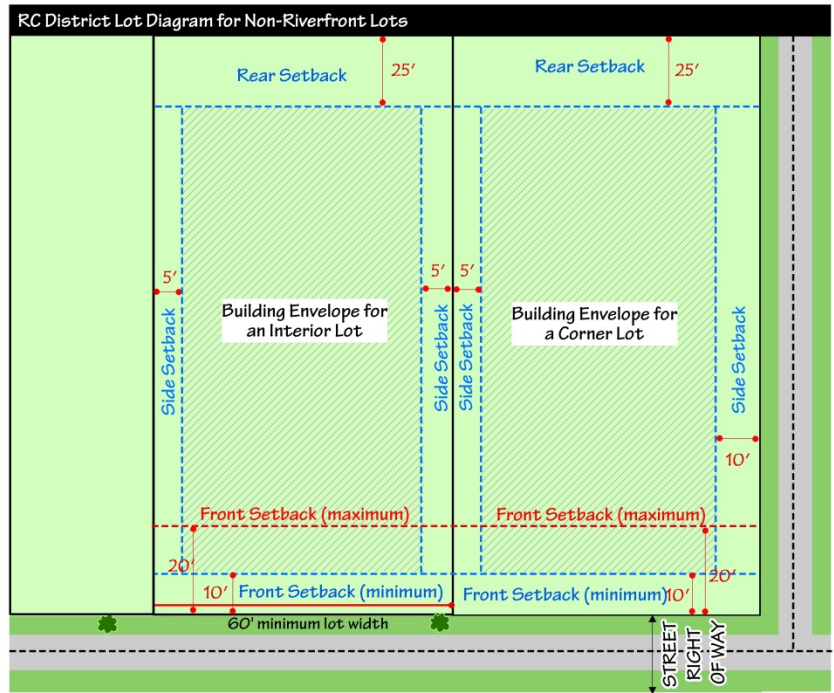
**Setbacks (Figure 1)** **Table 4.4.3 B**

<b>Front</b>	10 ft minimum; 20 ft maximum	
<b>Rear</b>	25 ft minimum	
<b>Side</b>	5 ft minimum	
<b>Side (street side - corner lot)</b>	10 ft minimum	
<b>Riverfront Lots</b>	<b>Front (Riverfront)</b>	15 ft minimum if no public easement along the riverfront exists. If a public easement along the riverfront exists, may build to public easement.
	<b>Rear (Street)</b>	10 ft minimum

**Development Standards** **Table 4.4.3 C**

<b>Water/Sewer</b>	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.
<b>Setback Averaging</b>	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures. <b>(Figure 2)</b>
<b>Accessory Buildings</b>	Regulated by <b>§3.6</b>
<b>Fences</b>	Regulated by <b>§3.11</b>
<b>Screening</b>	When a non-residential use abuts a residential use or district, screening is required as per <b>§3.11.7</b> . A greenbelt may be used for screening purposes as per <b>§3.10.4</b> .
<b>Decks, Porches &amp; Patios</b>	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.
<b>Walkways/Docks</b>	Docks and/or walkways shall not extend past the edge of the actual waterline of the river and shall be setback a minimum of ten (10) feet from the side lot lines. <b>(Figure 3)</b>

Figure 1: Lot & Structure Standards Diagrams



Diagrams are not drawn to scale.

Figure 2: Setback Averaging

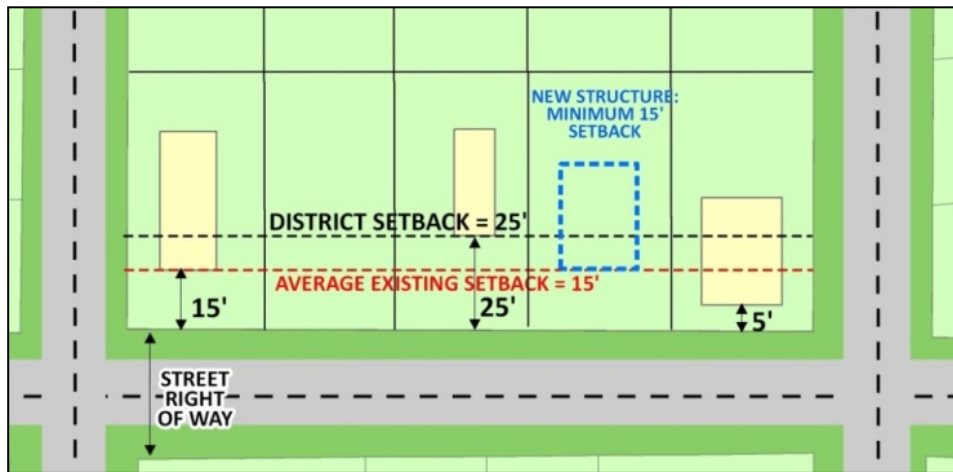
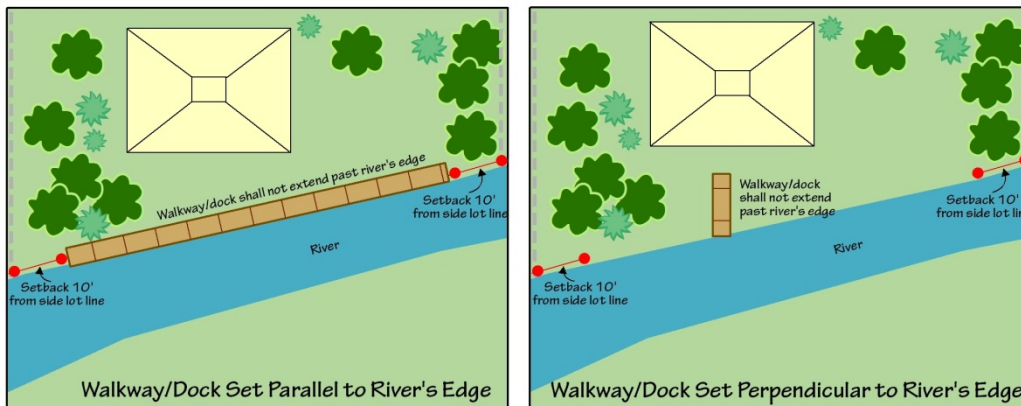


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

Figure 3: Walkways & Docks





**Section 4.5 R-1A, Single-Family Residential District, Low Density**

**R-1A**

**4.5.1 Purpose.**

This District is composed in those areas of the City served by a public water supply system and a public sanitary sewer system where the principal use is intended to be single-family dwellings developed at a lower density. In addition to the dwellings permitted in this Zoning District, there are certain non-residential and public uses which may be permitted through the conditional approval of the City.

**4.5.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.5.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

<b>Table 4.5.2 R-1A: Single-Family Residential District</b>	
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right S = Permitted with a Special Use Permit	<b>R-1A</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts (including participation in program such as Air B &amp; B)</i>	<b>S*</b>
<i>Rooming Houses &amp; Tourist Homes</i>	<b>S*</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Canoe/Kayak Livery</i>	<b>P</b>
<i>Private Clubs; Lodges</i>	<b>S</b>
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas</i>	<b>P</b>
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Religious Institutions</i>	<b>S</b>
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	<b>P*</b>
<i>Group Child Care Home (7 -12)</i>	<b>S*</b>
<i>Child Care Center /Nursery School(not in home)</i>	<b>S*</b>
<i>State-Licensed Residential Facilities (6 or less adults)</i>	<b>P*</b>
<i>Adult Foster Care Family Homes (6 or less adults)</i>	
<i>Adult Foster Care Small Group Home (7-12 adults)</i>	<b>S*</b>
<i>Adult Foster Care Large Group Home (13-20 adults)</i>	
<b>MISCELLANEOUS</b>	
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	<b>P</b>
<i>Planned Unit Developments</i>	<b>S*</b>
<i>Resource Extraction/Mining</i>	<b>S*</b>
<b>RESIDENTIAL USES</b>	
<i>Accessory Dwelling Units/Guest Houses</i>	<b>S*</b>
<i>Cluster Housing (§3.4)</i>	<b>S*</b>
<i>Cottage Industries</i>	<b>S*</b>
<i>Home Occupations</i>	<b>P*</b>
<i>Medical Marijuana Primary Caregiver Facility</i>	<b>P*</b>
<i>Single-Family Dwelling</i>	<b>P</b>
<i>Single-Family Attached Dwellings (Townhouses; Condominiums)</i>	<b>P</b>
<i>Two-Family Dwelling (duplex)</i>	<b>P</b>

4.5.3 Development Standards

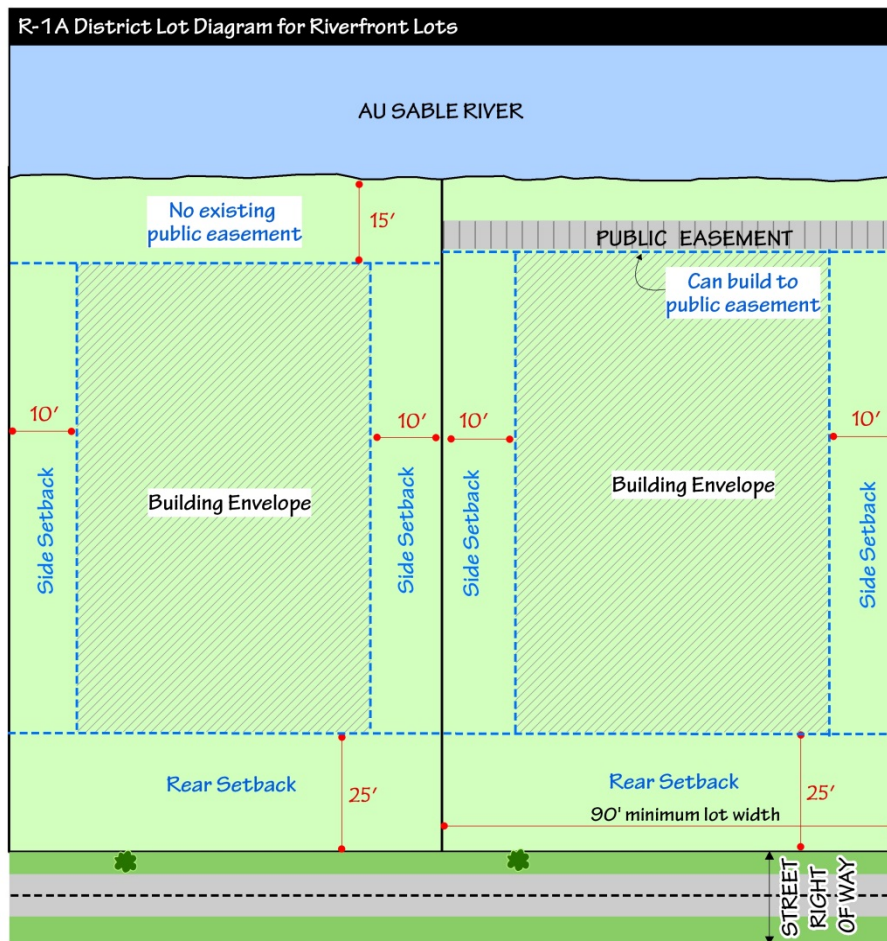
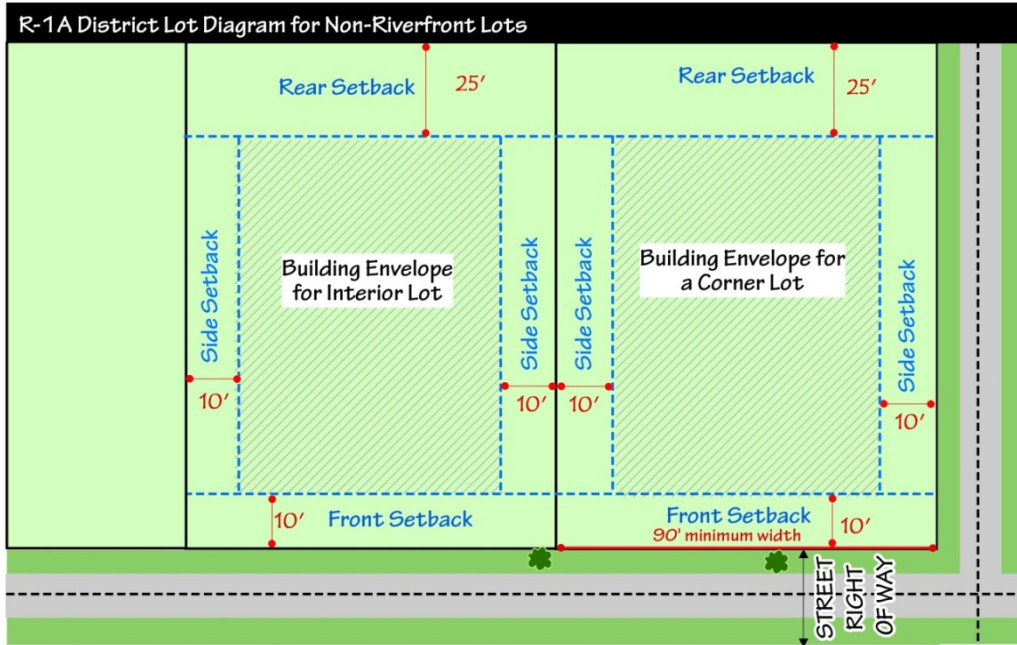
R-1A

Lot & Structure Standards (Figure 1)		Table 4.5.3 A
Lot Area (minimum)	10,800 sq ft	
Lot Width (minimum)	90 ft	
Building Height <sup>1</sup> (maximum)	2 ½ stories and 35 ft <sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
Building Width – Primary Structure (minimum)	20 feet for single-family detached dwelling units.	
Lot Coverage (maximum)	Single-Family Detached & Two-Family Dwelling Units: 75%. All other uses: no maximum.	
Floor Area per Dwelling Unit (minimum)	<p><b>Per Dwelling Unit:</b> Single-family: 800 sq ft    Two-family: 720 sq ft Multiple-family<sup>1</sup>: Studio Unit 400 sq ft    1 bedroom+ unit 600 sq ft</p> <p><b>Nonresidential:</b> No minimum square footage except as required by building code.</p>	
Setbacks (Figure 1)		Table 4.5.3 B
Front	10 ft minimum	
Rear	25 ft minimum	
Side	10 ft minimum	
Side (street side - corner lot)	10 ft minimum	
Riverfront Lots	Front (Riverfront)	15 ft minimum if no public easement along the riverfront exists. If a public easement along the riverfront exists, may build to easement.
	Rear (Street)	10 ft minimum

Additional Development Standards		Table 4.5.3 C
Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures (Figure 2).	
Accessory Buildings	Regulated by §3.6	
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.11.7. A greenbelt may be used for screening purposes as per §3.10.4.	
Fences	Regulated by §3.11	
Decks, Porches & Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	
Walkways & Docks	Docks and/or walkways shall not extend past the edge of the actual waterline of the river and shall be setback a minimum of ten (10) feet from the side lot lines (Figure 3).	



Figure 1: Lot & Structure Standards Diagrams



Diagrams are not drawn to scale.

Figure 2: Setback Averaging

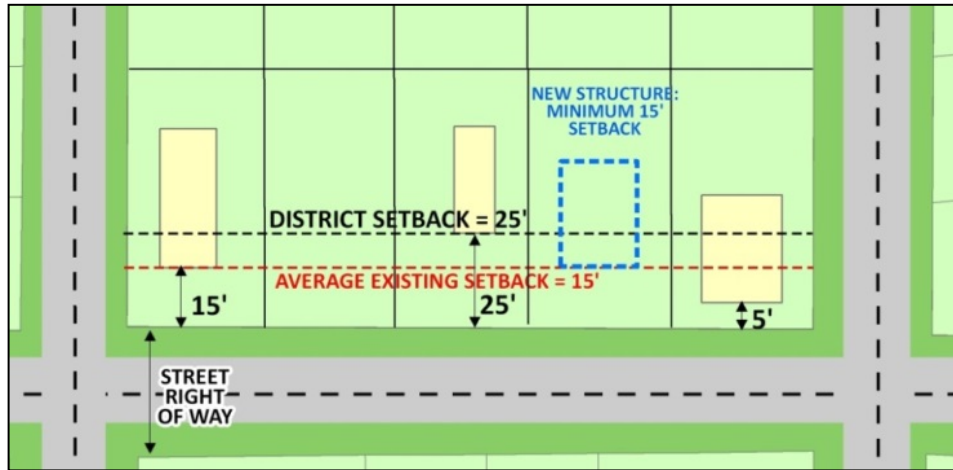
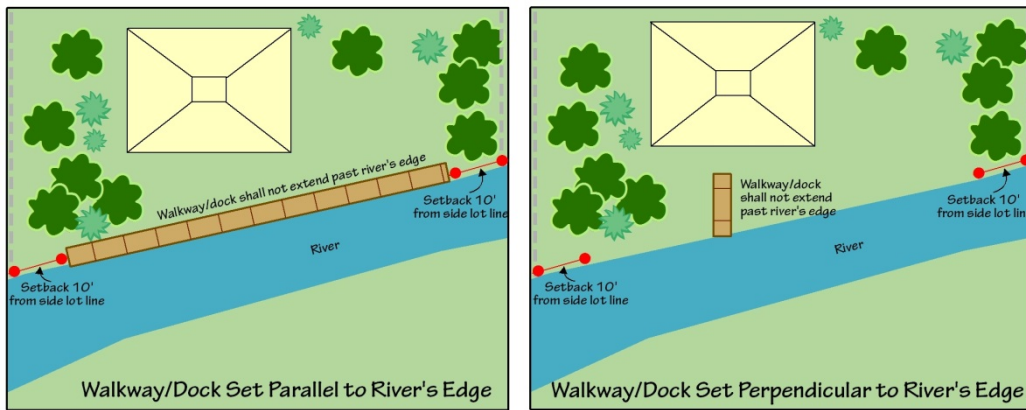


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

Figure 3: Walkways & Docks



**Section 4.6 R-1B, Single-Family Residential District, Medium Density**

**R-1B**

**4.6.1 Purpose.**

This District is composed of those areas of the City served by a public water supply system and public sanitary sewer system where the principal use is intended to be single-family dwellings on moderately sized lots. In addition to the dwellings permitted in this Zoning District, there are certain non-residential and public uses which may be permitted through the conditional approval of the City.

**4.6.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.6.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

<b>Table 4.6.2</b>	
<b>R-1B: Single-Family Residential District</b>	
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right	<b>R-1B</b>
S = Permitted with a Special Use Permit	
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts (including participation in program such as Air B &amp; B)</i>	<b>S*</b>
<i>Rooming Houses &amp; Tourist Homes</i>	<b>S*</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Private Clubs; Lodges</i>	<b>S</b>
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas</i>	<b>P</b>
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Public or private schools</i>	<b>S</b>
<i>Religious Institutions</i>	<b>S</b>
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	<b>P*</b>
<i>Group Child Care Home (7 -12)</i>	<b>S*</b>
<i>Child Care Center /Nursery School(not in home)</i>	<b>S*</b>
<i>State-Licensed Residential Facilities (Adult Foster Care Small Group Home of 6 or less adults)</i>	<b>P*</b>
<i>State-Licensed Residential Facilities (Adult Foster Care Large Group Home of more than 6 adults)</i>	<b>S*</b>
<b>MISCELLANEOUS</b>	
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	<b>P</b>
<i>Planned Unit Developments</i>	<b>S*</b>
<i>Resource Extraction/Mining</i>	<b>S*</b>
<b>RESIDENTIAL USES</b>	
<i>Accessory Dwelling Units/Guest Houses</i>	<b>S*</b>
<i>Cluster Housing (§3.4)</i>	<b>S*</b>
<i>Cottage Industries</i>	<b>S*</b>
<i>Home Occupations</i>	<b>P*</b>
<i>Medical Marijuana Primary Caregiver Facility</i>	<b>P*</b>
<i>Single-Family Detached</i>	<b>P</b>
<i>Single-Family Attached Dwelling (Townhouses; Condominiums)</i>	<b>P</b>
<i>Two-Family Dwelling (duplex)</i>	<b>P</b>

R-1B

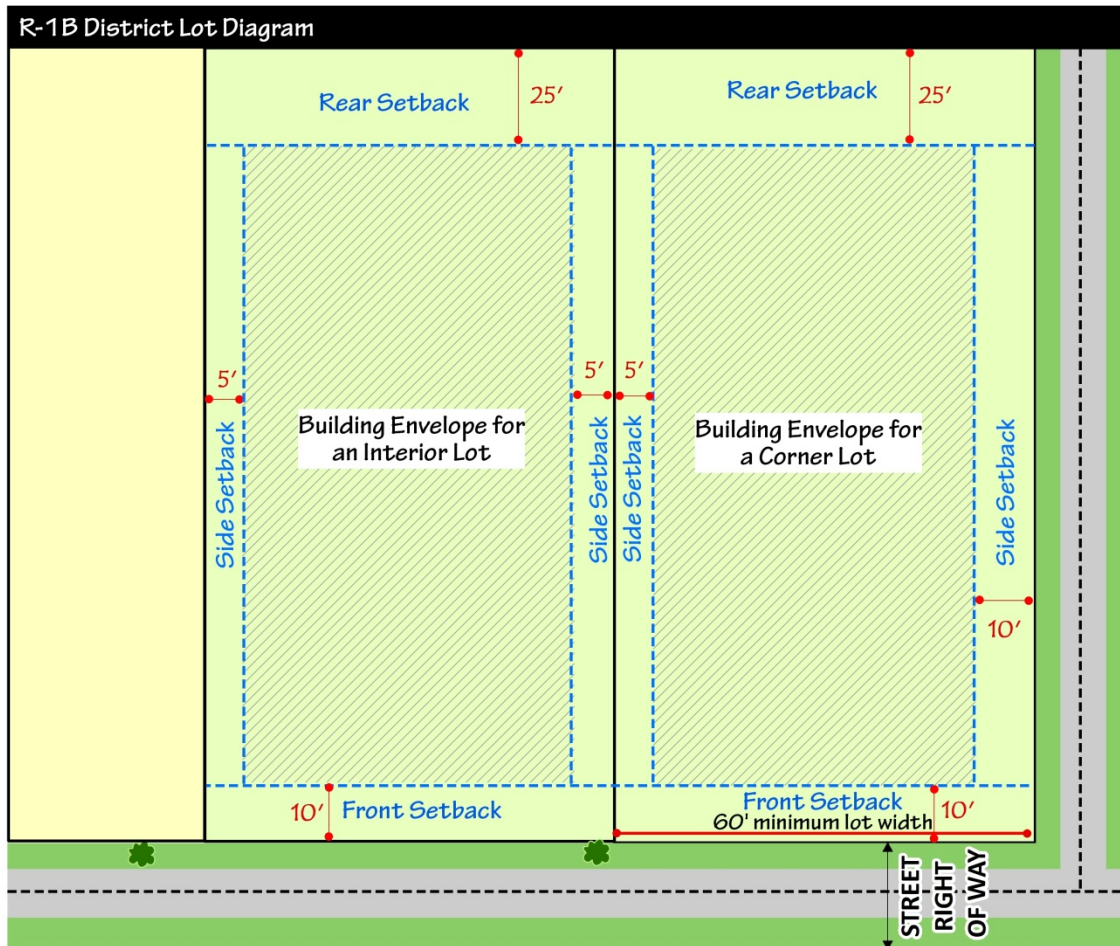
4.6.3 Development Standards

Lot & Structure Standards (Figure 1)		Table 4.6.3 A
Lot Area (minimum)	7,200 sq ft	
Lot Width (minimum)	60 ft	
Building Height <sup>1</sup> (maximum)	2 ½ stories or 35 ft	
	<sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
Building Width – Primary Structure (minimum)	20 feet for single-family detached dwelling units.	
Lot Coverage (maximum)	Single-Family Detached & Two-Family Dwelling Units: 75%.	
	All other uses: no maximum.	
Floor Area (minimum)	<b>Per Dwelling Unit:</b> Single-family: 800 sq ft Two-family: 720 sq ft Multiple-family <sup>1</sup> : Studio Unit 400 sq ft 1 bedroom+ unit 600 sq ft	
	<b>Nonresidential:</b> No minimum square footage except as required by building code.	
Setbacks (Figure 1)		Table 4.6.3 B
Front	10 ft minimum	
Rear	25 ft minimum	
Side	5 ft minimum	
Side (street side - corner lot)	10 ft minimum	

Additional Development Standards		Table 4.6.3 C
Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures (Figure 2).	
Accessory Buildings	Regulated by §3.6	
Fences	Regulated by §3.11	
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.11.7. A greenbelt may be used for screening purposes as per §3.10.4.	
Decks, Porches & Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	



Figure 1: Lot & Structure Standards Diagram



Diagrams are not drawn to scale.

Figure 2: Setback Averaging

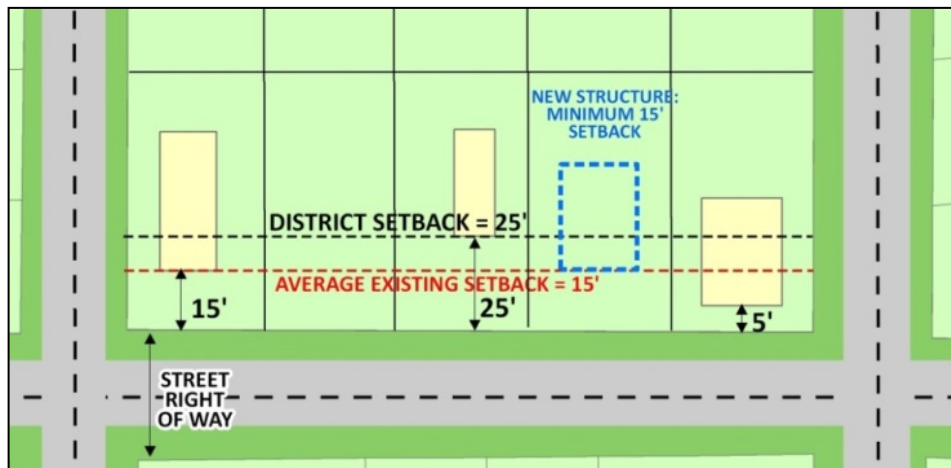


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

**Section 4.7 R-2, Multiple-Family Residential District**

**R-2**

**4.7.1 Purpose.**

This District is composed of those areas of the City where the principal use is intended to be single- and multiple family dwellings. Areas zoned R-2 shall be served by public water supply system and a public sanitary sewerage system, and abut or are adjacent to such other uses, buildings, structures, or amenities which support, complement or serve a multiple-family density. In addition to the dwellings permitted in this Zoning District, there are certain non-residential and public uses which may be permitted through the conditional approval of the City.

**4.7.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.7.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

<b>Table 4.7.2 R-2: Multiple-Family Residential District TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right S = Permitted with a Special Use Permit	R-2
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bed &amp; Breakfasts (including participation in program such as Air B &amp; B)</i>	S*
<i>Rooming Houses &amp; Tourist Homes</i>	S*
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Private Clubs; Lodges</i>	S
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas</i>	P
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Public or private schools</i>	S
<i>Religious Institutions</i>	S
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Family Child Care Home (6 or less)</i>	P*
<i>Group Child Care Home (7 -12)</i>	S*
<i>Child Care Center /Nursery School(not in home)</i>	S*
<i>Assisted Living Home/Nursing Home/Convalescent Home</i>	S
<i>State-Licensed Residential Facilities (6 or less adults) Adult Foster Care Family Homes (6 or less adults)</i>	P*
<i>Adult Foster Care Small Group Home (7-12 adults) Adult Foster Care Large Group Home (13-20 adults)</i>	S*
<i>Adult Foster Care Congregate Facilities</i>	S
<b>MISCELLANEOUS</b>	
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	P
<i>Planned Unit Developments</i>	S*
<i>Resource Extraction/Mining</i>	S*
<b>RESIDENTIAL USES</b>	
<i>Accessory Dwelling Units/Guest Houses</i>	S*
<i>Cluster Housing (§3.4)</i>	S*
<i>Cottage Industries</i>	S*
<i>Home Occupations</i>	P*
<i>Manufactured Housing Communities</i>	S*
<i>Medical Marijuana Primary Caregiver Facility</i>	P*
<i>Multiple-Family Dwelling Units (apartments)</i>	P
<i>Single-Family Dwelling</i>	P
<i>Single-Family Attached Dwelling (Townhouses; Condominiums)</i>	P
<i>Two-Family Dwelling (duplex)</i>	P

4.7.3 Development Standards

R-2

Lot & Structure Standards (Figure 1)		Table 4.7.3 A
Lot Area (minimum)	Single-Family 7,200 sq ft	
Lot Width (minimum)	Single-Family 60 ft	
Building Height <sup>1</sup> (maximum)	5 stories for Multi-Family Residential	
	2 ½ stories and 35 feet for all other uses	
	<sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning ordinance.	
Building Width – Primary Structure (minimum)	20 feet for single-family detached dwelling units. Does not apply to manufactured homes in an approved Manufactured Housing Community.	
Lot Coverage (maximum)	Single-Family Detached & Two-Family Dwelling Units: 75%.	
	All other uses: no maximum.	
Floor Area (minimum)	<b>Per Dwelling Unit:</b>	
	Single-family: 800 sq ft Two-family: 720 sq ft	
	Multiple-family <sup>1</sup> : Studio Unit 400 sq ft 1 bedroom+ unit 600 sq ft	
	<b>Nonresidential:</b>	
	No minimum square footage except as required by building code.	
Setbacks (Figure 1)		Table 4.7.3 B
Front	10 ft minimum	
Rear	25 ft minimum	
Side	5 ft minimum	
Side (street side - corner lot)	20 ft minimum	

Additional Development Standards		Table 4.7.3 C
Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures (Figure 2).	
Accessory Buildings	Regulated by §3.6	
Fences	Regulated by §3.11	
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.11.7. A greenbelt may be used for screening purposes as per §3.10.4.	
Decks, Porches & Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	

Figure 1: Lot & Structure Standards Diagram

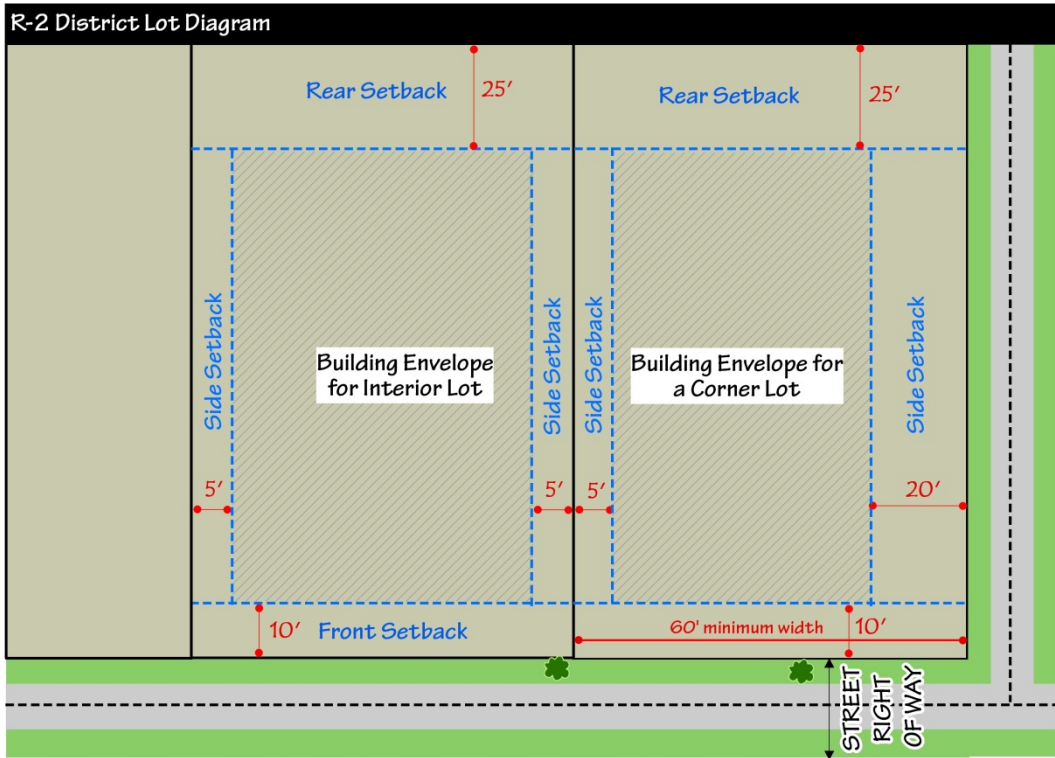


Diagram is not drawn to scale.

Figure 2: Setback Averaging

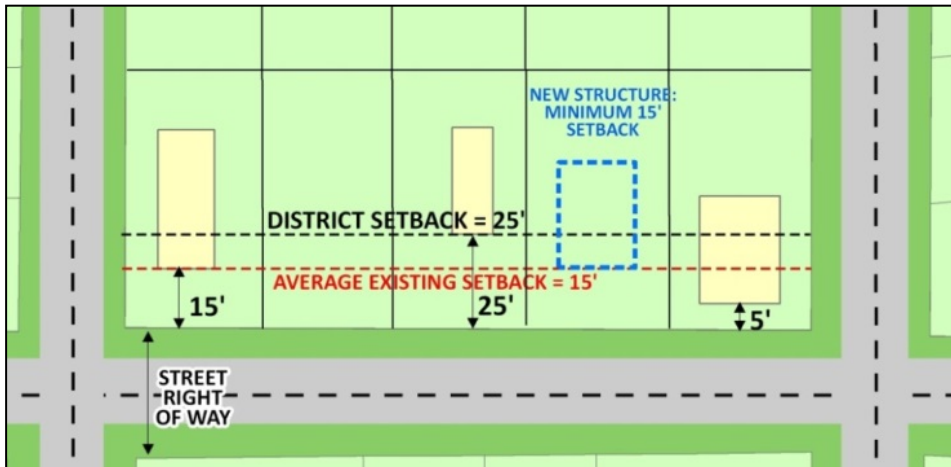


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.



**Section 4.8 C-1, Local Service District**

**C-1**

**4.8.1 Purpose.**

The District is designed primarily for the convenience of persons residing in the City by providing office, limited retail, and business service uses that serve the adjacent and surrounding neighborhoods. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other districts.

**4.9.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed in **Table 4.82** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

<b>Table 4.8.2 C-1: Local Service District</b>	
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right S = Permitted with a Special Use Permit	<b>C-1</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	<b>P</b>
<i>Bed &amp; Breakfasts (including participation in program such as Air B &amp; B)</i>	<b>S*</b>
<i>Caterers/Food Service Contractors</i>	<b>P</b>
<i>Coffee Shops</i>	<b>P</b>
<i>Convention Centers/Conference Centers/Banquet Halls</i>	<b>S</b>
<i>Drinking Establishments/Taverns (and/or providing entertainment) /Restaurants serving alcohol</i>	<b>S</b>
<i>Microbreweries, Distilleries, &amp; Wineries (serving directly to the public)</i>	<b>S</b>
<i>Restaurants without Drive-Through</i>	<b>P</b>
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>	<b>P*</b>
<i>Restaurants with Outdoor Dining (Dining on Private Property)</i>	<b>P</b>
<i>Rooming Houses &amp; Tourist Homes</i>	<b>S*</b>
<b>AGRICULTURE/FOREST PRODUCTS</b>	
<i>Farmer's Markets</i>	<b>S</b>
<i>Veterinary Clinic or Hospital with no accessory boarding and no outdoor exercise or pet runs.</i>	<b>S</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Amusement Arcades</i>	<b>P</b>
<i>Art Studios</i>	<b>P</b>
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga)</i>	<b>P</b>
<i>Museums &amp; Galleries</i>	<b>P</b>
<i>Private Clubs; Lodges</i>	<b>S</b>
<i>Theaters/Performing Arts Facilities</i>	<b>P</b>
<b>COMMERCIAL/RETAIL</b>	
<i>Antique Stores</i>	<b>P</b>
<i>Clothing &amp; Clothing Accessories Stores; Shoe Sales &amp; Repair</i>	<b>P</b>
<i>Convenience Stores</i>	<b>P</b>

**Table 4.8.2 (continued)**  
**C-1: Local Service District**

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit	<b>C-1</b>
<b>COMMERCIAL/RETAIL (continued)</b>	
<i>Drive-Through Establishments (other than restaurants)</i>	<b>S</b>
<i>Dry Cleaning &amp; Laundry Services (cleaning equipment is used to service only the premises at which it is located)</i>	<b>P</b>
<i>Electronic &amp; Precision Equipment Repair&amp; Maint.</i>	<b>P</b>
<i>Electronics &amp; Appliance Stores</i>	<b>P</b>
<i>Extermination &amp; Pest Control Services</i>	<b>P</b>
<i>Financial Institutions</i>	<b>P</b>
<i>Florists</i>	<b>P</b>
<i>Food &amp; Beverage Stores</i>	<b>P</b>
<i>Funeral Homes &amp; Mortuaries</i>	<b>S</b>
<i>Furniture &amp; Home Furnishings Stores</i>	<b>P</b>
<i>Furniture Refinishing/Upholstery</i>	<b>P</b>
<i>Gift Shops</i>	<b>P</b>
<i>Health &amp; Personal Care Stores</i>	<b>P</b>
<i>Interior Designers/Showrooms</i>	<b>P</b>
<i>Locksmiths</i>	<b>P</b>
<i>Medical Equipment Sales</i>	<b>P</b>
<i>Medical Laboratories</i>	<b>P</b>
<i>Movie Rental Stores</i>	<b>P</b>
<i>Office Supply Stores</i>	<b>P</b>
<i>Outdoor display of products/materials for retail sale or rental (accessory to principle permitted retail).</i>	<b>P*</b>
<i>Pawn Shops/Resale Shops/Thrift Store</i>	<b>P</b>
<i>Personal Services (beauty shops, tailoring, massage)</i>	<b>P</b>
<i>Pet and Pet Care Stores (except Veterinary and Animal Shelters)</i>	<b>P</b>
<i>Pharmacies/Medical &amp; Optical Supplies</i>	<b>P</b>
<i>Photofinishing/Photographers</i>	<b>P</b>
<i>Printing/Binding/Publishing of Printed Materials</i>	<b>P</b>
<i>Professional Cleaning Services</i>	<b>P</b>
<i>Professional Offices</i>	<b>P</b>
<i>Real Estate Sales Office</i>	<b>P</b>
<i>Recording Studio</i>	<b>P</b>
<i>Seasonal Sales/Transient Sales</i>	<b>P*</b>
<i>Small-Scale Craft Making</i>	<b>S</b>
<i>Sporting Goods, Hobby, Book &amp; Music Stores</i>	<b>P</b>
<i>Studios for dance and music</i>	<b>P</b>

**Table 4.8.2 (continued)**  
**C-1: Local Service District**

<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right <b>S</b> = Permitted with a Special Use Permit	<b>C-1</b>
<b>COMMUNICATIONS</b>	
<i>Television/Radio Broadcasting Stations</i>	<b>P</b>
<i>Wireless Communications Equipment &amp; Support Structures (towers)</i>	<b>S*</b>
<b>CONSTRUCTION</b>	
<i>Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).</i>	<b>P*</b>
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Child Care Center /Nursery School(not in home)</i>	<b>S*</b>
<i>Health Care /Dental /Optical Clinics</i>	<b>P</b>
<b>MISCELLANEOUS</b>	
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	<b>P</b>
<i>Planned Unit Developments</i>	<b>S*</b>
<i>Resource Extraction/Mining</i>	<b>S*</b>
<b>PUBLIC FACILITIES</b>	
<i>Post Office</i>	<b>P</b>
<b>RESIDENTIAL USES</b>	
<i>Cottage Industries</i>	<b>S*</b>
<i>Dwelling Units above or to the rear of a Commercial Establishment</i>	<b>S</b>
<i>Home Occupations</i>	<b>P*</b>
<i>Multiple-Family Dwelling Units (apartments)</i>	<b>S</b>
<i>Single-Family Dwellings that exist at the time of adoption of this Ordinance.</i>	<b>P</b>
<i>Single-Family Attached Dwellings (Townhouses/Condominiums)</i>	<b>P</b>
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE/SHIPPING</b>	
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments</i>	<b>P</b>
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	<b>P</b>
<i>Utility Transformer Stations &amp; Substations</i>	<b>P</b>

**4.9.3 Development Standards**

**C-1**

<b>Lot &amp; Structure Standards (Figure 1)</b>		<b>Table 4.8.3 A</b>
<b>Lot Area/Unit (minimum)</b>	5,000 sq ft	
<b>Lot Width (minimum)</b>	60 feet	
<b>Building Height<sup>1</sup> (maximum)</b>	2 ½ stories and 35 ft for single-family residential	
	5 stories for non-residential and multi-family	
	<sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
<b>Building Width – Primary Structure (minimum)</b>	20 feet for single-family detached dwelling units.	
<b>Lot Coverage (maximum)</b>	Single-Family Detached & Two-Family Dwelling Units: 75%.	
	All other uses: no maximum.	
<b>Floor Area (minimum)</b>	<b>Per Dwelling Unit:</b>	
	Single-family: 800 sq ft    Two-family: 720 sq ft	
	Multiple-family <sup>1</sup> : Studio Unit 400 sq ft    1 bedroom+ unit 600 sq ft	
<b>Nonresidential:</b> No minimum square footage except as required by building code.		
<b>Setbacks (Figure 1)</b>		<b>Table 4.8.3 B</b>
<b>Front</b>	6 ft minimum	
<b>Rear</b>	None required. (10 ft minimum if abutting residential district or use)	
<b>Side</b>	None required. (10 ft minimum if abutting residential lot or use)	
<b>Side (street side - corner lot)</b>	6 ft	
<b>Riverfront Lots</b>	<b>Front (Riverfront)</b>	15 ft minimum if no public easement along the riverfront exists.
		If a public easement along the riverfront exists, may build to public easement.
	<b>Rear (Street)</b>	6 ft minimum

<b>Additional Development Standards</b>		<b>Table 4.8.3 C</b>
<b>Water/Sewer</b>	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
<b>Setback Averaging</b>	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures ( <b>Figure 2</b> ).	
<b>Accessory Buildings</b>	Regulated by <b>§3.6</b>	
<b>Parking</b>	Parking is allowed in all setbacks. Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.	
<b>Screening</b>	When a non-residential use abuts a residential use or district, screening is required as per <b>§3.11.7</b> . A greenbelt may be used for screening purposes as per <b>§3.10.4</b> .	
<b>Decks, Porches &amp; Patios</b>	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	
<b>Walkways &amp; Docks</b>	Docks and/or walkways shall not extend past the edge of the actual waterline of the river and shall be setback a minimum of ten (10) feet from the side lot lines. ( <b>Figure 3</b> )	

Figure 1: Lot & Structure Standards Diagrams

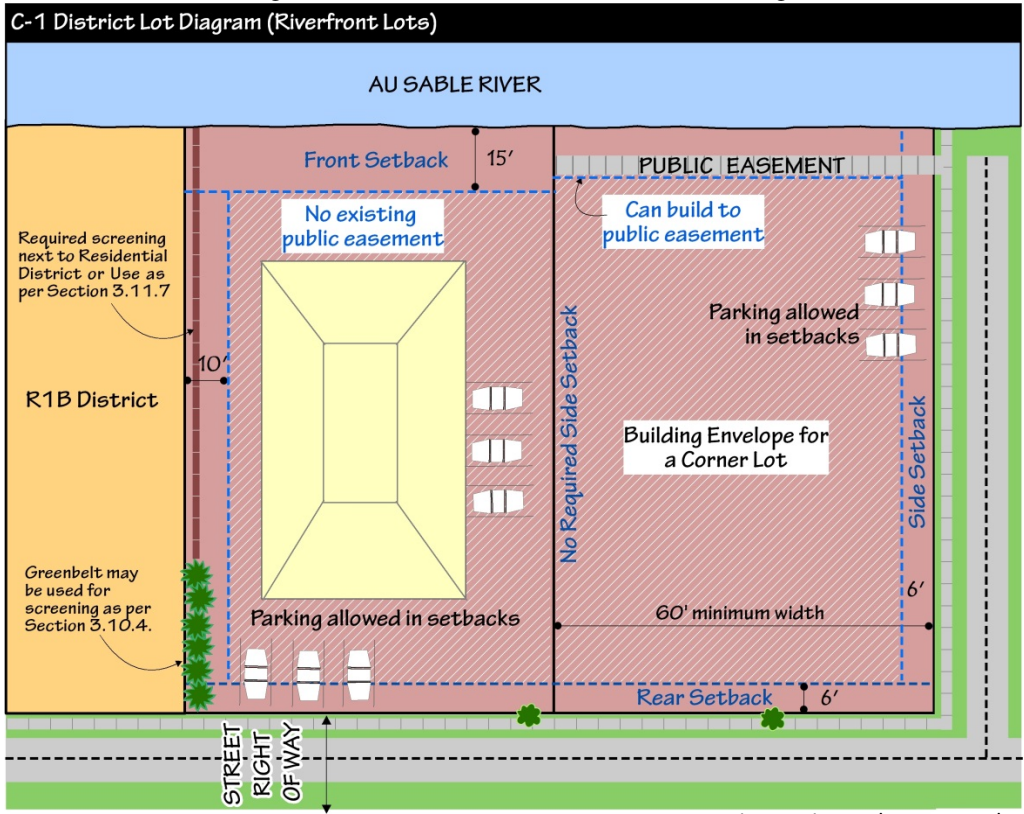


Diagram is not drawn to scale.

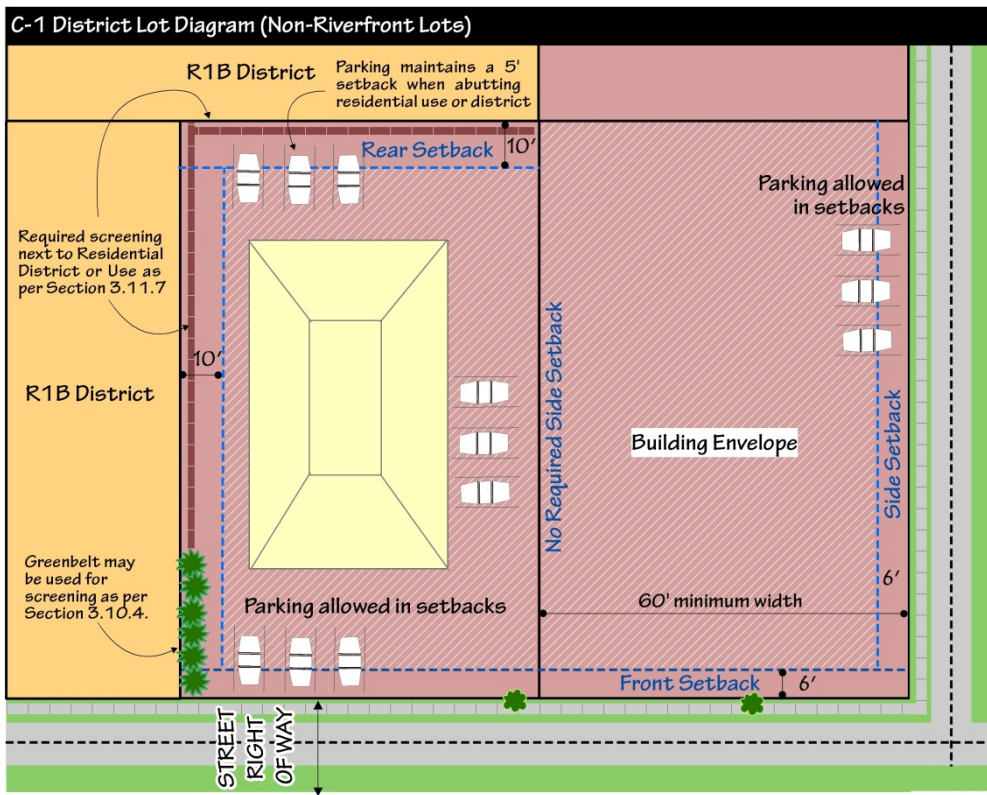


Diagram is not drawn to scale.



Figure 2: Setback Averaging

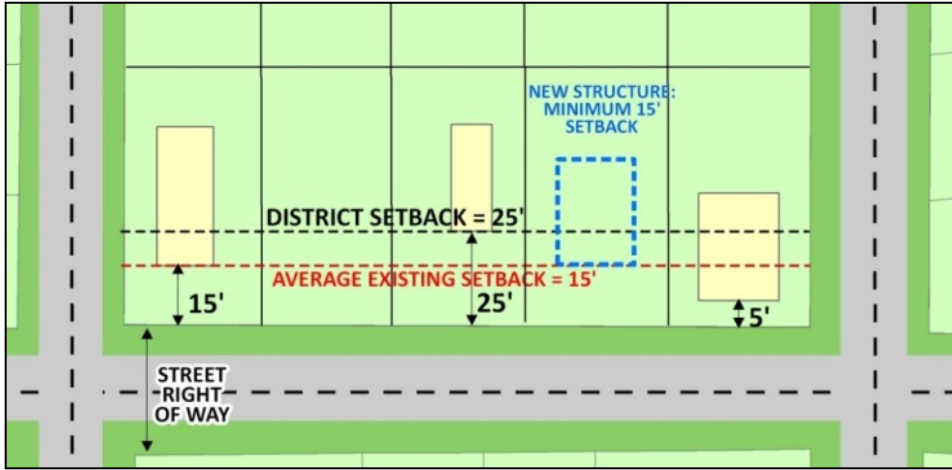
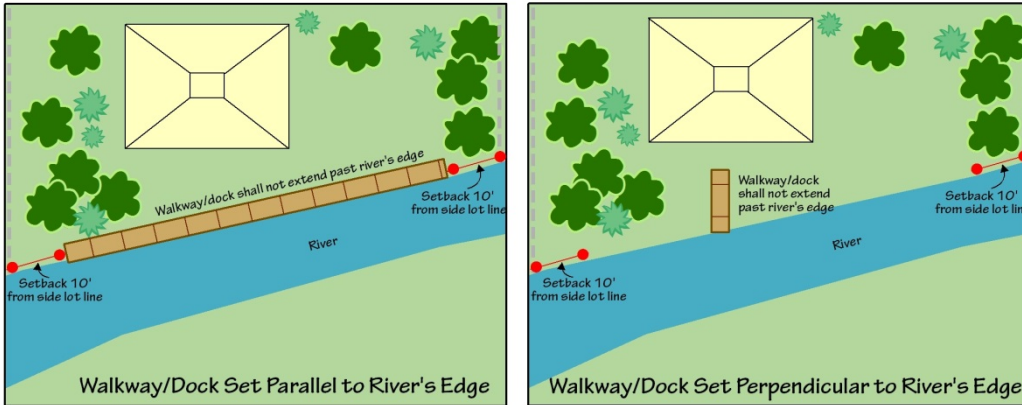


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

Figure 3: Walkways & Docks



**Section 4.9 C-2, Medical/Professional Office/Mixed Use District**

**4.9.1 Purpose.**

**C-2**

The District is designed primarily for the convenience of persons residing in the City by providing office, medical, limited retail, and business service uses that serve the adjacent and surrounding neighborhoods. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other districts.

**4.9.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed **Table 4.9.2 (also in §4.15: Table of Permitted and Special Land Uses)** and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

Table 4.9.2 C-2: Medical/Professional Office Mixed Use District	
TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit	C-2
ARTS, ENTERTAINMENT, AND RECREATION	
Art Studios	P
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga)	P
Museums & Galleries	P
Private Clubs; Lodges	S
Theaters/Performing Arts Facilities	P
COMMERCIAL/RETAIL	
Antique Stores	P
Financial Institutions	P
Florists	P
Funeral Homes & Mortuaries	S
Health & Personal Care Stores	P
Medical Equipment Sales	P
Medical Laboratories	P
Personal Services (beauty shops, tailors, massage)	P
Pharmacies/Medical & Optical Supplies	P
Photofinishing/Photographers	P
Professional Offices	P
Real Estate Sales Office	P
Seasonal Sales/Transient Sales	P*
Studios for dance and music	P

Table 4.9.2 (continued) C-2: Medical/Professional Office Mixed Use District	
TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit	C-2
COMMUNICATIONS	
Wireless Communications Equipment & Support Structures	S*
EDUCATIONAL SERVICES/RELIGION	
Public or private schools	S
Religious Institutions	S
HUMAN CARE AND SOCIAL ASSISTANCE	
Child Care Center /Nursery School(not in home)	S*
Child Caring Institution	S
Health Care /Dental /Optical Clinics	P
Hospitals & Sanitariums	S
Residential Human Care and Treatment Facility	S
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Uses	P
Planned Unit Developments	S*
Resource Extraction/Mining	S*
PUBLIC FACILITIES	
Post Office	P
RESIDENTIAL USES	
Cottage Industries	S*
Dwelling Units above or to rear of Commercial Establish.	S
Home Occupations	P*
Medical Marijuana Primary Caregiver Facility	P*
Single-Family Dwelling	P
Single-Family Attached Dwellings (Townhouses; Condominiums)	P

4.10.3 Development Standards

C-2

Lot & Structure Standards (Figure 1)		Table 4.9.3 A
Lot Area (minimum)	7,200 sq ft	
Lot Width (minimum)	60 ft	
Building Height <sup>1</sup> (maximum)	2 ½ stories and 35 ft	
	5 stories for non-residential	
	<sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
Building Width – Primary Structure (minimum)	20 feet for single-family detached dwelling units.	
Lot Coverage (maximum)	Single-Family Detached & Two-Family Dwelling Units: 75% All other uses: no maximum	
Floor Area (minimum)	<p><b>Per Dwelling Unit:</b>                      Single-family: 800 sq ft    Two-family: 720 sq ft                      Multiple-family<sup>1</sup>: Studio Unit 400 sq ft    1 bedroom+ unit 600 sq ft</p> <p><b>Nonresidential:</b>                      No minimum square footage except as required by building code.</p>	
Setbacks (Figure 1)		Table 4.9.3 B
Front	10 ft minimum	
Rear	None required. 10' minimum for single-family detached dwelling units or for uses abutting residential lot or use.	
Side	5 ft minimum (10' if abutting a residential lot or use.)	
Side (street side - corner lot)	10 ft minimum	

Additional Development Standards		Table 4.9.3 C
Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures ( <b>Figure 2</b> ).	
Accessory Buildings	Regulated by <b>§3.6</b>	
Parking	<p>Parking is allowed in all setbacks. When parking abuts the sidewalk, a barrier shall be required between the parking area and the sidewalk (ex: fence, wall, landscaping, greenspace).</p> <p>Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.</p>	
Screening	When a non-residential use abuts a residential use or district, screening is required as per <b>§3.11.7</b> . A greenbelt may be used for screening purposes as per <b>§3.10.4</b> .	
Decks, Porches & Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	

Figure 1: Lot & Structure Standards Diagram

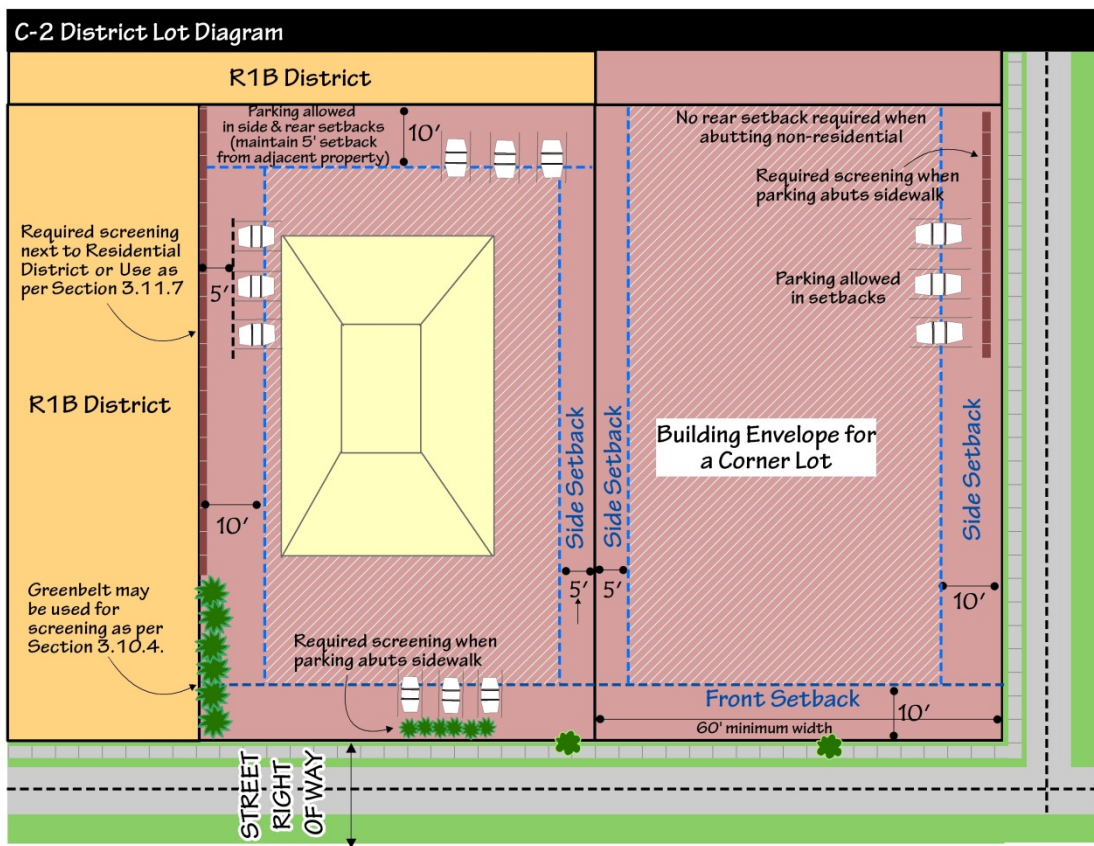


Diagram is not drawn to scale.

Figure 2: Setback Averaging

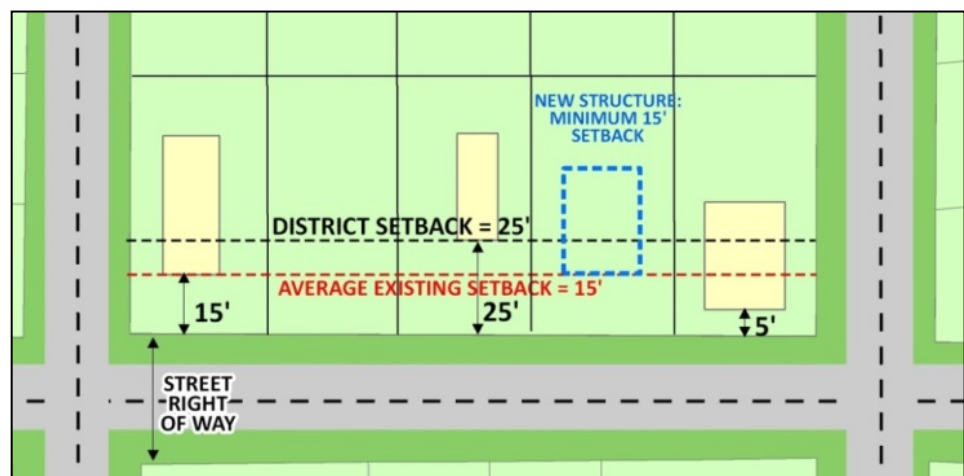


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.



**Section 4.10 C-3A, General Commercial District**

**C-3A**

**4.10.1 Purpose.**

This District is intended to accommodate office, business service, and retail uses that serve a larger market than C-1 District including the City and portions of the surrounding townships. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other Districts.

**4.10.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed **Table 4.10.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

<b>Table 4.10.2 C-3A: General Commercial District</b>	
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right S = Permitted with a Special Use Permit	<b>C-3A</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	<b>P</b>
<i>Caterers/Food Service Contractors</i>	<b>P</b>
<i>Coffee Shops</i>	<b>P</b>
<i>Convention Centers/Conference Centers/Banquet Halls</i>	<b>S</b>
<i>Drinking Establishments/Taverns (and/or providing entertainment)/Restaurants serving alcohol</i>	<b>S</b>
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	<b>S</b>
<i>Microbreweries, Distilleries, &amp; Wineries (serving directly to the public)</i>	<b>S</b>
<i>Restaurants without Drive-Through</i>	<b>P</b>
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>	<b>S</b>
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>	<b>P*</b>
<i>Restaurants w/ Outdoor Dining (on Private Property)</i>	<b>P</b>
<b>AGRICULTURE/FOREST PRODUCTS</b>	
<i>Animal Shelter/Kennels</i>	<b>S</b>
<i>Farm Supply &amp; Feed Stores</i>	<b>S</b>
<i>Greenhouses/Nurseries/ Landscaping Establishment</i>	<b>S</b>
<i>Lumber Yards (pre-planed, finished lumber)</i>	<b>S</b>
<i>Veterinary Clinic or Hospital</i>	<b>S</b>
<i>Veterinary Clinic or Hospital with no accessory boarding and no outdoor exercise or pet runs.</i>	<b>S</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Archery Ranges (stand-alone and as an accessory use in a business)</i>	<b>S</b>
<i>Art Studios</i>	<b>P</b>
<i>Billiards Halls</i>	<b>S</b>
<i>Bowling Centers</i>	<b>S</b>
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga)</i>	<b>P</b>
<i>Museums &amp; Galleries</i>	<b>P</b>
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)</i>	<b>S*</b>
<i>Private Clubs; Lodges</i>	<b>S</b>
<i>Skating Rinks (indoor)</i>	<b>S</b>
<i>Theaters/Performing Arts Facilities</i>	<b>P</b>
<i>Tours (Commercial Operations)</i>	<b>S</b>

**Table 4.10.2 (continued)**  
**C-3A: General Commercial District**

**TABLE OF PERMITTED USES & SPECIAL LAND USES**

P = Permitted by right  
S = Permitted with a Special Use Permit

	<b>C-3A</b>
<b>COMMERCIAL/RETAIL</b>	
Antique Stores	<b>P</b>
Auto Body/Paint/Interior & Glass; Auto Repair	<b>S*</b>
Automotive Oil Change	<b>S*</b>
Automobile Service Station	<b>S*</b>
Automobile Washes	<b>S</b>
Automotive Equipment Rental/Leasing	<b>S</b>
Boat/RV Repair & Storage	<b>S</b>
Building & Garden Equipment & Supplies Dealers	<b>P</b>
Cash Advance Stores	<b>P</b>
Clothing & Clothing Accessories Stores; Shoe Sales & Repair	<b>P</b>
Commercial/Industrial Equipment Rental & Leasing	<b>S</b>
Commercial Equipment Repair & Maintenance	<b>S</b>
Convenience Stores	<b>P</b>
Drive-Through Establishments (other than restaurants)	<b>S</b>
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	<b>P</b>
Electronic & Precision Equipment Repair& Maint.	<b>P</b>
Electronics & Appliance Stores	<b>P</b>
Extermination & Pest Control Services	<b>P</b>
Film Production Facilities including sound stages and other related activities	<b>P</b>
Financial Institutions	<b>P</b>
Florists	<b>P</b>
Food & Beverage Stores	<b>P</b>
Funeral Homes & Mortuaries	<b>S</b>
Furniture & Home Furnishings Stores	<b>P</b>
Furniture Refinishing/Upholstery	<b>P</b>
General Retail	<b>P</b>
General Rental Centers	<b>P</b>
Gift Shops	<b>P</b>
Hardware Stores	<b>P</b>
Health & Personal Care Stores	<b>P</b>
Home Improvement Centers (lumber stored in enclosed structure)	<b>P</b>
Interior Designers/Showrooms	<b>P</b>
Locksmiths	<b>P</b>

**Table 4.10.2 (continued)**  
**C-3A: General Commercial District**

Medical Equipment Sales	<b>P</b>
Medical Laboratories	<b>P</b>
Movie Rental Stores	<b>P</b>
Office Supply Stores	<b>P</b>
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	<b>p*</b>
Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment	<b>S*</b>
Pawn Shops/Resale Shops/Thrift Store	<b>P</b>
Personal Services (beauty shops, tailoring, massage)	<b>P</b>
Pet and Pet Care Stores (except Veterinary and Animal Shelters)	<b>P</b>
Pharmacies/Medical & Optical Supplies	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Printing/Binding/Publishing of Printed Materials	<b>P</b>
Professional Cleaning Services	<b>P</b>
Professional Offices	<b>P</b>
Real Estate Sales Office	<b>P</b>
Recording Studio	<b>P</b>
Retail Uses with Outdoor Storage	<b>S</b>
Seasonal Sales/Transient Sales	<b>p*</b>
Shopping Center – Multiple Businesses	<b>P</b>
Small Engine Repair	<b>S</b>
Sporting Goods, Hobby, Book & Music Stores	<b>P</b>
Studios for dance and music	<b>P</b>
<b>COMMUNICATIONS</b>	
Television/Radio Broadcasting Stations	<b>P</b>
Wireless Communications Equipment & Support Structures (towers)	<b>S*</b>
<b>CONSTRUCTION</b>	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).	<b>p*</b>
<b>EDUCATIONAL SERVICES/RELIGION</b>	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	<b>S</b>
Public or private schools	<b>S</b>
Religious Institutions	<b>S</b>
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at business, technical and/or professional level)	<b>S</b>

<b>Table 4.10.2 (continued)</b>	
<b>C-3A: General Commercial District</b>	
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right	<b>C-3A</b>
S = Permitted with a Special Use Permit	
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Child Care Center /Nursery School(not in home)</i>	<b>S*</b>
<i>Health Care /Dental /Optical Clinics</i>	<b>P</b>
<i>Hospitals &amp; Sanitariums</i>	<b>S</b>
<i>Assisted Living Home/Nursing Home/Convalescent Home</i>	<b>S</b>
<b>MISCELLANEOUS</b>	
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	<b>P</b>
<i>Planned Unit Developments</i>	<b>S*</b>
<i>Resource Extraction/Mining</i>	<b>S*</b>
<b>PUBLIC FACILITIES</b>	
<i>Post Office</i>	<b>P</b>
<b>RESIDENTIAL USES</b>	
<i>Dwelling Units above or to the rear of a Commercial Establishment</i>	<b>S</b>
<i>Multiple-Family Dwelling Units (apartments)</i>	<b>S</b>
<i>Single-Family Attached Dwellings (Townhouses; Condominiums)</i>	<b>P</b>
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/STORAGE/SHIPPING</b>	
<i>Aviation Support Services</i>	<b>S</b>
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments</i>	<b>P</b>
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	<b>P</b>
<i>Utility Transformer Stations &amp; Substations</i>	<b>P</b>

**4.10.3 Development Standards**

**Lot & Structure Standards (Figure 1) Table 4.10.3 A**

<b>Lot Area (minimum)</b>	None required.
<b>Lot Width (minimum)</b>	None required.
<b>Building Height<sup>1</sup> (maximum)</b>	2 ½ stories and 35 ft 5 stories for non-residential
<b>Lot Coverage (maximum)</b>	Single-Family Detached & Two-Family Dwelling Units: 75% All other uses: no maximum
<b>Floor Area (minimum)</b>	<b>Per Dwelling Unit:</b> Single-family: 800 sq ft Two-family: 720 sq ft Multiple-family <sup>1</sup> : Studio Unit 400 sq ft 1 bedroom+ unit 600 sq ft <b>Nonresidential:</b> No minimum square footage except as required by building code.

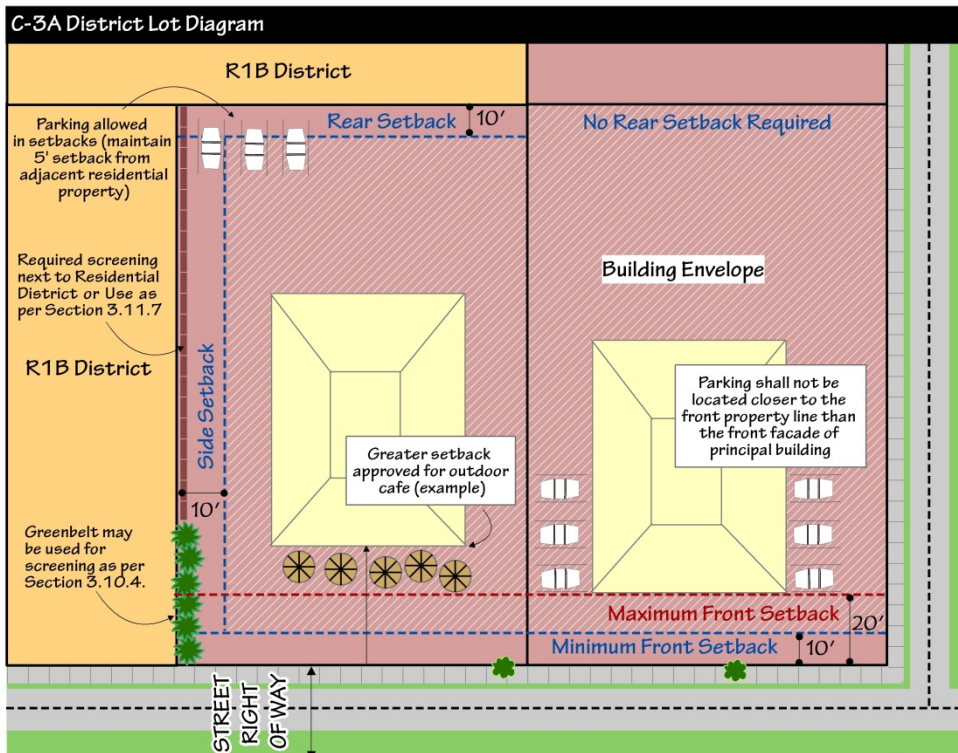
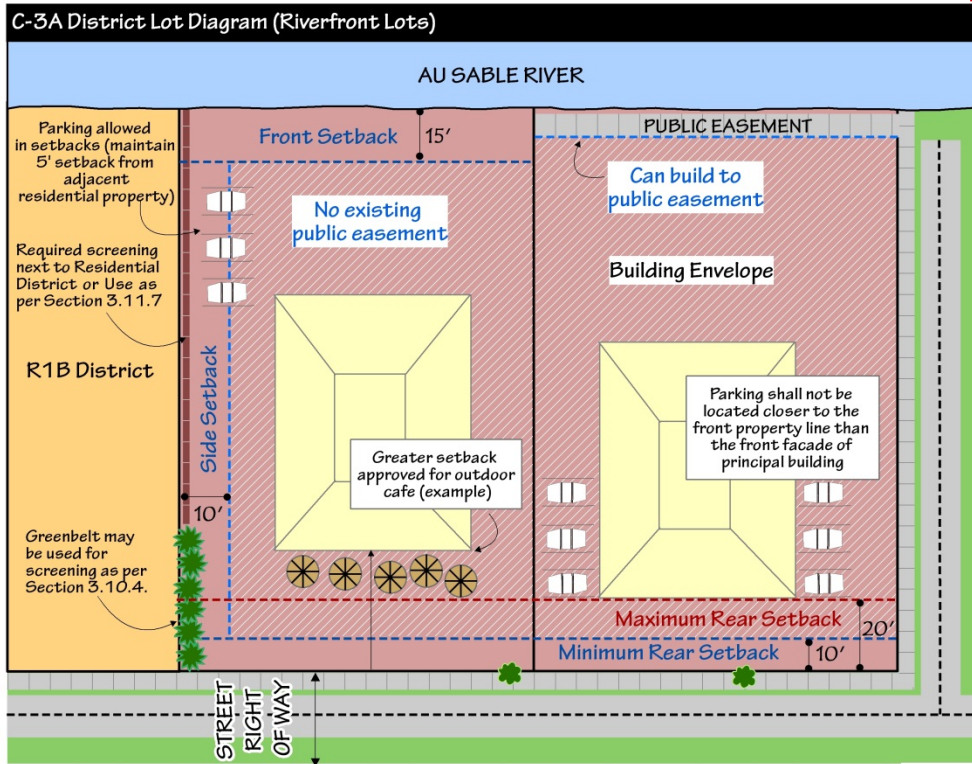
**Setbacks (Figure 1) Table 4.10.3 B**

<b>Front</b>	10 ft minimum 20 ft maximum. Planning Commission may approve greater front yard setback on a case by case basis as part of the site plan review process.
<b>Rear</b>	None required. (10 ft minimum if abutting residential district or use.)
<b>Side</b>	None required. (10 ft minimum if abutting residential district or use.)
<b>Side (street side - corner lot)</b>	None required.
<b>Riverfront Lots</b>	<b>Front (Riverfront)</b> 15 ft minimum if no public easement along the riverfront exists. If a public easement along the riverfront exists, may build to public easement.
	<b>Rear (Street)</b> 10 ft minimum; 20 ft maximum

**Additional Development Standards Table 4.10.3 C**

<b>Water/Sewer</b>	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.
<b>Setback Averaging</b>	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures <b>(Figure 2)</b> .
<b>Accessory Buildings</b>	Regulated by § 3.6
<b>Parking</b>	Parking shall not be located closer to the front property line than the front façade of the principal building. Parking is allowed when rear and side setbacks are required. Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.
<b>Screening</b>	When a non-residential use abuts a residential use or district, screening is required as per § 3.11.7. A greenbelt may be used for screening purposes as per § 3.10.4.
<b>Decks, Porches &amp; Patios</b>	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.
<b>Walkways &amp; Docks</b>	Docks and/or walkways shall not extend past the edge of the actual waterline of the river and shall be setback a minimum of ten (10) feet from the side lot lines. <b>(Figure 3)</b>

Figure 1: Lot & Structure Standards Diagrams



Diagrams are not drawn to scale.



Figure 2: Setback Averaging

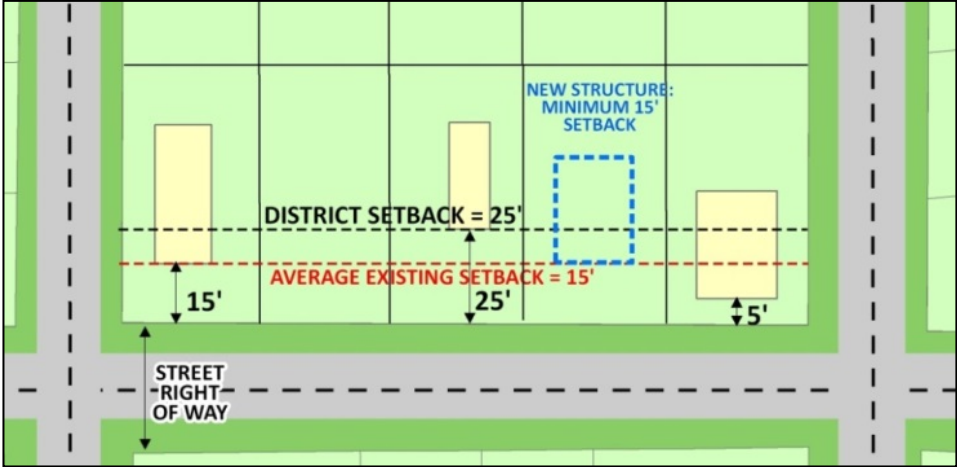
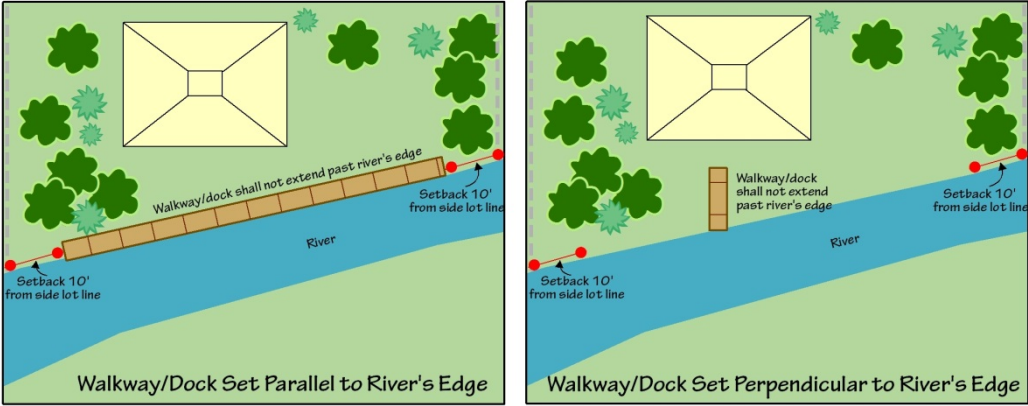


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

Figure 3: Walkways & Docks



**Section 4.11 C-3B, General Commercial – South Town District**

**C-3B**

**4.11.1 Purpose.**

This District is intended to incorporate larger developments among general commercial facilities that primarily serve the motoring and tourist needs of the community. It is the purpose of these regulations to permit development of the enumerated functions in a manner which is compatible with uses in the surrounding area. To these ends, certain uses are excluded which would function more effectively in other Districts.

**4.11.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed **Table 4.11.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

<b>Table 4.11.2 C-3B: General Commercial-South Town District TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right S = Permitted with a Special Use Permit	<b>C-3B</b>
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	<b>P</b>
<i>Caterers/Food Service Contractors</i>	<b>P</b>
<i>Coffee Shops</i>	<b>P</b>
<i>Convention Centers/Conference Centers/Banquet Halls</i>	<b>S</b>
<i>Drinking Establishments/Taverns (and/or providing entertainment) /Restaurants serving alcohol</i>	<b>S</b>
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	<b>S</b>
<i>Microbreweries, Distilleries, &amp; Wineries (serving directly to the public)</i>	<b>S</b>
<i>Restaurants without Drive-Through</i>	<b>P</b>
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>	<b>S</b>
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>	<b>P*</b>
<i>Restaurants with Outdoor Dining (Dining on Private Property)</i>	<b>P</b>
<b>AGRICULTURE/FOREST PRODUCTS</b>	
<i>Agricultural Products Processing</i>	<b>S</b>
<i>Animal Shelter/Kennels</i>	<b>S</b>
<i>Food Hub/Food Incubator/Food Service</i>	<b>S</b>
<i>Farm Supply &amp; Feed Stores</i>	<b>S</b>
<i>Greenhouses/Hoophouse/Nurseries/Landscaping</i>	<b>S</b>
<i>Lumber Yards (pre-planed, finished lumber)</i>	<b>S</b>
<i>Veterinary Clinic or Hospital</i>	<b>S</b>
<i>Veterinary Clinic or Hospital with no accessory boarding and no outdoor exercise or pet runs.</i>	<b>S</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Archery Ranges (stand-alone and as accessory use in a business)</i>	<b>S</b>
<i>Art Studios</i>	<b>P</b>
<i>Billiards Halls</i>	<b>S</b>
<i>Bowling Centers</i>	<b>S</b>
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga)</i>	<b>P</b>
<i>Museums &amp; Galleries</i>	<b>P</b>
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)</i>	<b>S*</b>
<i>Private Clubs; Lodges</i>	<b>S</b>
<i>Skating Rinks (indoor)</i>	<b>S</b>
<i>Theaters/Performing Arts Facilities</i>	<b>P</b>
<i>Tours (Commercial Operations)</i>	<b>S</b>

<b>Table 4.11.2 (continued)</b>	
<b>C-3B: General Commercial-South Town Dist</b>	
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P</b> = Permitted by right	<b>C-3A</b>
<b>S</b> = Permitted with a Special Use Permit	
<b>COMMERCIAL/RETAIL</b>	
Antique Stores	<b>P</b>
Auto Body/Paint/Interior & Glass; Auto Repair	<b>S*</b>
Automotive Oil Change	<b>S*</b>
Automobile Service Station	<b>S*</b>
Automobile Washes	<b>S</b>
Automotive Equipment Rental/Leasing	<b>S</b>
Boat/RV Repair & Storage	<b>S</b>
Building & Garden Equipment & Supplies Dealers	<b>P</b>
Cash Advance Stores	<b>P</b>
Clothing & Clothing Accessories Stores; Shoe Sales & Repair	<b>P</b>
Commercial/Industrial Equipment Rental & Leasing	<b>S</b>
Commercial Equipment Repair & Maintenance	<b>S</b>
Convenience Stores	<b>P</b>
Drive-Through Establishments (other than restaurants)	<b>S</b>
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)	<b>P</b>
Electronic & Precision Equipment Repair & Maintenance	<b>P</b>
Electronics & Appliance Stores	<b>P</b>
Extermination & Pest Control Services	<b>P</b>
Film Production Facilities including sound stages and other related activities	<b>P</b>
Financial Institutions	<b>P</b>
Florists	<b>P</b>
Food & Beverage Stores	<b>P</b>
Funeral Homes & Mortuaries	<b>S</b>
Furniture & Home Furnishings Stores	<b>P</b>
Furniture Refinishing/Upholstery	<b>P</b>
General Retail	<b>P</b>
General Rental Centers	<b>P</b>
Gift Shops	<b>P</b>
Hardware Stores	<b>P</b>
Health & Personal Care Stores	<b>P</b>
Home Improvement Centers (lumber stored in enclosed structure)	<b>P</b>
Interior Designers/Showrooms	<b>P</b>
Locksmiths	<b>P</b>
Medical Equipment Sales	<b>P</b>

<b>Table 4.11.2 (continued)</b>	
<b>C-3B: General Commercial-South Town Dist</b>	
Medical Laboratories	<b>P</b>
Movie Rental Stores	<b>P</b>
Office Supply Stores	<b>P</b>
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).	<b>P*</b>
Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment	<b>S*</b>
Pawn Shops/Resale Shops/Thrift Store	<b>P</b>
Personal Services (beauty shops, tailoring, massage)	<b>P</b>
Pet and Pet Care Stores (except Veterinary and Animal Shelters)	<b>P</b>
Pharmacies/Medical & Optical Supplies	<b>P</b>
Photofinishing/Photographers	<b>P</b>
Printing/Binding/Publishing of Printed Materials	<b>P</b>
Professional Cleaning Services	<b>P</b>
Professional Offices	<b>P</b>
Real Estate Sales Office	<b>P</b>
Recording Studios	<b>P</b>
Retail Uses with Outdoor Storage	<b>S</b>
Seasonal Sales/Transient Sales	<b>P*</b>
Shopping Center – Multiple Businesses	<b>P</b>
Small Engine Repair	<b>S</b>
Sporting Goods, Hobby, Book & Music Stores	<b>P</b>
Studios for dance and music	<b>P</b>
<b>COMMUNICATIONS</b>	
Television/Radio Broadcasting Stations	<b>P</b>
Wireless Communications Equipment & Support Structures (towers)	<b>S*</b>
<b>CONSTRUCTION</b>	
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).	<b>P*</b>
<b>EDUCATIONAL SERVICES/RELIGION</b>	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	<b>S</b>
Public or private schools	<b>S</b>
Religious Institutions	<b>S</b>
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	<b>S</b>



<b>Table 4.11.2 (continued)</b>	
<b>C-3B: General Commercial-South Town Dist</b>	
<b>TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P = Permitted by right</b>	<b>C-3A</b>
<b>S = Permitted with a Special Use Permit</b>	
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>	
<i>Child Care Services (see following)</i>	
<i>Child Care Center /Nursery School(not in home)</i>	<b>S*</b>
<i>Health Care /Dental /Optical Clinics</i>	<b>P</b>
<i>Hospitals &amp; Sanitariums</i>	<b>S</b>
<i>Assisted Living Home/Nursing Home/Convalescent Home</i>	<b>S</b>
<b>MISCELLANEOUS</b>	
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	<b>P</b>
<i>Planned Unit Developments</i>	<b>S*</b>
<i>Resource Extraction/Mining</i>	<b>S*</b>
<b>PUBLIC FACILITIES</b>	
<i>Post Office</i>	<b>P</b>
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING</b>	
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments</i>	<b>P</b>
<b>UTILITIES/ENERGY</b>	
<i>Public Utility Facilities (without storage yards)</i>	<b>P</b>
<i>Utility Transformer Stations &amp; Substations</i>	<b>P</b>

4.11.3 Development Standards

C-3B

Lot & Structure Standards (Figure 1)		Table 4.11.3 A
Lot Area (minimum)	None required	
Lot Width (minimum)	None required	
Building Height <sup>1</sup> (maximum)	5 stories <sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance	
Lot Coverage (maximum)	No maximum	
Floor Area (minimum)	<b>Nonresidential:</b> No minimum square footage except as required by building code.	
Setbacks (Figure 1)		Table 4.11.3 B
Front	10 feet minimum	
Rear	None required (10 ft minimum if abutting a residential district or use)	
Side	None required (10 ft minimum if abutting a residential district or use)	
Side (street side - corner lot)	None required	

Additional Development Standards		Table 4.11.3 C
Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures ( <b>Figure 2</b> ).	
Accessory Buildings	Regulated by § 3.6	
Parking	Parking is allowed in setbacks. Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.	
Screening	When a non-residential use abuts a residential use or district, screening is required as per § 3.11.7. A greenbelt may be used for screening purposes as per § 3.10.4.	
Decks, Porches & Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	

Figure 1: Lot & Structure Standards Diagram

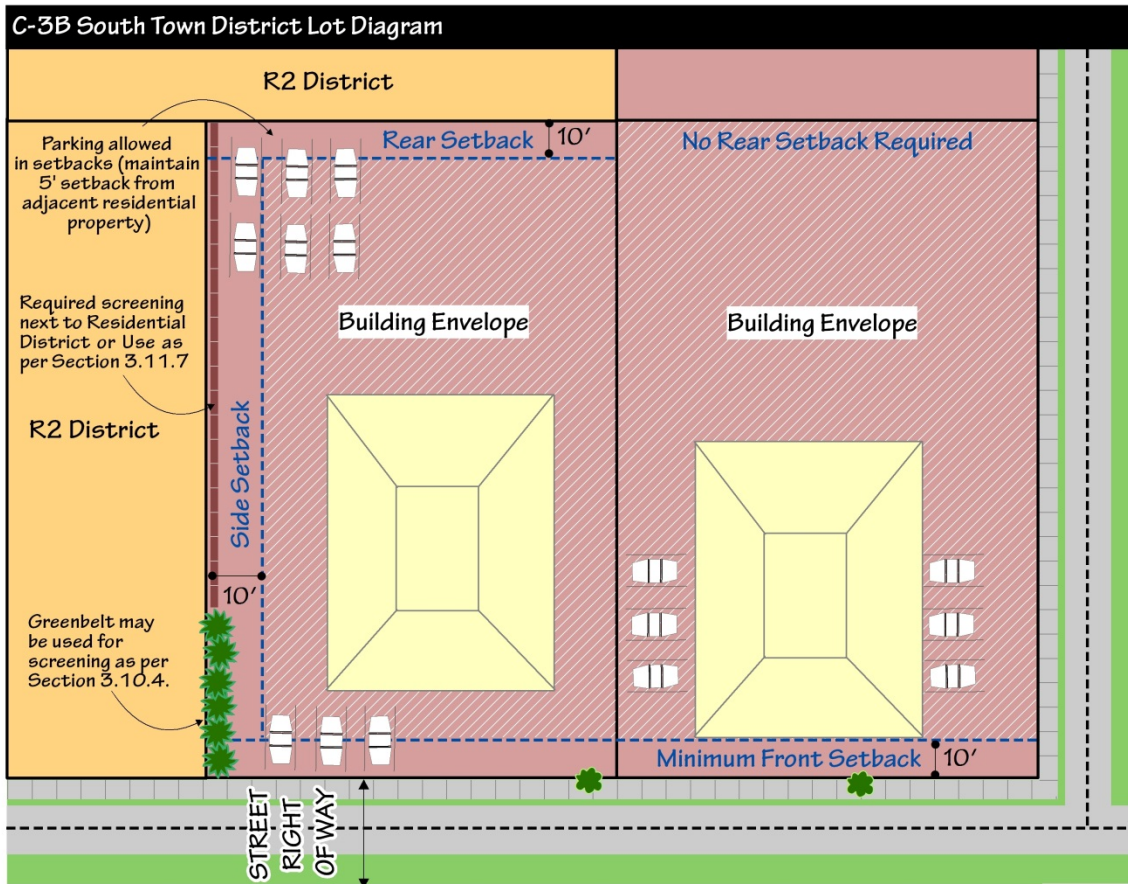


Diagram is not drawn to scale.

Figure 2: Setback Averaging

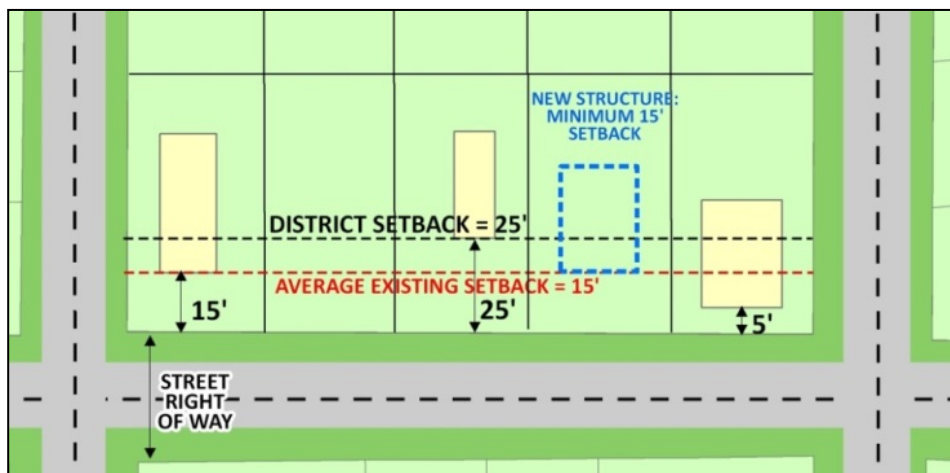


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

**Section 4.12 CBD, Central Business District**

**CBD**

**4.12.1 Purpose.**

This District is designed to provide for a variety of office, business service, entertainment and retail uses which occupy the prime retail frontage, by serving the comparison, convenience, and service needs of the market area which includes the City and surrounding Townships. The regulations of the CBD District are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive-related services including gasoline retail outlets and non-retail uses which tend to break up such continuity.

**4.12.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed **Table 4.12.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

<b>Table 4.12.2 (CBD): Central Business District TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
<b>P = Permitted by right</b>	<b>CBD</b>
<b>S = Permitted with a Special Use Permit</b>	
<b>ACCOMODATION AND FOOD SERVICES</b>	
<i>Bakeries (goods produced &amp; sold on-site)</i>	<b>P</b>
<i>Caterers/Food Service Contractors</i>	<b>S</b>
<i>Coffee Shops</i>	<b>P</b>
<i>Convention Centers/Conference Centers/Banquet Halls</i>	<b>S</b>
<i>Drinking Establishments/Taverns (and/or providing entertainment)/Restaurants serving alcohol</i>	<b>S</b>
<i>Food Truck</i>	<b>S</b>
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>	<b>S</b>
<i>Microbreweries, Distilleries, &amp; Wineries (serving directly to the public)</i>	<b>S</b>
<i>Restaurants without Drive-Through</i>	<b>P</b>
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>	<b>P*</b>
<i>Restaurants with Outdoor Dining (Dining on Private Property)</i>	<b>P</b>
<b>AGRICULTURE/FOREST PRODUCTS</b>	
<i>Farmer's Markets</i>	<b>S</b>
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>	
<i>Amusement Arcades</i>	<b>P</b>
<i>Archery Range (stand-alone &amp; as accessory use to business)</i>	<b>S</b>
<i>Art Studios</i>	<b>P</b>
<i>Billiards Halls</i>	<b>S</b>
<i>Bowling Centers</i>	<b>S</b>
<i>Fitness &amp; Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga)</i>	<b>P</b>
<i>Museums &amp; Galleries</i>	<b>P</b>
<i>Public Parks, Playgrounds, Recreation Areas, Nature Areas</i>	<b>P</b>
<i>Theaters/Performing Arts Facilities</i>	<b>P</b>
<b>COMMERCIAL/RETAIL</b>	
<i>Antique Stores</i>	<b>P</b>
<i>Clothing &amp; Clothing Accessories Stores; Shoe Sales &amp; Repair</i>	<b>P</b>
<i>Convenience Store</i>	<b>P</b>
<i>Electronics &amp; Appliance Stores</i>	<b>S</b>
<i>Financial Institutions</i>	<b>P</b>
<i>Florists</i>	<b>P</b>
<i>Food &amp; Beverage Stores</i>	<b>P</b>
<i>Furniture &amp; Home Furnishings Stores</i>	<b>S</b>

**Table 4.12.2 (continued)**  
**(CBD): Central Business District**

**TABLE OF PERMITTED USES & SPECIAL LAND USES**

P = Permitted by right  
S = Permitted with a Special Use Permit

	CBD
<b>COMMERCIAL/RETAIL (CONTINUED)</b>	
<i>Gift Shops</i>	P
<i>Hardware Stores</i>	P
<i>Health &amp; Personal Care Stores</i>	P
<i>Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).</i>	P*
<i>Pet and Pet Care Stores (except Veterinary and Animal Shelters)</i>	S
<i>Personal Services (beauty shops, tailoring, massage)</i>	P
<i>Photofinishing/Photographers</i>	P
<i>Printing/Binding/Publishing of Printed Materials</i>	P
<i>Professional Offices</i>	P*
<i>Recording Studio</i>	S
<i>Shopping Center (multiple businesses)</i>	S
<i>Small-Scale Craft Making</i>	S
<i>Sporting Goods, Hobby, Book &amp; Music Stores</i>	P
<i>Studios for dance and music</i>	P

**Table 4.12.2 (continued)**  
**(CBD): Central Business District**

**TABLE OF PERMITTED USES & SPECIAL LAND USES**

P = Permitted by right  
S = Permitted with a Special Use Permit

	CBD
<b>COMMUNICATIONS</b>	
<i>Wireless Communications Equipment &amp; Support Structures (towers)</i>	S*
<i>Resource Extraction/Mining</i>	S*
<b>HUMAN CARE &amp; SOCIAL ASSISTANCE</b>	
<i>Health Care /Dental /Optical Clinics</i>	S
<b>PUBLIC FACILITIES</b>	
<i>Governmental Buildings</i>	S*
<i>Post Office</i>	P
<b>RESIDENTIAL USES</b>	
<i>Dwelling Units above or to the rear of a Commercial Establishment</i>	P

4.12.3 Development Standards

CBD

**Lot & Structure Standards (Figure 1) Table 4.12.3 A**

Lot Area (minimum)	None required.
Lot Width (minimum)	None required.
Building Height <sup>1</sup>	Maximum: 3 stories (4 stories may be permitted on a case by case basis)
	Minimum: 2 stories
	<sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance.
Lot Coverage (maximum)	No maximum
Floor Area (minimum)	Studio Unit : 400 sq ft 1 bedroom unit+: 600 sq ft
	<b>Nonresidential:</b> No minimum square footage except as required by building code.

**Setbacks (Figure 1) Table 4.12.3 B**

Front	None required.
Rear	None required.
Side	None required.
Side (street side - corner lot)	None required.
Properties abutting C-1, R-1A, or R-1B	Any structure located within the CBD which abuts a dwelling located within the C-1, R-1A or R-1B District shall have a minimum setback from the common property line of ten (10) feet.

**Additional Development Standards Table 4.12.3 C**

Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures <b>(Figure 2)</b>
Accessory Buildings	Regulated by <b>§3.6</b>
Screening	When a non-residential use abuts a residential use or district, screening is required as per <b>§3.11.7</b> . A greenbelt may be used for screening purposes as per <b>§3.10.4</b> .
Parking	Nonresidential uses in the CBD are exempt from required parking spaces.
Decks, Porches and Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.



Figure 1: Lot & Structure Standards Diagram

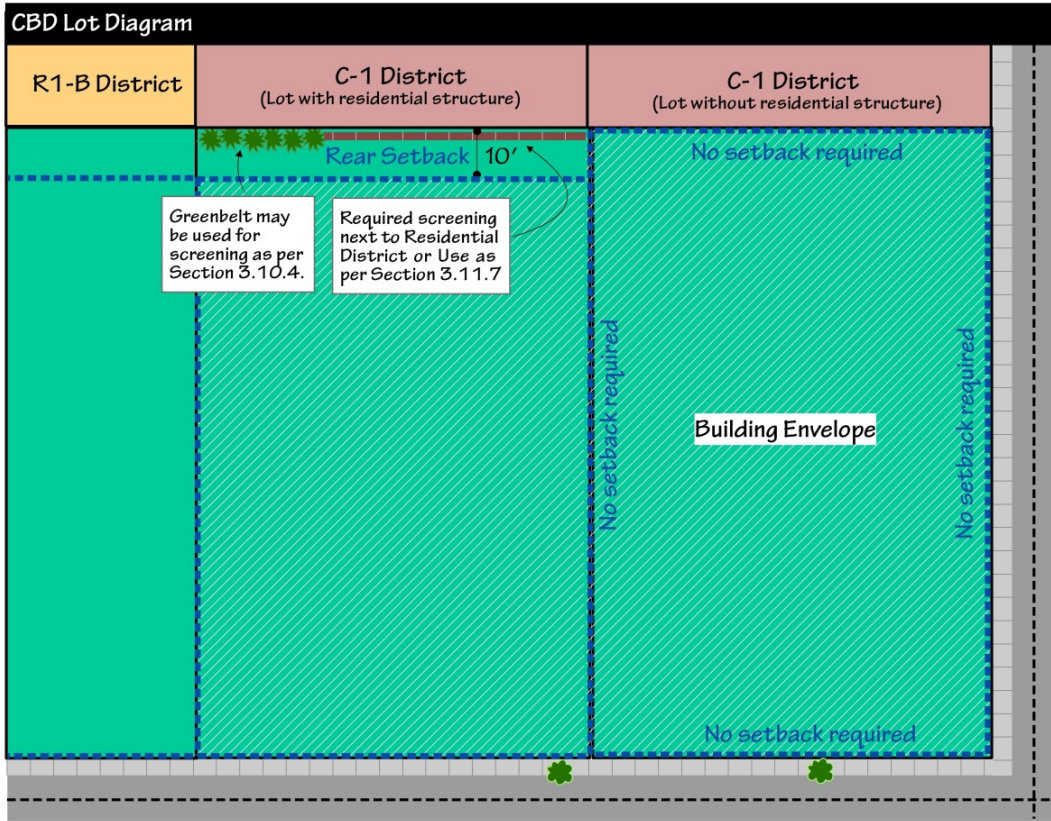


Figure 2: Setback Averaging

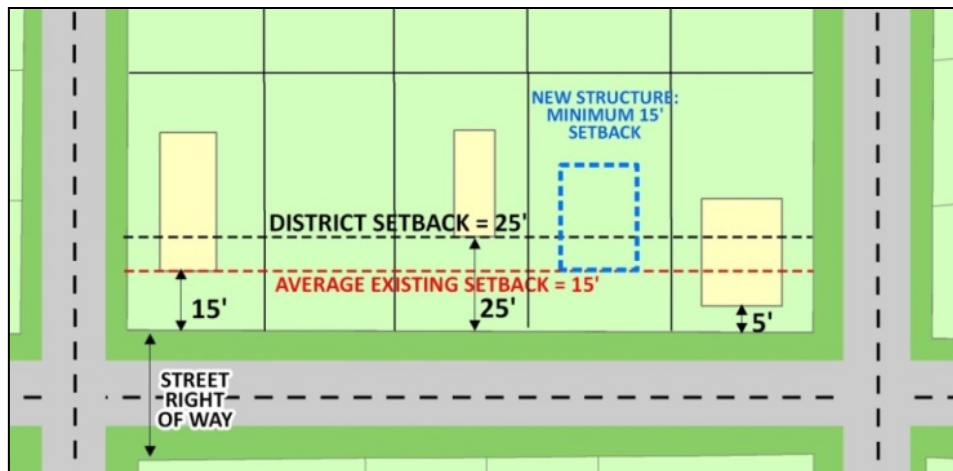


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.



**Section 4.13 I, General Industrial District**

**I**

**4.13.1 Purpose.**

This District is designed to provide the location and space for all manner of industrial, wholesale, and industrial storage uses. It is the purpose of these regulations to permit the development of certain functions, to protect the surrounding areas from incompatible industrial activities, to restrict the intrusion of non-related uses such as residential, retail business and commercial, and to encourage the discontinuance of uses presently existing in the District, which are non-conforming by virtue of the type of use. To these ends, certain uses are excluded which would function more effectively in other Districts and which would interfere with the operation of the uses permitted in this District.

**4.13.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed **Table 4.13.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review**, **Article 6: Special Land Uses**, and **Article 7: Supplemental Regulations**.

<b>Table 4-13.2 I: General Industrial District TABLE OF PERMITTED USES &amp; SPECIAL LAND USES</b>	
P = Permitted by right S = Permitted with a Special Use Permit	I
<b>AGRICULTURE/FOREST PRODUCTS</b>	
<i>Agricultural Products Processing</i>	S
<i>Cider Mills</i>	S*
<i>Food Hub/Food Incubator/Food Service</i>	S
<i>Feed Supply Yard</i>	P
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills &amp; related operations)</i>	P
<i>Greenhouses/Hoophouse/Nurseries/Landscaping</i>	P
<i>Lumber Yards (pre-planed, finished lumber)</i>	P
<i>Meat Packing Plants</i>	S
<i>Slaughter House</i>	S
<b>COMMERCIAL/RETAIL</b>	
<i>Auto Body/Paint/Interior &amp; Glass; Auto Repair</i>	S
<i>Boat/RV Repair &amp; Storage</i>	S
<i>Crematoriums</i>	S
<i>Manufactured Home Dealers</i>	P
<i>Printing/Binding/Publishing of Printed Materials</i>	P
<i>Seasonal Sales/Transient Sales</i>	P*
<i>Sexually Oriented Businesses</i>	S*
<b>COMMUNICATIONS</b>	
<i>Wireless Communications Equipment &amp; Support Structures (towers)</i>	S*
<b>CONSTRUCTION</b>	
<i>Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).</i>	P*
<i>Contractor's Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor's Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.</i>	P*
<b>EDUCATIONAL SERVICES/RELIGION</b>	
<i>Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)</i>	P

**Table 4-13.2 (continued)**  
**I: General Industrial District**

**TABLE OF PERMITTED USES & SPECIAL LAND USES**

P = Permitted by right  
S = Permitted with a Special Use Permit

<b>MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT</b>	
Appliance, Heating, and Ventilation Equipment	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	S
Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries	P
Ceramic Products using Gas- or Electrically-Fired Kilns, Glass Products, or Stone Products	P
Computer, Electronic, & Appliance Product Mfg	P
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg	S
Data Processing & Computer Centers including the servicing & maintenance of electronic data processing equipment.	P
Food/beverage processing	P
Food/beverage bottling & packaging	P
Furniture & Related Product Mfg	P
Gas Processing Facilities	S
Ice & Cold Storage Plants	P
Incinerator Plant (non-pyrolysis)	S
Incinerator Plant (pyrolysis type)/Gasification	S
Research Laboratories	P
Leather & Allied Product Mfg	P
Light Manufacturing, Assembly, Testing & Repair of Components, Devices, Equipment & Systems of Professional Scientific and Controlling Instruments; Photographic & Optical Goods	P
Machine Shops	P
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	P
Mineral Processing Facilities & Operations	S
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)	P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	P
Pharmaceutical Preparations, Cosmetics, and Toiletries	P
Plastics Mfg	P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.	P
Prefabricated Buildings and structured members	P
Printing, Lithographic & Blueprinting	P

**Table 4-13.2 A (continued)**  
**I: General Industrial District**

Recycling & Resource Recovery Facilities/ Transfer Stations/Waste Collection	S
Refinery	S
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Resource Extraction/Mining	S
Sign Painting & Mfg	P
Smelting Industries	S
Solar Panels and Alternative Energy Systems Mfg	P
Textile & Apparel Mfg	P
Tool & Die Shops	P
Wood & Paper Product Mfg (not mills)	P
<b>MISCELLANEOUS</b>	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	P
Planned Unit Developments	S*
Resource Extraction/Mining	S*
<b>RESIDENTIAL USES</b>	
Living Quarters for Watchman or Caretaker – Industrial Uses	P
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING</b>	
Aviation Support Services	S
Bus Garages	P
Freight Terminals/Trucking Facilities	P
Rail yards	P
Scenic & Sightseeing Transportation/Ground Passenger Transportation	P
Self-Storage Facilities	P*
Truck Washes	P
Warehousing & Storage (within an enclosed building)	P
Wholesale Trade	P
<b>UTILITIES/ENERGY</b>	
Gas Regulator Stations	S
Public Utility Facilities (with storage yards)	P
Solar Panels	P
Utility Transformer Stations & Substations	P

4.13.3 Development Standards

Lot & Structure Standards (Figure 1)		Table 4.13.3 A
Lot Area (minimum)	None required.	
Lot Width (minimum)	None required	
Building Height <sup>1</sup> (maximum)	5 stories <sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
Lot Coverage (maximum)	No maximum	
Floor Area (minimum)	Nonresidential: No minimum square footage except as required by building code.	
Setbacks (Figure 1)		Table 4.13.3 B
Front	25 ft minimum	
Rear	10 ft minimum (20 ft minimum required where a district abuts a residential use or district)	
Side	10 ft minimum (20 ft minimum required where a district abuts a residential use or district)	
Side (street side - corner lot)	25 ft minimum	

Additional Development Standards		Table 4.13.3 C
Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures (Figure 2).	
Parking	Parking is allowed in setbacks. Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.	
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.11.7. A greenbelt may be used for screening purposes as per §3.10.4.	
Decks, Porches & Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	

Figure 1: Lot & Structure Standards Diagram

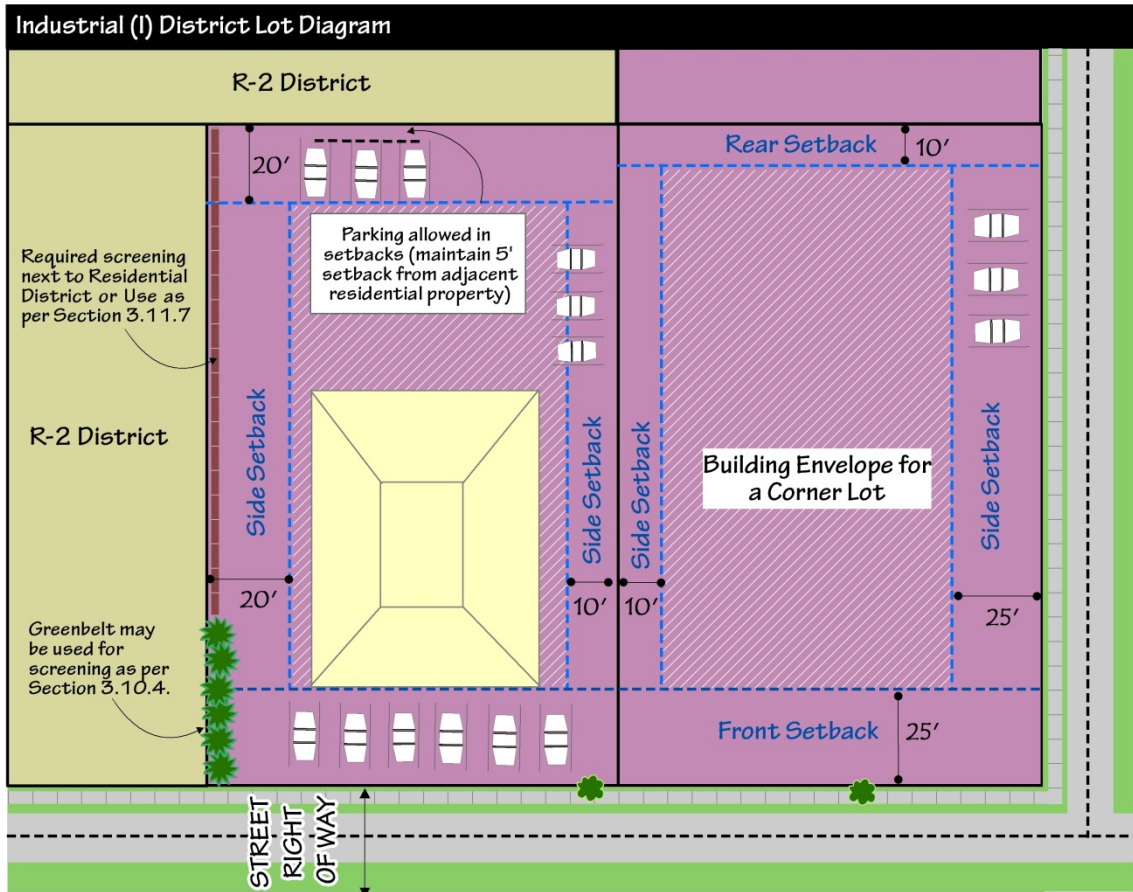


Diagram is not drawn to scale.

Figure 2: Setback Averaging

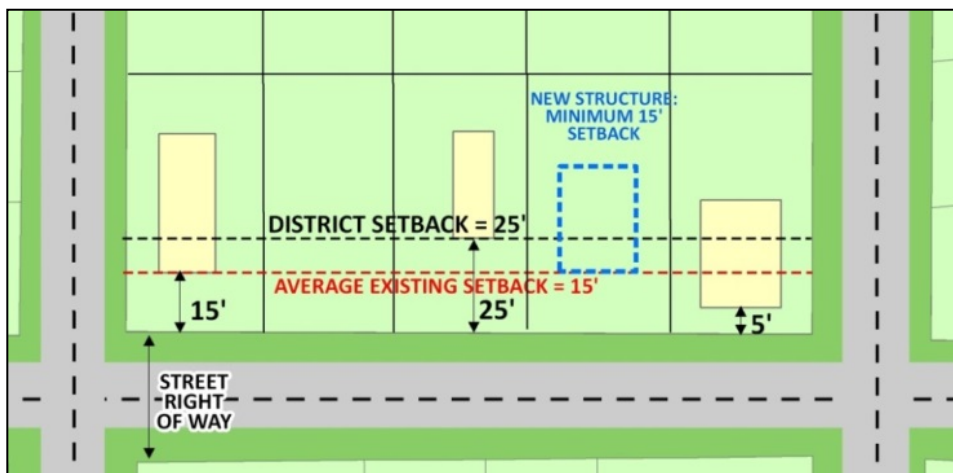


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

**§ 4.14 G, Government District**

**4.14.1 Purpose.**



The Government District (G) and regulations are intended to provide an appropriate zoning classification for specified governments, civic and recreational facilities where a separate zoning district is deemed appropriate. This Article is also intended to protect public and quasi-public facilities and institutions from the encroachment of certain other uses, and to insure compatibility with adjoining residential uses. Several of the public facilities addressed in this section are also Permitted or Conditional Uses in one or more of the other zoning districts. Governmental agencies which are exempted from Zoning by state and federal statute shall be responsible for complying with the standards of this section to the greatest extent possible.

**4.14.2 Uses Permitted by Right and Special Uses**

Permitted and Special Land Uses shall be limited to those listed **Table 4.14.2** (also in **§4.15: Table of Permitted and Special Land Uses**) and shall be subject to all applicable provisions of **Article 5: Plot Plans & Site Plan Review, Article 6: Special Land Uses, and Article 7: Supplemental Regulations.**

Table 4.14.2 G: Government District	
TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit	<b>G</b>
AGRICULTURE/FOREST PRODUCTS	
Farmer's Markets	<b>S</b>
ARTS, ENTERTAINMENT, AND RECREATION	
Archery Ranges (stand-alone and as an accessory use in a business)	<b>S</b>
Bowling Centers	<b>S</b>
Outdoor Performance Facilities	<b>S</b>
Public Parks, Playgrounds, Recreation Areas, Nature Areas	<b>P</b>
Recreational Fields	<b>P</b>
Skating Rinks (indoor)	<b>S</b>
Skating Rinks (outdoor)	<b>P</b>
COMMERCIAL/RETAIL	
Crematoriums	<b>S</b>
Seasonal Sales/Transient Sales	<b>P*</b>
COMMUNICATIONS	
Wireless Communications Equipment & Support Structures (towers)	<b>S*</b>
EDUCATIONAL SERVICES/RELIGION	
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)	<b>S</b>

Table 4.14.2 (continued) G: Government District	
Public or private schools	<b>S</b>
Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)	<b>S</b>
HUMAN CARE AND SOCIAL ASSISTANCE	
Child Care Center /Nursery School(not in home)	<b>S*</b>
Assisted Living Home/Nursing Home/Convalescent Home	<b>S</b>
MISCELLANEOUS	
Accessory Buildings & Uses Incidental to Principal Permitted Uses	<b>P</b>
Planned Unit Developments	<b>S*</b>
Resource Extraction/Mining	<b>S*</b>
PUBLIC FACILITIES	
Auditoriums	<b>P</b>
Cemeteries	<b>P</b>
Community Centers (public)	<b>P</b>
Governmental Buildings	<b>P</b>
Libraries	<b>P</b>
Police/Fire Stations	<b>P</b>
Post Office	<b>P</b>
Public Works Facilities with Outdoor Storage	<b>P</b>
Water & Wastewater Treatment Plants; Water Towers	<b>P</b>

4.14.3 Development Standards

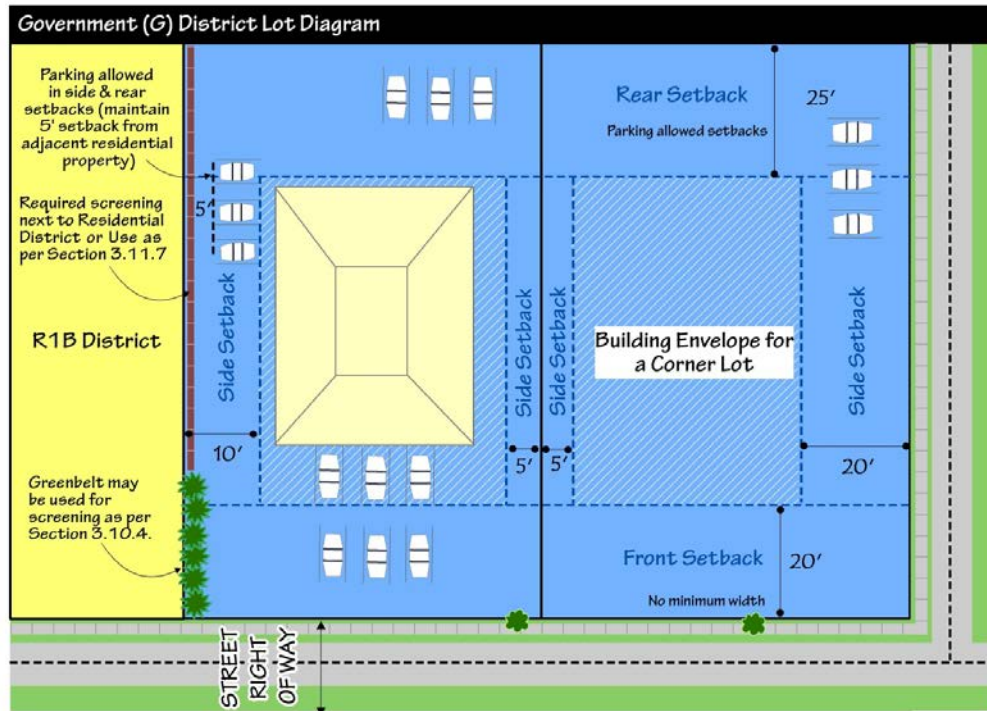
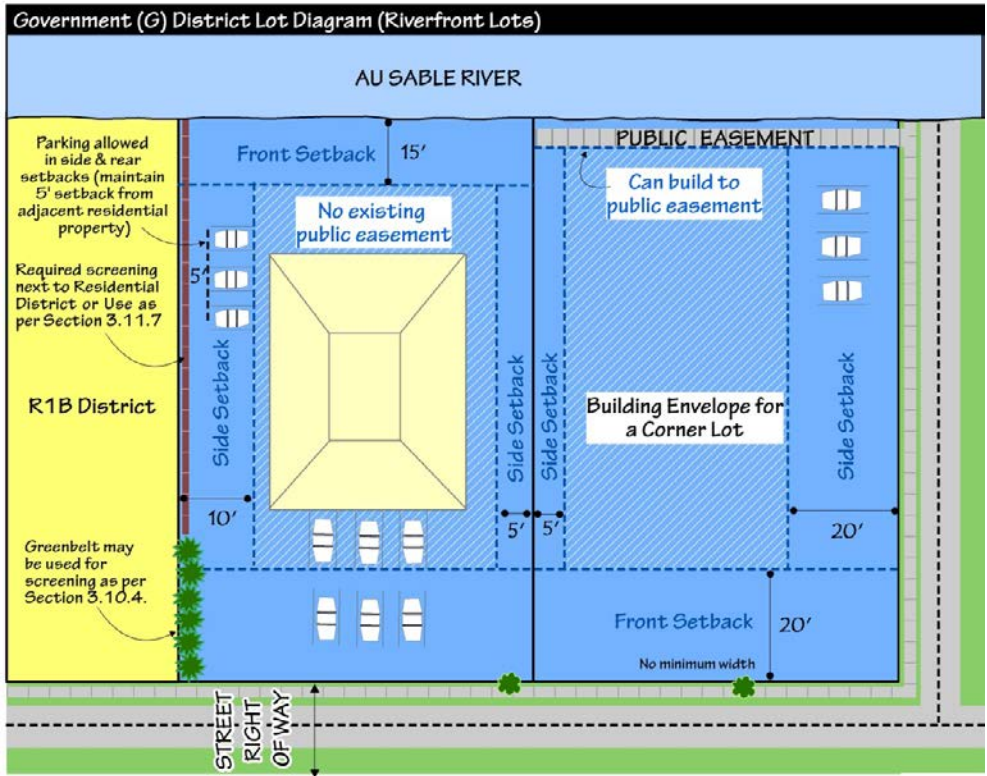
Lot & Structure Standards (Figure 1)		Table 4.14.3 A
Lot Area (minimum)	None required.	
Lot Width (minimum)	None required.	
Building Height <sup>1</sup> (maximum)	5 stories	
	<sup>1</sup> Height regulations may be subject to the Crawford County Airport Zoning Ordinance.	
Maximum Lot Coverage	No maximum	
Floor Area (minimum)	<b>Nonresidential:</b> No minimum square footage except as required by building code.	

Setbacks		Table 4.14.3 B
Front	20 ft minimum	
Rear	25 ft minimum	
Side	5 ft minimum	
Side (street side - corner lot)	20 ft minimum	
Riverfront Lots	Front (Riverfront)	15 ft minimum if no public easement along the riverfront exists. If a public easement along the riverfront exists, may build to public easement.
	Rear (Street)	20 ft minimum

Additional Development Standards (Figure 1)		Table 4.14.3 C
Water/Sewer	All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.	
Setback Averaging	Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures ( <b>Figure 2</b> ).	
Accessory Buildings	Regulated by § 3.6	
Parking	Parking is allowed in setbacks. Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.	
Screening	When a non-residential use abuts a residential use or district, screening is required as per §3.11.7. A greenbelt may be used for screening purposes as per §3.10.4.	
Decks, Porches & Patios	Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.	
Walkways & Docks	Docks and/or walkways shall not extend past the edge of the actual waterline of the river and shall be setback a minimum of ten (10) feet from the side lot lines. ( <b>Figure 3</b> )	



Figure 1: Lot & Structure Standards Diagrams



Diagrams are not drawn to scale.



Figure 2: Setback Averaging

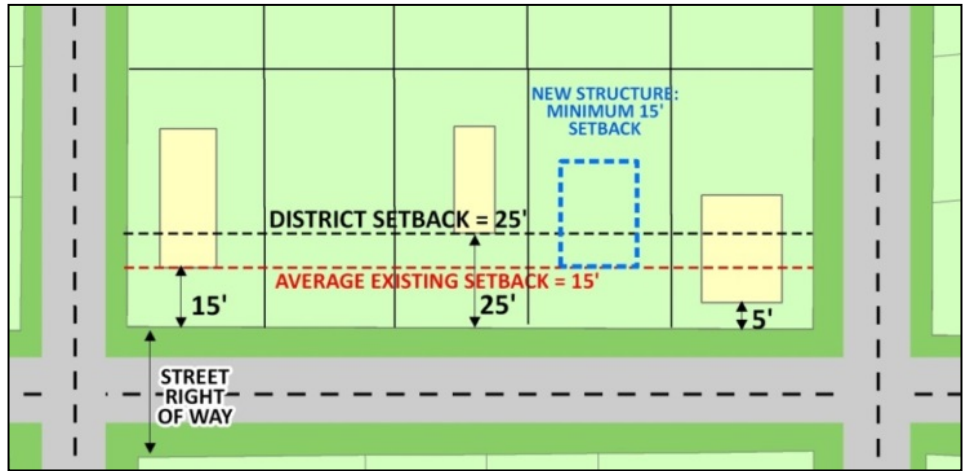
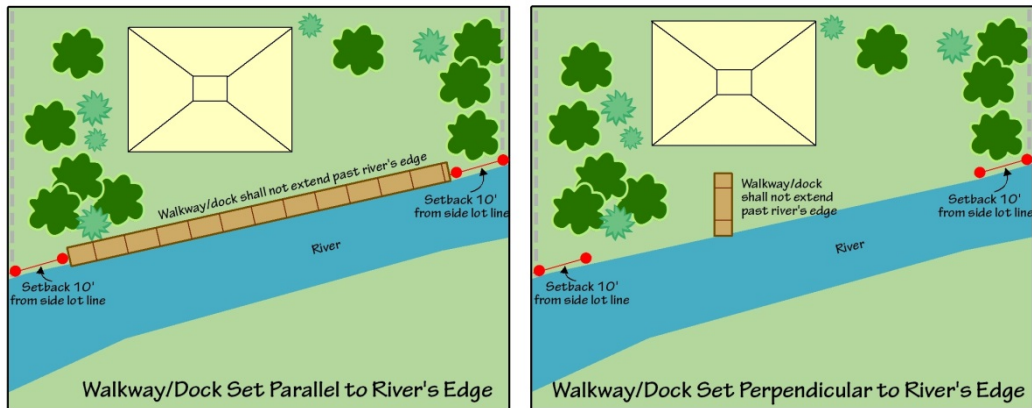


Diagram is only an example, is not drawn to scale, and does not necessarily represent this district's setbacks.

Figure 3: Walkways & Docks



**Section 4.15 Table of Permitted Uses & Special Land Uses (All Districts)**

Uses permitted in the City of Grayling are listed in Table 4.15. Uses denoted with a “P” are permitted by right with the appropriate zoning permit. Uses denoted with an “S” are Special Uses. If a use’s cell within the table is empty in a particular column, then the use is not permitted in that particular district. Uses denoted with an asterisk “\*” have supplemental regulations found in **Article 7**. The district’s columns use the same colors found on the zoning map for ease of reference (shown in the diagram below).

City of Grayling Zoning Districts	
RC	Recreation District
R-1A	Single-Family Residential District, Low-Density
R-1B	Single-Family Residential District, Medium Density
R-2	Multiple-Family Residential District, Low Density
C-1	Local Service District
C-2	Medical/Professional Office/Mixed Use District
C-3A	General Commercial District
C-3B	General Commercial – South Town District
CBD	Central Business District
I	General Industrial District
G	Government District

Table of Permitted and Special Land Uses											Table 4.15	
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G	
<b>ACCOMODATION AND FOOD SERVICES</b>												
<i>Bakeries (goods produced &amp; sold on-site)</i>					P	P		P	P			
<i>Bed &amp; Breakfasts (including participation in program such as Air B &amp; B)</i>	S*	S*	S*	S*		S*						
<i>Caterers/Food Service Contractors</i>					S	P		P	P			
<i>Coffee Shops</i>					P	P		P	P			
<i>Convention Centers/Conference Centers/Banquet Halls</i>					S	S		S	S			
<i>Drinking Establishments/Taverns (and/or providing entertainment)/Restaurants Serving Alcohol</i>					S	S		S	S			
<i>Food Trucks</i>					S							
<i>Hotels &amp; Motels &amp; Resorts (attached or detached units)</i>					S			S	S			
<i>Microbreweries, Distilleries, &amp; Wineries (serving directly to the public)</i>					S	S		S	S			
<i>Restaurants without Drive-Through</i>					P	P		P	P			
<i>Restaurants with Drive-Through (Drive-In or Eat in Car)</i>								S	S			
<i>Restaurants with Sidewalk Cafe (Dining on public right-of-way)</i>					p*	p*		p*	p*			
<i>Restaurants with Outdoor Dining (Dining on Private Property)</i>					P	P		P	P			
<i>Rooming Houses &amp; Tourist Homes</i>	S*	S*	S*	S*		S*						

Table of Permitted and Special Land Uses											Table 4.15
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G
<b>AGRICULTURE/FOREST PRODUCTS</b>											
<i>Agricultural Products Processing</i>								S	S	S	
<i>Animal Shelter/Kennels</i>								S	S		
<i>Cider Mills</i>										S*	
<i>Farm Supply &amp; Feed Stores</i>								S	S		
<i>Farmer's Markets</i>					S	S					S
<i>Feed Supply Yard</i>										P	
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills &amp; related operations)</i>										P	
<i>Food Hub/Food Incubator/Food Service</i>									S	S	
<i>Greenhouses/Hoophouses/Nurseries/ Landscaping Establishment</i>								S	S	P	
<i>Lumber Yards (pre-planed, finished lumber)</i>								S	S	P	
<i>Meat Packing Plants</i>										S	
<i>Slaughter Houses</i>										S	
<i>Veterinary Clinic or Hospital</i>								S	S		
<i>Veterinary Clinic or Hospital with no accessory boarding and no outdoor exercise or pet runs.</i>						S		S	S		

Table of Permitted and Special Land Uses											Table 4.15
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G
<b>ARTS, ENTERTAINMENT, AND RECREATION</b>											
Amusement Arcades					P	P					
Amusement Parks	S*										
Archery Ranges (stand-alone and as an accessory use in a business)					S			S	S		S
Art Studios					P	P	P	P	P		
Billiards Halls					S			S	S		
Bowling Centers					S			S	S		S
Canoe/Kayak Liveries		P									
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball, karate, yoga)					P	P	P	P	P		
Golf Courses & Driving Range	S*										
Museums & Galleries					P	P	P	P	P		
Outdoor Performance Facilities											S
Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf)								S*	S*		
Private Clubs; Lodges	S	S	S	S		S	S	S	S		
Public Parks, Playgrounds, Recreation Areas, Nature Areas	P	P	P	P	P						P
Recreational Fields											P
Skating Rinks (indoor)								S	S		S
Skating Rinks (outdoor)											P
Theaters/Performing Arts Facilities					P	P	P	P	P		
Tours (Commercial Operations)								S	S		

Table of Permitted and Special Land Uses											Table 4.15	
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G	
<b>COMMERCIAL/RETAIL</b>												
Antique Stores					P	P	P	P	P			
Auto Body/Paint/Interior & Glass; Auto Repair								S*	S*	S*		
Automotive Oil Change								S*	S*			
Automobile Service Station								S*	S*			
Automobile Washes								S	S			
Automotive Equipment Rental/Leasing								S	S			
Boat/RV Repair & Storage								S	S	S		
Building & Garden Equipment & Supplies Dealers								P	P			
Cash Advance Stores								P	P			
Clothing & Clothing Accessories Stores; Shoe Sales & Repair					P	P		P	P			
Commercial/Industrial Equipment Rental & Leasing								S	S			
Commercial Equipment Repair & Maintenance								S	S			
Convenience Stores					P	P		P	P			
Crematoriums										S	S	
Drive-Through Establishments (other than restaurants)						S		S	S			
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)						P		P	P			
Electronic & Precision Equipment Repair & Maintenance						P		P	P			
Electronics & Appliance Stores					S	P		P	P			
Extermination & Pest Control Services						P		P	P			
Film Production Facilities including sound stages and other related activities								P	P			
Financial Institutions					P	P	P	P	P			
Florists					P	P	P	P	P			
Food & Beverage Stores					P	P		P	P			

Table of Permitted and Special Land Uses											Table 4.15
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G
<b>COMMERCIAL/RETAIL (continued)</b>											
Funeral Homes & Mortuaries						S	S	S	S		
Furniture & Home Furnishings Stores					S	P		P	P		
Furniture Refinishing/Upholstery						P		P	P		
General Retail								P	P		
General Rental Centers								P	P		
Gift Shops					P	P		P	P		
Hardware Stores					P			P	P		
Health & Personal Care Stores					P	P	P	P	P		
Home Improvement Centers (lumber stored in enclosed structure)								P	P		
Interior Designers/Showrooms						P		P	P		
Locksmiths						P		P	P		
Manufactured Home Dealers										P	
Medical Equipment Sales						P	P	P	P		
Medical Laboratories						P	P	P	P		
Movie Rental Stores						P		P	P		
Office Supply Stores						P		P	P		
Outdoor display of products/materials for retail sale or rental (accessory to a principle permitted retail use).					p*	p*		p*	p*		
Outdoor Sales of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment								S*	S*		
Pawn Shops/Resale Shops/Thrift Store						P		P	P		
Personal Services (beauty shops, tailoring, massage)					P	P	P	P	P		
Pet and Pet Care Stores (except Veterinary and Animal Shelters)					S	P		P	P		
Pharmacies/Medical & Optical Supplies						P	P	P	P		



Table of Permitted and Special Land Uses											Table 4.15
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G
<b>COMMERCIAL/RETAIL (continued)</b>											
Photofinishing/Photographers					P	P	P	P	P		
Printing/Binding/Publishing of Printed Materials					P	P		P	P	P	
Professional Cleaning Services						P		P	P		
Professional Offices					P*	P	P	P	P		
Real Estate Sales Office					P	P	P	P	P		
Recording Studios					S	P		P	P		
Retail Uses with Outdoor Storage								S	S		
Seasonal Sales/Transient Sales					P*	P*	P*	P*	P*	P*	P*
Sexually Oriented Businesses										S*	
Shopping Center – Multiple Businesses					S			P	P		
Small Engine Repair								S	S		
Small-Scale Craft Making					S	S					
Sporting Goods, Hobby, Book & Music Stores					P	P		P	P		
Studios for dance and music					P	P	P	P	P		
<b>COMMUNICATIONS</b>											
Television/Radio Broadcasting Stations						P		P	P		
Wireless Communications Equipment & Support Structures (towers)					S*	S*	S*	S*	S*	S*	S*
<b>CONSTRUCTION</b>											
Contractors Establishments (provided all products, material and equipment are stored within an enclosed building).						P*		P*	P*	P*	
Contractor’s Establishments with Storage Facilities for Building Materials - Sand, Gravel, Stone, Lumber)/Contractor’s Equipment (with outdoor storage) – ex: Building Contractors, Well Drilling, Excavating, Septic Pumping, and similar.										P*	

**Table of Permitted and Special Land Uses**

**Table 4.15**

P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G
<b>EDUCATIONAL SERVICES/RELIGION</b>											
<i>Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)</i>								S	S		S
<i>Public or private schools</i>			S	S			S	S	S		S
<i>Religious Institutions</i>		S	S	S			S	S	S		
<i>Trade Schools; Vocational, Training and/or Educational Centers (designed to provide training at the business, technical and/or professional level)</i>								S	S	P	S
<b>HUMAN CARE AND SOCIAL ASSISTANCE</b>											
<i>Child Care Services (see following)</i>											
<i>Family Child Care Home (6 or less)</i>		P*	P*	P*							
<i>Group Child Care Home (7 -12)</i>		S*	S*	S*							
<i>Child Care Center /Nursery School(not in home)</i>		S*	S*	S*		S*	S*	S*	S*		S*
<i>Child Caring Institution</i>							S				
<i>Health Care /Dental /Optical Clinics</i>					S	P	P	P	P		
<i>Hospitals &amp; Sanitariums</i>							S	S	S		
<i>Assisted Living Home/Nursing Home/Convalescent Home</i>				S				S	S		S
<i>Residential Human Care and Treatment Facility</i>							S				
<i>State-Licensed Residential Facilities (6 or less adults)</i> <i>Adult Foster Care Family Homes (6 or less adults)</i>	P*	P*	P*	P*							
<i>Adult Foster Care Small Group Home (7-12 adults)</i> <i>Adult Foster Care Large Group Home (13-20 adults)</i>		S*	S*	S*							
<i>Adult Foster Care Congregate Facilities</i>				S							

Table of Permitted and Special Land Uses											Table 4.15
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G
<b>MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT</b>											
<i>Appliance, Heating, and Ventilation Equipment</i>										P	
<i>Blast Furnace, Steel Furnace, Blooming or Rolling Mill</i>										S	
<i>Central Dry Cleaning Plants (not dealing directly with customers); Commercial Laundries</i>										P	
<i>Ceramic Products using Gas- or Electrically-Fired Kilns, Glass Products, or Stone Products</i>										P	
<i>Computer, Electronic, &amp; Appliance Product Mfg</i>										P	
<i>Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg</i>										S	
<i>Data Processing &amp; Computer Centers including the servicing &amp; maintenance of electronic data processing equipment.</i>										P	
<i>Food/beverage processing</i>										P	
<i>Food/beverage bottling &amp; packaging</i>										P	
<i>Furniture &amp; Related Product Mfg</i>										P	
<i>Gas Processing Facilities</i>										S	
<i>Ice &amp; Cold Storage Plants</i>										P	
<i>Incinerator Plant (non-pyrolysis)</i>										S	
<i>Incinerator Plant (pyrolysis type)/Gasification</i>										S	
<i>Research Laboratories</i>										P	
<i>Leather &amp; Allied Product Mfg</i>										P	
<i>Light Manufacturing, Assembly, Testing &amp; Repair of Components, Devices, Equipment &amp; Systems of Professional Scientific and Controlling Instruments; Photographic &amp; Optical Goods</i>										P	
<i>Machine Shops</i>										P	
<i>Metal Plating/Buffering/Polishing/Cutting/ Slitting/Shearing</i>										P	
<i>Mineral Processing Facilities &amp; Operations</i>										S	

Table of Permitted and Special Land Uses											Table 4.15	
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G	
<b>MANUFACTURING/INDUSTRIAL/WASTE MANAGEMENT (continued)</b>												
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)										P		
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution										P		
Pharmaceutical Preparations, Cosmetics, and Toiletries										P		
Plastics Mfg										P		
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.										P		
Prefabricated Buildings and structured members										P		
Printing, Lithographic & Blueprinting										P		
Recycling & Resource Recovery Facilities/ Transfer Stations/Waste Collection										S		
Refinery										S		
Research/Design/Experimental Product Development (within a completely enclosed building)										P		
Sign Painting & Mfg										P		
Smelting Industries										S		
Solar Panels and Alternative Energy Systems Mfg										P		
Textile & Apparel Mfg										P		
Tool & Die Shops										P		
Wood & Paper Product Mfg (not mills)										P		

<b>Table of Permitted and Special Land Uses</b>											<b>Table 4.15</b>	
<b>P = Permitted by right</b> <b>S = Permitted with a Special Use Permit</b>	<b>RC</b>	<b>R-1A</b>	<b>R-1B</b>	<b>R-2</b>	<b>CBD</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3A</b>	<b>C-3B</b>	<b>I</b>	<b>G</b>	
<b>MISCELLANEOUS</b>												
<i>Accessory Buildings &amp; Uses Incidental to Principal Permitted Uses</i>	P	P	P	P		P	P	P	P	P	P	
<i>Planned Unit Developments</i>	S*	S*	S*	S*		S*	S*	S*	S*	S*	S*	
<i>Resource Extraction/Mining</i>	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	
<b>PUBLIC FACILITIES</b>												
<i>Auditoriums &amp; Public Community Centers</i>											P	
<i>Cemeteries</i>											P	
<i>Governmental Buildings</i>					S*						P	
<i>Libraries</i>											P	
<i>Police/Fire Stations</i>											P	
<i>Post Office</i>					P	P	P	P	P		P	
<i>Public Works Facilities with Outdoor Storage</i>											P	
<i>Water &amp; Wastewater Treatment Plants; Water Towers</i>											P	
<b>RESIDENTIAL USES</b>												
<i>Accessory Dwelling Units/Guest Houses</i>	S*	S*	S*	S*								
<i>Cluster Housing (§3.4)</i>		S*	S*	S*								
<i>Cottage Industries</i>		S*	S*	S*		S*	S*					
<i>Dwelling Units above/to the rear of a Commercial Establishment</i>					P	S	S	S				
<i>Home Occupations</i>		P*	P*	P*		P*	P*					
<i>Living Quarters for Watchman or Caretaker – Industrial Uses</i>										P		
<i>Medical Marijuana Primary Caregiver Facility</i>	P*	P*	P*	P*								
<i>Multiple-Family Dwelling Units (apartments)</i>				P		S		S				
<i>Single-Family Dwelling</i>	P	P	P	P			P					
<i>Single-Family Dwelling existing at time of Ordinance adoption.</i>						P						
<i>Single-Family Attached Dwelling (Townhouses; Condominiums)</i>	P	P	P	P		P	P	P				
<i>Two-Family Dwelling (duplex)</i>		P	P	P								

Table of Permitted and Special Land Uses											Table 4.15
P = Permitted by right S = Permitted with a Special Use Permit	RC	R-1A	R-1B	R-2	CBD	C-1	C-2	C-3A	C-3B	I	G
<b>TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING</b>											
<i>Aviation Support Services</i>								S		S	
<i>Bus Garages</i>										P	
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments</i>						P		P	P		
<i>Freight Terminals/Trucking Facilities</i>										P	
<i>Rail yards</i>										P	
<i>Scenic &amp; Sightseeing Transportation/Ground Passenger Transportation</i>										P	
<i>Self-Storage Facilities</i>										P*	
<i>Truck Washes</i>										P	
<i>Warehousing &amp; Storage (within an enclosed building)</i>										P	
<i>Wholesale Trade</i>										P	
<b>UTILITIES/ENERGY</b>											
<i>Gas Regulator Stations</i>										S	
<i>Heating &amp; Electric Power Generating Plants</i>											
<i>Public Utility Facilities (without storage yards)</i>						P		P	P		
<i>Public Utility Facilities (with storage yards)</i>										P	
<i>Solar Panels (Free Standing)</i>										P	
<i>Utility Transformer Stations &amp; Substations</i>						P		P	P	P	

**Section 4.16 Schedule of Regulations**

Zoning District	Minimum Lot Size		Maximum Building Height <sup>1</sup>	Setbacks (ft)					Maximum Lot Coverage	Footnotes			
	Area (sq ft)	Lot Width (ft)		Stories and Ft	Front		Rear (Min)	Side (Min)			Corner Side (Min)	Riverfront Lots (Minimum)	%
					Min	Max							
RC - Recreation	7,200	60	2 ½ stories 35 ft (75 ft for farm buildings)	10	20	25	5	10	<b>Front Yard (Riverfront):</b> 15 ft minimum if no public easement along the river exists. May build to public easement, if existing. <b>Rear Yard (Street):</b> 10 ft minimum  <b>Front Yard (Riverfront):</b> 15 ft minimum if no public easement along the river exists. May build to public easement, if existing. <b>Rear Yard (Street):</b> 10 ft minimum  ----  ----	Single-Family Detached & Two-Family Dwelling Units: 75%	A, B, C, D, E, F, H		
R-1A - Single-Family Residential, Low Density	10,800	90	2 ½ stories 35 ft	10	---	25	10	10			All other uses: No maximum.	A, B, C, D, E, F, H	
R-1B - Single-Family Residential, Medium Density	7,200	60	2 ½ stories 35 ft	10	---	25	5	10		----		A, B, C, D, E, F	
R-2 - Multiple-Family Residential	7,200	60	5 stories for multi-family. 2 ½ for 35 ft for all other uses.	10	---	25	5	20		----	A, B, C, D, E, F		

<sup>1</sup>Height regulations may be subject to the Crawford County Airport Zoning ordinance and other State or Federal regulations.



# ARTICLE 4

Zoning District	Minimum Lot Size		Maximum Building Height <sup>1</sup>	Setbacks (ft)					Maximum Lot Coverage	Footnotes		
	Area (sq ft)	Lot Width (ft)		Front		Rear (Min)	Side (Min)	Corner Side (Min)			Riverfront Lots (Minimum)	
			Stories and Ft	Min	Max				%			
C-1 - Local Service	5,000	60	5 stories for multi-family and non-residential. 2 ½ or 35 ft for single- and two-family residential.	6	---	None required. 10 ft if abutting residential use or district.		6	Single-Family Detached & Two-Family Dwelling Units: 75%  All other uses: No maximum.	A, B, C, D, E, F, G, H		
C-2 - Medical/Professional Office/Mixed Use	7,200	60	5 stories for multi-family and non-residential. 2 ½ or 35 ft for single- and two-family residential.	10	---	None required. (10 for single-family detached or for uses abutting residential use or district.)	5 (10 if abutting residential use or district.)	10		---	A, B, C, D, E, F, G	
C-3A - General Commercial	---	---	5 stories for multi-family and non-residential. 2 ½ or 35 ft for single- and two-family residential.	10	20	None required. 10 if abutting residential use or district.		None		Front Yard (Riverfront): 15 ft minimum if no public easement along the river exists. May build to public easement, if existing. Rear Yard (Street): 10 ft minimum (20 ft maximum)	A, B, C, D, E, F, H, G	
C-3B - General Commercial, South Town	---	---	5 stories	10	---	None required. 10 if abutting residential use or district.		None			---	A, B, C, D, E, F, G
Central Business District, CBD	---	---	Minimum: 2 stories Maximum: 3 stories (4 stories may be approved on a case by case basis)	No setbacks required. Any structure which abuts residential lot shall have minimum setback of 10 feet from the common property line.						---		A, B, C, D, E, F
General Industrial, I	---	---	5 stories	25	---	10 ft rear and side yard. A rear and side yard setback of not less than twenty (20) feet shall be required where a district abuts a residential use or district.		25		---	A, B, C, D, E, F, G	
Government District, G	---	---	5 stories	20	---	25	5	20		Front Yard (Riverfront): 15 ft minimum if no public easement along the river exists. May build to public easement, if existing. Rear Yard (Street): 20 ft minimum	A, B, C, D, E, F, G, H	

<sup>1</sup>Height regulations may be subject to the Crawford County Airport Zoning ordinance and other State or Federal regulations.

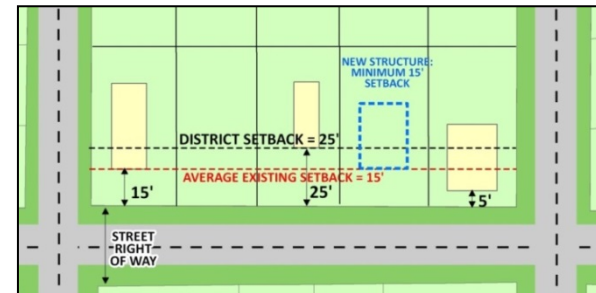
**Footnotes**

**A. Water/Sewer.**

All dwelling units and occupied buildings shall be served with a public water supply system and a public sanitary sewer system.

**B. Setback Averaging.**

Where the front yards of two (2) or more principal structures in any block (in case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front yards required herein, then any building subsequently erected within said block (or 300 feet) shall not be less and need not be greater, than the average depth of the front yards of the existing structures.



*Diagram is only an example, is not drawn to scale.*

**C. Decks, Porches & Patios.**

Decks, porches and patios shall conform to principal building setbacks. Existing non-conforming decks, porches, and patios may be replaced without a land use permit provided the replacement is of the same size and in the same location.

**D. Minimum Usable Floor Area.**

**Residential:**

Single-family	800 sq ft
Two-family, per dwelling unit	720 sq ft
Multiple-family, per dwelling unit:	
Studio Unit	400 sq ft
1 bedroom unit and up	600 sq ft

**Nonresidential:**

No minimum square footage except as required by building code.

**E. Minimum Residential Building Width.**

Except for manufactured homes within an approved manufactured housing community, the minimum residential building width for single-family detached dwelling units shall be twenty (20) feet.

**F. Screening.**

When a non-residential use abuts a residential use or district, screening is required as per § 3.11.7. A greenbelt may be used for screening purposes as per § 3.10.4.

**G. Parking.**

**C-1, C-3B, I and G Districts:** Parking is allowed in all setbacks. Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.

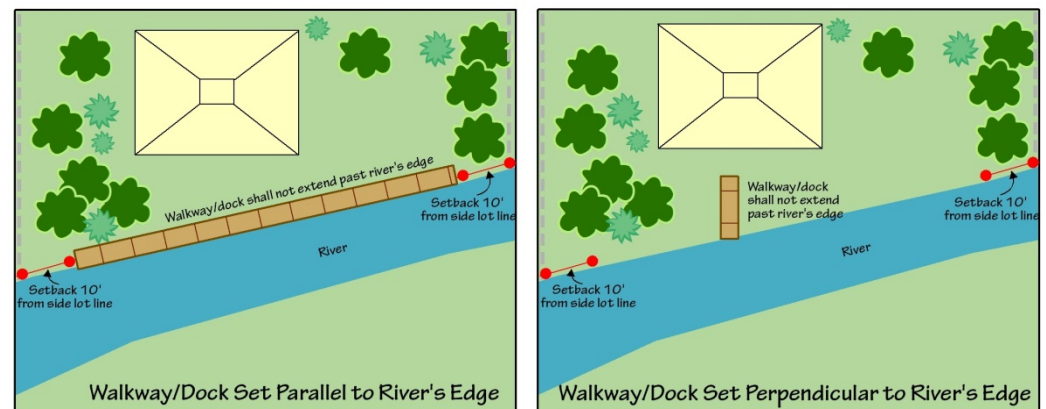
**C-2 District:** Parking is allowed in all setbacks. When parking abuts the sidewalk, a barrier shall be required between the parking area and the sidewalk (ex: fence, wall, landscaping, greenspace). Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.

**C-3A District:** Parking shall not be located closer to the front property line than the front façade of the principal building. Parking is allowed when rear and side setbacks are required. Parking areas shall maintain a five (5) foot setback when a non-residential use abuts a residential use or district.

**CBD:** Nonresidential buildings and uses in the CBD are exempt from required parking spaces.

**H. Walkways and Docks.**

Docks and/or walkways shall not extend past the edge of the actual waterline of the river and shall be setback a minimum of ten (10) feet from the side lot lines.



# Article 5

## Plot Plan & Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
5.1	<a href="#">Purpose &amp; Approval Summary Table</a>	5-1	5.6	<a href="#">Site Plan Submittal &amp; Approval Procedure</a>	5-6
5.2	<a href="#">Plot Plans</a>	5-2	5.7	<a href="#">Site Plan Approval Standards</a>	5-9
5.3	<a href="#">Site Plans</a>	5-3	5.8	<a href="#">Amendments to an Approved Site Plan</a>	5-11
5.4	<a href="#">Site Plan Pre-Application Conference</a>	5-3	5.9	<a href="#">Phasing of Development</a>	5-13
5.5	<a href="#">Site Plan Data Required</a>	5-4	5.10	<a href="#">Inspection</a>	5-13

### Section 5.1 Purpose & Approval Summary Table

The purpose of this article is to specify the documents and/or drawings required for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the City is orderly, properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Approval Summary Table		
Type of Use	Plan Required	Approving Body
1. Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings (new or expansion)	Plot Plan	Reviewed and approved by Zoning Administrator.
2. Adult Foster Care Family Homes & State Licensed Residential Facilities	Plot Plan	Reviewed and approved by Zoning Administrator.
3. Residential Special Uses	Plot Plan	Reviewed and approved by Planning Commission after public hearing required as per <b>§ 9.4.</b>
4. Special Uses (non-residential)	Site Plan	
5. Parking Lots	Plot Plan	Reviewed and approved by Zoning Administrator.
6. Parking Lots that required flexibility in parking regulations per <b>§3.24.6(5)</b>	Site Plan	Reviewed and approved by Planning Commission.
7. Change of Use	-----	Reviewed and approved by Zoning Administrator.
8. Accessory Structures, Fences & Signs	-----	Reviewed and approved by Zoning Administrator.
9. Essential Services (const. of buildings)	Plot Plan	Reviewed and approved by Zoning Administrator.
10. New Uses/Construction except for #1, 2, 5, 7, 8 and 9 above.	Site Plan	Reviewed and approved by Planning Commission.
11. Alteration, expansion or renovation of existing use which increases the existing footprint more than 25 percent or 500 square feet, whichever is less (except #1, 2, 5, 7, 8 and 9 above.)	Site Plan	Reviewed and approved by Zoning Administrator.
12. Multiple-family dwelling units	Site Plan	Reviewed and approved by Planning Commission.
13. Planned Unit Developments	Site Plan	Reviewed and approved by Planning Commission after public hearing required as per <b>§ 9.4.</b>

**Section 5.2 Plot Plans**

**5.2.1 Circumstances Requiring a Plot Plan.**

Plot plans shall be submitted with all applications for Zoning Permits for the following:

1. **Single-Family Detached, Single-Family Attached and Two-Family Dwelling Units** – new structures and modification of existing structures which increase height or building footprint.
2. **Adult Foster Care Family Homes & State Licensed Residential Facilities**
3. **Residential Special Land Uses.**
4. **Parking Lots that do not required flexibility in application pursuant to § 3.24.6 (5).**
5. **All uses which do not require a site plan as per § 5.3.**
6. **Essential Services** (for the construction of buildings).

**5.2.2 Plot Plan Data Required for Application.**

The Plot Plan, drawn to scale shall contain the following items and shall be submitted with an application form provided by the City. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary.

Plot Plan Requirements	
<b>1. Location</b>	Address or legal description of the property where the proposed use will occur.
<b>2. Contact information</b>	Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties.
<b>3. Legal Possession</b>	Proof of legal possession of the land for the proposed use.
<b>4. Property Lines</b>	The shape, location and dimensions of the lot and property lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.  The scale, north arrow, and date.
<b>5. Setbacks</b>	Location of required setbacks of the zoning district.
<b>6. Structures &amp; Materials</b>	The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale.  The materials out of which the proposed construction is to be made.  In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed

	structures.
<b>7. Accesses</b>	The location and configuration of the lot access and driveway, drawn to scale.
<b>8. Type of Use</b>	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
<b>9. Rights-of-Way and Easements</b>	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
<b>10. Natural Features</b>	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
<b>11. Landscaping</b>	All landscaping that will appear on the property.
<b>12. Other</b>	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

### Section 5.3 Site Plans

The Planning Commission shall have the authority to review and to approve or reject all site plans (i.e. preliminary, final and combined site plans), taking into account the recommendations of the Zoning Administrator. Prior to the issuance of building permits or commencement of construction, a site plan review and approval is required.

#### 5.3.1 Circumstances Requiring a Site Plan.

Site plans are required for the following uses:

1. All new uses and/or construction except single-family (attached or detached) or two-family dwelling units and accessory structures.
2. Alteration, expansion or renovation of an existing use, other than single-family (attached or detached) or two-family dwelling units, which increases the existing footprint more than twenty-five (25) percent or five hundred (500) square feet, whichever is less.
3. Multiple-family dwelling units.
4. Special Land Uses (except Residential Special Land Uses such as Group Day Care Homes and Cottage Industries, which require a plot plan).
5. Planned Unit Developments.
6. Parking Lots that require flexibility in application pursuant to **§ 3.24.6 (5)**.
7. Other uses as required by this Ordinance.

### Section 5.4 Site Plan Pre-Application Conference

The Zoning Administrator alone or in conjunction with the Planning Commission Chair and/or Planning

Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

## Section 5.5 Site Plan Data Required

Each site plan submitted shall be an overall plan for the entire development at a sheet size of 24" X 26". Each site plan shall contain the information contained in the following table. The Zoning Administrator may waive any of the site plan requirements listed below when it finds that those requirements are not applicable to the proposed development.

Site Plan Requirements	
<b>1. General Information</b>	<ul style="list-style-type: none"> <li>a. Proprietors', applicants', and owners' names, addresses and telephone numbers.</li> <li>b. Property's legal description.</li> <li>c. Date of preparation, including revisions.</li> <li>d. Zoning classification of petitioner's parcel and all abutting parcels.</li> <li>e. Gross acreage of development.</li> <li>f. Type of use.</li> <li>g. Hours of operation.</li> </ul>
<b>2. Map Information</b>	<ul style="list-style-type: none"> <li>a. Scale no greater than 1' = 50' for property less than 3 acres and no greater than 1" = 100' for property 3 or more acres.</li> <li>b. North arrow.</li> <li>c. Location map drawn at a scale of 1" = 2,000' with north point indicated.</li> <li>d. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal.</li> </ul>
<b>3. Lot Lines &amp; Centerlines</b>	<ul style="list-style-type: none"> <li>a. Existing and proposed lot lines on the parcel and within 100' of the site. When deemed necessary by the Zoning Administrator, a survey may be required.</li> <li>b. Centerline and existing and proposed right-of-way lines of any street.</li> </ul>
<b>4. Physical Features</b>	<ul style="list-style-type: none"> <li>a. Location of all structures with setback and yard dimensions. Drawings or sketches of exterior and elevations. Location of structures within 100' of the site.</li> <li>b. Rights-of-way, easements, and public open spaces within or bordering the property. Acceleration,</li> </ul>



deceleration and passing lanes and approaches.

- c. Proposed locations of access drives, street intersections, driveway locations, sidewalks, curbing, service drives/roads, and bicycle paths. Access drives within 100' of the site.
- d. Proposed parking areas and existing parking areas within 100' of the site. Dimensioned parking spaces and calculation, drives and method of surfacing.
- e. Loading/unloading areas.
- f. Total useable floor area.
- g. Number of employees during peak usage (commercial/industrial).
- h. Location of existing and proposed service facilities above and below ground, including:
  - (1) Chemical and fuel storage tanks and containers.
  - (2) Water supply and wastewater facilities.
  - (3) Sanitary sewage disposal facilities.
  - (4) Storm water control facilities and structures.
  - (5) Location of all easements.
- i. Location of outdoor storage areas.
- j. Snow storage areas.
- k. Exterior lighting locations and illumination patterns.
- l. Location and description of all existing and proposed landscaping, berms, fencing and walls.
- m. Trash receptacle pad location and method of screening.
- n. Transformer pad location and method of screening.
- o. Entrance details including sign locations and size.
- p. Designation of fire lanes.

**5. Natural Features**

- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Crawford County, Michigan.
- b. Existing topography with a maximum contour interval of two (2) feet. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
- c. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
- d. Location of existing wetlands.
- e. Location of natural resource features, including woodlands and areas with slopes greater than ten (10%) percent (one (1) foot of vertical elevation for every ten (10) feet of horizontal distance).

**6. Residential Project Requirements**

Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:

- a. Floor area of dwelling units.
- b. Total number of units proposed per building.

- c. Density calculations.
- d. Areas to be used for open space and recreation.
- e. Carport/garage locations.

**7. Phased Construction**

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

- a. Relationship and identification of future structures.
- b. Pedestrian and vehicular circulation.
- c. Time schedule for completion of the various phases of the proposed construction.
- d. Temporary facilities or construction of same as required to facilitate the stated development

**8. Other**

Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development

**Section 5.6 Site Plan Submittal and Approval Procedure**

**5.6.1 Number of Copies.**

Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent.

**5.6.2 Timing of Submittal.**

Site plans shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.

**5.6.3 Submittal to Zoning Administrator.**

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, within thirty (30) days, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

**5.6.4 Coordination with Other Agencies.**

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The Crawford County Soil Erosion and Sedimentation Control Officer;
2. The Crawford County Drain Commissioner;

3. The Crawford County Road Commission and, if appropriate, the Michigan Department of Transportation;
4. District Health Department;
5. Local police, fire and ambulance service providers.
6. Planning consultant
7. Other agencies as deemed appropriate.

**5.6.5 Application Fees.**

Application fees pursuant to currently adopted fee schedule shall be paid when the application and site plan are submitted.

**5.6.6 Site Plans Requiring ZBA Action.**

Where the applicant is dependent upon the granting of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted.

**5.6.7 Representation at Meeting.**

If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.

**5.6.8 Consultant.**

The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable.

**5.6.9 Planning Commission Action.**

1. Within sixty (60) days of the date of the Planning Commission meeting at which the site plan is first heard, the Planning Commission shall approve, approve with conditions, or deny the proposed site plan based upon the approval standards in **§5.7**.
2. The sixty (60) day time limit may be extended upon a written request by the applicant and approved by the Planning Commission. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.
3. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.
4. Approval of a final site plan authorizes issuance of a zoning permit.

**5.6.10 Signed Copies.**

City of Grayling Zoning Ordinance  FINAL DRAFT	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission’s permanent record of proceedings on the site plan. If required by the City, a digital copy of the final approved site plan shall be provided by the applicant.

**5.6.11 Conditions.**

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to §9.6 of this Ordinance.

**5.6.12 Conformity to Site Plan Required.**

1. Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Planning Commission. The Zoning Administrator shall give the permittee notice of violation of the site plan at least ten (10) days prior to the revocation by the Planning Commission to provide time for corrective action. The Planning Commission may revoke such permit if it is determined that a violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.
2. No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan, and no building permit(s) shall be issued prior to the approval of the site plan.
3. The approved site plan shall regulate development of the property and any violation of this Article, including any improvement not in conformance of the approved site plan, shall be deemed a violation of this Ordinance as provided in Article 1 of the Code of Ordinances, and shall be subject to all penalties therein.

**5.6.13 Expiration of Site Plan Approval**

1. Approval shall expire and be of no effect unless a building permit shall have been taken out within one (1) year of the date of approval of the final site plan.
2. Thirty (30) days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.
3. Any subsequent re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

**Section 5.7 Site Plan Approval Standards**

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

**5.7.1 Compliance with Ordinance Requirements.**

1. All required information is provided.
2. The plan shall conform to the approved preliminary site plan, if applicable, and with all Zoning Ordinance regulations.
3. The site plan shall comply with the district requirements for minimum floor space, height of structures, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.

**5.7.2 Public Welfare and Adjoining Properties.**

1. The proposed use will not adversely affect public health, safety, welfare, and character of the City.
2. The proposed use will not be injurious to the surrounding neighborhood.
3. The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
4. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing uses in the immediate area.

**5.7.3 Access.**

1. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas.
2. Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
3. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides of the buildings.

**5.7.4 Vehicular and Pedestrian Circulation.**

1. Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.
2. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Pedestrian-friendly streetscape elements shall be provided, if appropriate.
3. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. Traffic calming measures shall be provided, if needed.
4. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area.
5. Streets and drives which are part of an existing or planned street pattern shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project.
6. Where possible, shared commercial access drives shall be encouraged.

**5.7.5 Natural Resources.**

Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.

**5.7.6 Stormwater Management Systems/Drainage**

Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site. The use of rain gardens and green roofs are encouraged to reduce run-off.

**5.7.7 Landscaping**

Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area

**5.7.8 Light, Air, and Access.**

The location, size, and height of the structures, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the structures and that there will be no interference with adequate light, air, and access to adjacent lands.

**5.7.9 Privacy.**

The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

**5.7.10 Wastewater Treatment.**

Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet County and State standards.

**5.7.11 Snow Storage.**

Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

**5.7.12 Exterior Lighting.**

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Pedestrian lighting shall be provided, where appropriate.

**5.7.13 Hazardous Materials.**

Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with County and State standards.

**5.7.14 Compliance with Other Statutes and Regulations.**

Site plans shall conform to all applicable requirements of city, state and federal statutes, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit is granted.

**Section 5.8 Amendments to an Approved Site Plan**

**5.8.1 Site Plan Amendments**

All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The Zoning Administrator may approve minor changes in an approved site plan, provided that a revised site plan drawing (s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for their approval.



**5.8.2 Determination of Minor Changes to a Site Plan**

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25) percent.
3. Movement of a building or buildings by no more than ten (10) feet.
4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten (10) percent or alter access locations or design.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
12. Changes required or requested by the City or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

**5.8.3 Revised Site Plan with Minor Changes.**

1. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
2. No fees shall be required for minor site plan amendments approved by the Zoning Administrator.

**5.8.4 Amendment to Site Plan – Major.**

1. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

**Section 5.9 Phasing of Development**

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, the size, and character of each phase. A final site plan may be submitted for review and approval for each phase. Performance guarantees or other conditions may be imposed on future phases by the City to ensure necessary improvements are completed throughout the development to assure logical extensions of roads or other infrastructure.

**Section 5.10 Inspection**

1. The Zoning Administrator or designee shall be responsible for inspecting all improvements for conformance with the approved site plan. All sub-grade improvements such as utilities; sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspection.
2. The Building Inspector shall notify the Zoning Administrator, in writing, when a development for which a site plan as approved has passed inspection with respect to the approved site plan. The Building Inspector shall notify the Zoning Administrator, in writing, of any development for which a site plan was approved, which does not pass inspection with respect to the approved site plan, and shall advise the Zoning Administrator of steps taken to achieve compliance. In such case, the Building Inspector shall periodically notify the Zoning Administrator of progress towards compliance with the approved site plan and when compliance is achieved. A partial certificate of occupancy shall be issue until the Zoning Administrator has inspected the site for compliance with the total site plan. Thereafter, upon approval of the full site plan, a certificate of occupancy will be issued

# Article 6

## Special Land Uses

Sec	Name	Pg
6.1	Purpose	6-1
6.2	Special Land Use Application Submittal	6-1
6.3	Planning Commission Decision	6-2
6.4	Special Land Use Approval Standards	6-2
6.5	Inspection of a Special Land Use	6-3
6.6	Amendment to a Special Land Use	6-3
6.7	Expiration, Suspension or Revocation of a Special Land Use	6-3
6.8	Re-Application for a Special Land Use	6-5

### Section 6.1 Purpose

Special Land Uses are those uses of land which are, with the additional regulations specified herein, compatible with the uses permitted in a zoning district but possess characteristics or location qualities which requires individual review and restrictions in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

### Section 6.2 Special Land Use Application Submittal

#### 6.2.1 Application Submittal.

1. Applications for Special Land Use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form provided by the City.
2. Special Land Use Applications shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. A Special Planning Commission meeting may be held at the request of the applicant provided that the site plan is submitted at least thirty (30) days prior to the requested Special Planning Commission meeting and that any applicable special meeting fees are paid in advance by the applicant.
3. In addition to a complete application form, the applicant is required to submit a plot plan for Residential Special Land Uses in accordance with **§5.2** and a site plan for Non-Residential Special Land Uses prepared in accordance with **§5.3 through 5.5**. Incomplete submittals shall not be accepted by the Zoning Administrator.

#### 6.2.2 Review for Completeness and Meeting Schedule.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with §9.4.

### Section 6.3 Planning Commission Decision

1. After the required notice, required public hearing and review of approval standards pursuant to §6.4, the Planning Commission shall act to approve, approve with modifications and/or conditions, or deny the proposed Special Land Use.
2. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.
3. The Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the Special use is proposed will be observed..
4. In the case of a Special Land Use, the decision of the Planning Commission may not be appealed to the Zoning Board of Appeals.

### Section 6.4 Special Land Use Approval Standards

The Planning Commission shall review the proposed Special use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:

1. **General.**
  - a. The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.
  - b. The proposed use will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.
  - c. The proposed use will be consistent with the intent and purposes of this Ordinance.
2. **Compatibility with Adjacent Uses.**
  - a. 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 will not change the essential character of the area.

- b. The proposed use will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future and shall not disrupt the orderly and proper development of the neighborhood as a whole.
- c. The proposed use will be an improvement in relation to property in the immediate vicinity and to the City as a whole.

**3. Public Services.**

- 1. The proposed use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- 2. The proposed use will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.

**4. Impact of Traffic on Street System.**

- a. The location and design of the proposed use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
- b. The proposed use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

**Section 6.5 Inspection of a Special Land Use**

The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

**Section 6.6 Amendment to a Special Land Use**

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in §5.8.2. Amendments which do not fall under §5.8.2 shall be processed in the same manner as a new Special Land Use.

**Section 6.7 Expiration, Suspension or Revocation of a Special Land Use**

**6.7.1 Time Limit for Expiration.**

The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. The Zoning Administrator shall notify the permittee by certified mail of the pending expiration at least forty-five (45) days prior to the expiration. Said notice shall be mailed to the permit holder at the address indicated on said permit. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year

extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.

**6.7.2 Special Land Use that has been Replaced or Superseded.**

Special Land Use The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

**6.7.3 Abandonment of Special Land Use.**

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

**6.7.4 Special Land Use and Transfer or Sale of Property.**

A Special land use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to **§6.7.3**.

**6.7.5 Building Permit Upon Expiration of Special Land Use.**

In the event that a Special Land Use permit expires, any building permit that has been issued for the Special Land Use shall also be null and void upon expiration of the Special Land Use permit.

**6.7.6 Special Land Use Suspension or Revocation.**

The Zoning Administrator may suspend or revoke a Special Land Use permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the City.

**Section 6.8 Re-Application for a Special Land Use**

No application for a Special Land Use permit, which has been denied wholly or in part, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission.



# Article 7

## Supplemental Regulations

Sec	Name	Pg	Sec	Name	Pg
7.1	Purpose	7-1	7.13	Automobile Service Stations; Auto Body; Auto Repair, Oil Change	7-19
7.2	Site Condominiums	7-1	7.14	Sidewalk Cafe Service	7-19
7.3	Planned Unit Developments	7-5	7.15	Bed & Breakfasts, Rooming Houses & Tourist Homes	7-20
7.4	Manufactured Housing Communities	7-11	7.16	Mining and Extractive Operations	7-21
7.5	Child Care Facilities	7-12	7.17	Golf courses, Par Three Golf Courses	7-25
7.6	Adult Foster Care Facilities (Family, Small & Large Group)	7-13	7.18	Golf Driving Ranges, Miniature Golf Courses	7-25
7.7	Home Occupations & Cottage Industries	7-14	7.19	Commercial Cider Mills & Amusement Parks	7-25
7.8	Transient and Seasonal Sales	7-16	7.20	Accessory Dwelling Units	7-26
7.9	Garage Sales, Rummage Sales, and Similar Activities	7-16	7.21	Medical Marijuana Primary Caregiver Facility	7-27
7.10	Self-Storage Facilities	7-16	7.22	Sexually-Oriented Businesses	7-28
7.11	Outdoor Sales, Open Air Business & Outdoor Display	7-17	7.23	Wireless Communication Facilities	7-30
7.12	General, Building & Landscape Contractor's Offices & Yards	7-18	7.24	Professional Offices in the CBD	7-37

### Section 7.1 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an “\*” in **§4.15 (Table of Permitted and Special Land Uses)** are included in this Article.

### Section 7.2 Site Condominiums

#### 7.2.1 Intent.

The purpose of this section is to regulate the creation and use of site condominiums within the City and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

#### 7.2.2 General Requirements.

1. Each condominium lot shall be located within a zoning district that permits the proposed use.
2. Each condominium lot shall front on and have direct access to a public street approved by the City.
3. For the purposes of this ordinance, each condominium lot shall be considered equivalent to a single zoning lot and shall comply with all regulations of the zoning district in which located,

and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.

4. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use except in a PUD district. Required yards shall be measured from the boundaries of a condominium lot.

**7.2.3 Site Plan Submission and Approval Process.**

Preliminary approval of the site plan and final approval of the site plan and condominium documents including Master Deed and Bylaws by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a final site plan has been approved by the City Planning Commission and is in effect. Preliminary and final approval shall not be combined.

**1. Application.**

- a. An application for site plan approval shall be filed for review as per the requirements of **§5.3 through §5.7** of this Ordinance. All procedures and standards of **§5.3 through §5.7** shall apply to site condominium projects.
- b. All condominium site plans shall include the information required in **Section 66 of P.A. 59 of 1978, as amended (Condominium Act, being MCL 559.166)**.
- c. The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
- d. In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes shall be shown on the site plan.
- e. The applicant shall also submit engineering plans in sufficient detail for the City, to determine compliance with applicable laws, ordinances and design standards for construction of the project.

**2. Deed Restrictions, Master Deed, By-Laws.**

- a. The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the City Attorney, City staff, and other consultants, including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of storm water, sanitary, and water facilities and utilities.

- b. Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.
3. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission shall require performance guarantees by the developer in accordance with the provisions of §9.3, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the City for release of any remaining performance guarantees.
  4. **Approval by Planning Commission.**
    - a. If the site plan conforms in all respects to applicable laws, ordinances and design standards, approval shall be granted by the Planning Commission.
    - b. If the site plan fails to conform, the Planning Commission shall either deny the application, or grant preliminary approval with conditions, provided such conditions are met before final approval.

**7.2.4 Required Improvements.**

1. All design standards and required improvements that apply to a subdivision, under the Subdivision Regulations adopted by the City Council, shall apply to any condominium development.
2. Each condominium unit shall be connected to the City water, sanitary and storm sewers. Utility standards stated in Chapter 40 shall apply to all condominium units. Furthermore, the utility provisions stated in Chapter 18, Subdivision Regulations shall apply to all condominium units proposed for location on property which is not subdivided and recorded, or property which is to be further subdivided. Each individual condominium unit shall be considered a residential equivalent unit as defined in Chapter 10.
3. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The City may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the City, whichever the developer selects, in an amount as determined from time to time by resolution of the City Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the City Council shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not-to-exceed the amount of the security deposit which shall include City administrative costs.

4. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the City for all public water and sanitary sewer lines and appurtenances.
5. All improvements in a site condominium shall comply with the design specifications as adopted by the City Council and any amendments thereto.

**7.2.5 Information Required Prior to Occupancy.**

Prior to the issuance of an occupancy permit for any condominium unit, the applicant shall submit the following to the Zoning Administrator:

1. A copy of the recorded Condominium Documents (including exhibits, Master Deed, and Bylaws).
2. A copy of any recorded restrictive covenants.
3. A copy of the site plan on laminated photo static copy or mylar sheet.
4. Evidence of completion of improvements associated with the proposed use including two copies of an “as-built survey”.

**7.2.6 Revision of Site Condominium Plan.**

If the site condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

**7.2.7 Amendment of Condominium Documents.**

Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan or any conditions of approval of a preliminary or final site plan shall be reviewed and approved by the City Attorney and Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

**7.2.8 Relocation of Boundaries.**

Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the by-laws and recorded as part of the master deed.

**7.2.9 Subdivision of Condominium Lot.**

Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium by-laws and recorded as part of the master deed.

**Section 7.3 Planned Unit Development**

**7.3.1 Purpose.**

Planned Unit Development (PUD) regulations are intended to provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy; encourage innovation in land use planning; provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the City; and bring about a greater compatibility of design and use. The provisions of this Section provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

**7.3.2 PUD Qualification Criteria.**

1. A planned unit development (PUD) may be applied for in any zoning district.
2. Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
3. To qualify for approval, the applicant for a planned unit development must demonstrate all of the following criteria are met:
  - a. The development will result in one of the following:
    - (1) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved under conventional zoning without application of the planned unit development regulations; or
    - (2) Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
    - (3) A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

- b. The proposed type and density of use shall not result in an unreasonable increase in need for or burden upon public services, facilities, streets and utilities.
- c. The proposed development shall be consistent with the public health, safety and welfare of the City.
- d. The proposed development shall be consistent with adjacent circulation patterns, includes the provision for appropriate streets to accommodate the extension of the traditional street patterns that could be developed on adjacent parcels, and shall not result in excessive increases in traffic nor negatively impact traffic operations below an acceptable level.
- e. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
- f. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- g. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
- h. The proposed development shall be consistent with the City of Grayling Master Plan.

**7.3.3 Procedure for Review.**

**1. Pre-Application Conference.**

Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information: Total number of acres in the project; a statement of the number of residential units, if any; the number and type of non-residential uses; the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

**2. Preliminary Plan.**

- a. Following the Pre-Application Conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. The preliminary site plan shall be prepared in accordance with **§5.3 through §5.7**. A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in **§7.3.2.3** have been met.

- b. **Planning Commission Action.** The Preliminary Plan shall be noticed for public hearing before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:
- (1) **Approval.** Upon finding that the Preliminary Plan promotes the intent and purpose of this Article and meets the criteria and standards set forth in **§7.3.2**, the Planning Commission shall grant preliminary approval.
    - (a) Approval shall constitute approval of the uses and design concept as shown on the Preliminary Plan and shall confer upon the applicant the right to proceed to preparation of the Final Plan.
    - (b) Approval of the Preliminary Plan by the Planning Commission shall not bind the Planning Commission to approval of the Final Plan.
    - (c) In granting Preliminary Plan approval, the Planning Commission may impose reasonable conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
    - (d) Preliminary Plan approval shall be valid for a period of six (6) months from the date of Planning Commission action. An extension of the expiration date may be granted if requested in writing and approved by the Planning Commission.
  - (2) **Tabling.** Upon finding that the Preliminary Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in **§7.3.2**, but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted.
  - (3) **Denial.** Upon finding that the Preliminary Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in **§7.3.2**, the Planning Commission shall deny preliminary approval.
3. **Final Plan.** The applicant shall submit a Final Plan and supporting materials conforming with this Section prior to expiration of the Preliminary Plan. If a Final Plan is not submitted by the applicant for final approval prior to expiration of the Preliminary Plan, said preliminary approval shall become null and void.
- a. **Information Required.** A final site plan and application for a PUD shall contain the following information:
- (1) A site plan meeting all requirements of **§5.3 through §5.7**.



- (2) A separately delineated specification of all deviations from this ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.
  - (3) A specific schedule of the intended development and construction details, including phasing or timing.
  - (4) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
  - (5) A specification of the exterior building materials with respect to the structures proposed in the project.
  - (6) Signatures of all parties having an interest in the property.
- b. **Planning Commission and Action.** The Final Plan shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission.
- (1) **Approval.** Upon finding that the Final Plan promotes the intent and purpose of this Article and meets the criteria and standards set forth in **§7.3.2** and **§7.3.4** and meets any conditions imposed, the Planning Commission may approve the final plan. The Planning Commission may impose reasonable conditions necessary to insure that public services and facilities will be capable of accommodating increased service and facility loads to protect the natural environment to insure compatibility and to promote the use of land in a socially and economically desirable manner.
  - (2) **Tabling.** Upon finding that the Final Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in **§7.3.2** and **§7.3.4**, but could meet such criteria if revised, the Planning Commission may table action until a revised Final Plan is resubmitted.
  - (3) **Denial.** Upon finding that the Final Plan does not promote the intent and purpose of this Article or meet the criteria and standards set forth in **§7.3.2** and **§7.3.4**, the Planning Commission may deny the final plan.

**7.3.4 Project Design Standards.**

**1. Residential Design Standards.**

- a. **Density.** Permitted residential density shall be as permitted in the zoning district in which the property is situated. Additional density for residential uses may be allowed in the discretion of the Planning Commission based upon a demonstration by the applicant of the following:
  - (1) Consistency with the Grayling Master Plan and of planning and design excellence resulting in a material benefit to the City;

(2) Consistency with adjacent land uses, and/or the ultimate users of the project; and

(3) Where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

b. **Streets.** Residential street layout patterns shall be consistent with the traditional street patterns as established in the City in order to meet the intent of this Ordinance.

2. **Non-Residential Design Standards.**

Non-residential uses may be permitted under the following:

- a. The non-residential uses are provided for the primary use and convenience of future residents, and will not detract from the surrounding areas.
- b. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- c. Where feasible, secondary access for non-residential uses shall be provided either through a side street, public easement, service drive, or shared access with other adjacent non-residential uses.

3. **General Design Standards.**

a. **General.** All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts.

Deviations to the above referenced regulations may be granted as part of the overall approval of the planned unit development, provided there are features or elements demonstrated by the applicant and deemed adequate by the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Section.

b. **Natural Features.** To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. The benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:

- (1) The availability of feasible and prudent alternative methods of accomplishing any development.
- (2) The extent and permanence of the beneficial or detrimental effects of the proposed activity.

- (3) The size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.
- c. **Perimeter Setback.** There shall be a perimeter setback and berming, if found to be necessary by the Planning Commission, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established in the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
  - d. **Thoroughfare, Drainage, and Utility Design.** Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
  - e. **Underground Utilities.** There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.
  - f. **Pedestrian Walkways.** Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the City.
  - g. **Design of Features.** Signage, lighting, landscaping, building materials for the exterior of all structure, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
  - h. **Buffers.** Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The City, in its discretion, shall review and approve the design and location of such mechanisms.
  - i. The Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, General Development Plan, and other City standards or policies as a guide.

**7.3.5 Phasing and Commencement of Construction.**

- 1. **Phasing.** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Planning Commission.

2. **Commencement and Completion of Construction.** To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with §9.3. Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Planning Commission prior to the expiration of the initial period.

**7.3.6 Effect of Approval.**

When approved, the planned unit development, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such approval. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Crawford County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.

**Section 7.4 Manufactured Housing Communities**

**7.4.1 Application of State Law.**

Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, **P.A. 96 of 1987, as amended (The Mobile Home Commission Act, MCL 125.2301 et. seq.)** and any rules promulgated pursuant to this Act. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.

**7.4.2 Size.**

Manufactured Housing Communities shall not be permitted on parcels less than five (5) acres in size.

**7.4.3 Lot Size.**

All manufactured housing communities shall comply with State Manufactured Housing Commission requirements.

**7.4.4 Storage.**

The on-site storage of boat trailers, boats, camping units, horse trailers and similar recreational equipment shall be prohibited on manufactured home sites and in designated open space areas. The manufactured housing community may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.

**Section 7.5 Child Care Facilities**

**7.5.1 Intent.**

It is the intent of this section to establish standards for day care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

**7.5.2 Standards for Group Child Care Homes.**

1. The property is maintained in a manner that is consistent with the character of the neighborhood.
2. There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front yard setback. This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
3. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
4. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 p.m. and 6:00 a.m. shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
5. One (1) off-street parking space per employee not a member of the Group Child Care Home family shall be provided.
6. Appropriate licenses with the State of Michigan shall be maintained.

**7.5.3 Standards for Child Care Centers.**

1. The Child Care Center shall be served by public sewer and water.
2. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
3. Off-street parking shall be provided at a rate of one (1) space per employee plus one space for every five (5) children enrolled at the facility
4. There shall be an outdoor play area of at least 1,000 square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived by the Planning Commission if public play area is available five hundred (500) feet from the subject parcel.
5. Appropriate licenses with the State of Michigan shall be maintained.

**7.5.4 Standards for Family Child Care Homes.**

1. There shall be an outdoor play area of at least four hundred (400) square feet provided on the premises. Said play area shall not be located within the front yard setback. This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
2. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.

**Section 7.6 Adult Foster Care Facilities – Family, Small & Lg Group Homes**

**7.6.1 Intent.**

It is the intent of this section to establish standards for adult foster care facilities which will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

**7.6.2 Adult Foster Care Family Homes (6 or less adults) and State-Licensed Residential Facilities (6 or less adults).**

1. A plot plan, prepared in accordance with §5.2, shall be required to be submitted.
2. The property is maintained in a manner that is consistent with the character of the neighborhood.
3. One (1) off-street parking space per employee and/or caregiver shall be provided.
4. If deemed necessary, the City may require screening in accordance with §3.10 and §3.11.
5. Appropriate licenses with the State of Michigan shall be maintained.

**7.6.3 Adult Foster Care Small Group Homes (7-12 adults) and Adult Foster Care Large Group Homes (13-20 adults).**

1. A site plan, prepared in accordance with §5.5, shall be required to be submitted.
2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of 1,500 square feet per adult, excluding employees and/or caregivers.
3. Parking requirements as required for convalescent homes and similar facilities, set forth in §3.24 shall be met.
4. All landscape requirements set forth in §3.10 shall be met.
5. Appropriate licenses with the State of Michigan shall be maintained.

**Section 7.7 Home Occupations & Cottage Industries**

**7.7.1 General Standards.**

1. Home occupations may be permitted in all residential districts subject to the requirements in this §7.7. A zoning permit is not required.
2. Cottage Industries may be permitted as a Special Land Use in all residential districts subject to the requirements in this Section 7.7. A Special Land Use Permit is required.
3. The Home Occupation or Cottage Industry shall be conducted at the operator’s primary place of residence.
4. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.
  - a. **Home Occupation or Cottage Industry in the Primary Dwelling.** A Home Occupation or Cottage Industry must be clearly incidental and secondary to the primary use of the dwelling unit for dwelling purposes. No more than twenty five (25%) percent of the sum of ground floor area of dwelling shall be devoted to a home occupation.
  - b. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building.** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.
5. A Home Occupation or Cottage Industry use shall not change the character of the residential nature of the premises, both in terms of use and appearance.
6. A Home Occupation or Cottage Industry use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation.
7. A Home Occupation or Cottage Industry shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
8. **Employees.**
  - a. **Home Occupation.** One (1) parking space shall be provided for each non-resident employee.
  - b. **Cottage Industry.** The maximum number of employees and parking spaces shall be approved by the Planning Commission at the time of the Special Use permit approval.
9. **Storage and Display.**



a. **Home Occupations.** All activities shall be carried on within an enclosed structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of a Home Occupation.

b. **Cottage Industries.**

(1) **Unfinished Goods.** The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.

(2) **Finished Goods.** The Planning Commission may permit the display of finished goods as part of the Special Use Permit process. The storage and/or display of finished goods shall not occupy greater than twenty (20) percent of the yard not occupied by buildings.

10. **Traffic and Parking for a Cottage Industry.** Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties. Parking requirements shall be decided on a case by case basis. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

11. **Hours of Operation.** Hours of operation for Cottage Industries will be stated in the Special use permit.

**7.7.2 Termination, Extensions, Revisions, and Inspections.**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.

2. Any Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.

3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Cottage Industry and to the owner of the real property premises, if different from the operator of the Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.

4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.

- Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

### Section 7.8 Transient and Seasonal Sales

- Permit Required.** The sale of Christmas trees, pumpkins, firewood, farm produce and products, fireworks, and other seasonal items shall be considered temporary uses within any nonresidential zoning district subject to the conditions contained herein. A zoning permit is required prior to operating a seasonal sales business.
- Traffic Hazard or Nuisance.** All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.
- Parking.** Adequate parking and ingress and egress to the premises shall be provided.
- Structures.** Upon discontinuance of the seasonal use, any temporary structures shall be removed.
- Signs.** Signs shall conform to the provisions of the district in which the seasonal use is located.
- Location in Yards.** Transient or seasonal sales may be located within any required yard but shall not be located within any public road right-of-way.
- Not to Obstruct Fire Lane, Parking or Landscape Area.** Transient or seasonal sales shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of this Zoning Ordinance.
- Peddler’s License.** Transient or seasonal sales not secure within a long term lease of one year or longer require a peddler’s license issued by the City unless it is incidental to the primary business and operated by the principal of the property.

### Section 7.9 Garage Sales, Rummage Sales, and Similar Activities

Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the conditions contained herein. Any garage sale, rummage sale, or similar activity shall be allowed for a period not to exceed three (3) days twice within a calendar year. All such sales shall be conducted in a manner so as not to create a traffic hazard or a nuisance to neighboring properties.

### Section 7.10 Self-Storage Facilities

Self-Storage facilities shall be located only in the Industrial district and are subject to the following requirements and conditions:

- No activity other than rental of storage units and the rental of outside storage space for recreational vehicles shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.

2. The storage of any toxic, explosive, corrosive, flammable or hazardous materials is prohibited. Fuel tanks on any motor vehicle, boat, lawn mower or similar property will be drained or removed prior to storage. Batteries shall be removed from vehicles before storage.
3. Other than the storage of recreational vehicles, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with §3.10 and §3.11.
4. Exterior walls of the ends of all storage units shall be of masonry or face-brick construction.
5. All storage units must be accessible by paved circular drives clearly marked to distinguish traffic flow. A minimum separation of thirty-six (36) feet shall be provided between buildings facing other buildings and a minimum of twenty (20) feet between the ends of buildings. Site circulation shall be designed to accommodate fire trucks, as well as trucks that will customarily access the site.

**Section 7.11 Outdoor Sales, Open Air Businesses & Outdoor Display**

**7.11.1 Outdoor Sales & Open Air Businesses.**

1. Outdoor sales for new and used automobiles, boats, manufactured homes, farm machinery and other vehicles and manufactured products and similar uses shall be subject to the following provisions:
  - a. There shall be no strings of flags, pennants or bare light bulbs permitted.
  - b. No vehicles or merchandise for sale shall be displayed within any required front setback and shall adhere to the conditions imposed for the district in which it is located.
  - c. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
  - d. Outdoor display areas shall also adhere to the requirements of §7.11.2.
2. Open air businesses shall secure a land use permit and be controlled by all the conditions imposed for the District in which it is located. Retail sales are limited to plants and garden products not grown on site, lawn furniture, playground equipment, and garden supplies. All seasonal sales of this nature not secured in duration with a long term lease requires a Peddlers license issued by the City of Grayling unless it is incidental to the primary business and operated by the principal tenant of the property.
3. Private vehicles for sale shall not be placed on property of another for sale unless through a consignment arrangement with a licensed dealer.

**Section 7.11.2 Outdoor Displays of Products or Materials Intended For Retail Sale or**

**Rental.**

**1. General Standards.**

- a. An outdoor display shall be considered as an accessory to the principal business use conducted on the premises.
- b. The exterior of the premises shall be kept clean, orderly and maintained.
- c. The City shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of an outdoor display.
- d. In the administration of these provisions, the Zoning Administrator shall be permitted to refer a request to the Planning Commission for review and recommendation where site conditions may create difficulty in adherence to the standards contained herein.

**2. Standards within CBD Districts.**

- a. An outdoor display may be located in front of or adjacent to the establishment. An outdoor display that extends beyond the property lines of the applicant shall require the permission of the affected property owners.
- b. If an outdoor display is located on a public sidewalk, a minimum of eight (8) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Sufficient room shall also be provided to allow car doors to open along the curbside.

**3. Standards within C-3A and C-3B Districts.**

- a. An outdoor display may be located within any required yard but shall not be located within any public road right-of-way.
- b. An outdoor display shall not occupy or obstruct the use of any fire lane, required off- street parking or landscaped area required to meet the requirements of this Zoning Ordinance.

**Section 7.12 General, Building and Landscape Contractor's Offices and Yards**

- 1. A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property. Only products, materials and equipment owned and operated by the principal use shall be permitted for storage.
- 2. Storage shall not be located within the required front yard. Such storage shall not be located in any required parking or loading space.
- 3. Storage shall be screened from the view of the public street and adjacent properties zoned either residential, commercial, or office. Screening measures shall meet the requirements of **§3.10** and **§3.11**.

4. The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including description of materials, height, and typical elevation of the enclosure shall be provided as part of the information submitted under §5.5.

### Section 7.13 Automobile Service Stations; Auto Body; Auto Repair, Oil Change

1. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.
2. All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.
3. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
4. Inoperative or unlicensed vehicles shall not be stored outside for more than seven days. Such storage shall not occur in front of the building front line.
5. Vehicle sales shall not be permitted on the premises of any automobile service station or wash.

### Section 7.14 Sidewalk Cafe Service (Outdoor Dining)

A sidewalk cafe service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the CBD, C-1, C-3A and C-3B Districts, subject to the following conditions:

#### 7.14.1 Application.

An application and site plan depicting the location and layout of the cafe facility **may** be submitted to and approved by the Zoning Administrator. A permit shall remain in effect, unless there is a change in ownership or the operation of the cafe fails to meet the standards contained herein.

#### 7.14.2 Location.

A sidewalk cafe may be located in front of or adjacent to the establishment. A sidewalk cafe that extends beyond the property lines of the applicant shall require the permission of the affected property owners.

#### 7.14.3 Sidewalk Café on a Public Sidewalk.

1. If a sidewalk cafe is located on a public sidewalk, a minimum of eight (8) feet of unobstructed, pedestrian access along the sidewalk shall be maintained. Such requests shall adhere to the following:

2. Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insured's shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a 30 day advance written notice of cancellation or non-renewal to be sent to the Zoning Administrator.
3. The City shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of a sidewalk cafe operation.

**7.14.4 Hours.**

A sidewalk cafe shall be allowed only during normal operating hours of the establishment, and may be permitted between April 15 and October 31. All furniture and fixtures must be removed immediately after October 31.

**7.14.5 Other.**

1. The exterior of the premises shall be kept clean, orderly and maintained or the permit may be revoked. Waste receptacles shall be provided in instances where wait staff does not clear all tables. In cases where outdoor dining areas are provided for general use by more than one business, such as for shopping plazas and multi-tenant businesses, it shall be the responsibility of the property owner to ensure the area is maintained in a clean and orderly fashion.
2. All food preparation shall be inside of the premises. Outdoor grilling must be authorized by the Zoning Administrator.
3. All sidewalk cafes shall comply with applicable regulations of the County Health Department and the State of Michigan.

**Section 7.15 Bed & Breakfasts, Rooming Houses & Tourist Homes**

**1. Bed & Breakfast Establishments.**

- a. Each premises must be occupied and operated by its owner.
- b. The proposed use shall not cause a nuisance to adjoining residences due to noise, odor, lighting, or traffic.
- c. No bed and breakfast sleeping room shall be permitted that does not comply with the construction code.
- d. There shall be no separate cooking facilities used for the bed and breakfast stay.

- e. The stay of bed and breakfast occupants shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- f. The operator of each facility shall keep a list of the names of all persons staying at the bed and breakfast which shall be available for inspection by the Zoning Administrator.
- g. At a minimum, one (1) bathroom for every three (3) sleeping rooms shall be provided. A maximum of six (6) sleeping rooms is allowed. All Bed and Breakfast establishments shall have a minimum of three thousand (3,000) square feet of living area.
- h. One (1) parking space shall be provided off-street in the side or rear yard area for each bed and breakfast bedroom.
- i. Rental of non-motorized vehicles snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Permitted Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.

**2. Rooming Houses & Tourist Homes.**

- a. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than three (3) persons or families in addition to the family.
- b. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- c. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.
- d. Board shall not be provided to other than those rooming in the residence.
- e. One (1) parking space shall be provided off-street in the side or rear yard area for rental bedroom.
- f. The establishment shall have at least two (2) exits to the outdoors.
- g. The facility shall not alter the residential character of the building or structure.

**Section 7.16 Mining and Extractive Operations**

**7.16.1 Intent and Purpose.**

It is the intent and purpose of this section to promote the underlying spirit and intent of the entire Zoning Ordinance, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to insure that mineral mining activity shall be



compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and, to insure that mineral mining activities are consistent with the public health, safety and welfare of the City.

**7.16.2 Conformance to Michigan Zoning Enabling Act.**

In Conformance to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the City shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.

1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.
2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:
  - a. The relationship of extraction and associated activities with existing land uses.
  - b. The impact on existing land uses in the vicinity of the property.
  - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
  - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - f. The overall public interest in the extraction of the specific natural resources on the property.
3. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

**7.16.3 Use Restriction.**

Mineral mining and extractive operations may be considered as a Special use in all districts. The extraction, removal, and/or processing of sand, gravel, stone and/or other mineral mining in the City shall be prohibited unless first authorized by the grant of a Special approval use application by the City in accordance with this Section and **Article 6**.

**7.16.4 Exemption.**

Usual and customary land balancing by cutting and filling, in preparation for immediately planned and approved development in accordance with this and all other applicable ordinances and law, shall be exempted from the provisions of this Section.

**7.16.4 Application.**

An application shall be filed with the Zoning Administrator and shall include the following:

1. Vertical aerial photograph, enlarged to a scale of one (1) inch equals two hundred (200) feet, from original photograph flown at a negative scale no smaller than one (1) inch equals six hundred sixty (660) feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of on-site trees, provided, if there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The vertical photograph shall cover:
  - a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant.
  - b. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous (land) in which the applicant or any affiliate has a current interest.
  - c. All lands within one-half (1/2) mile of the proposed mining area.
  - d. All private and public roads from which access to the property may be immediately gained.
  - e. Boundary of the entire planned mining area by courses and distance.
  - f. Site topography and natural features including location of water courses within the planned mining area.
  - g. Means of vehicular access to the proposed operation.
2. Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site;
3. Land use study/drawing showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, etc., and density of individual units in areas shown, including:
  - a. Property within a radius of one (1) mile around the site; and
  - b. The property fronting on all vehicular routes within the City contemplated to be utilized by trucks which will enter and leave the site.
4. Geological/hydrological/engineering survey prepared by appropriate and qualified experts, indicating:
  - a. All anticipated impact to the qualitative and quantitative aspects of surface water, ground water, and drainage during and subsequent to the operation to the geographical extent reasonably expected to be affected; and

- b. Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public;
- 5. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels.

**7.16.5 Review Procedure.**

- 1. The Zoning Administrator shall request a report from the Road Commission regarding traffic safety relevant to the application and any road improvements deemed appropriate to protect the public health, safety and welfare for areas located outside of the City.
- 2. Reasonable conditions may be required with the approval of the application for the Special Land Use, to insure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall be reasonable and shall be in compliance with applicable law.

**7.16.6 Reclamation.**

Reclamation of the site shall be in accordance with a reclamation plan approved by the City as part of the application review process, which shall provide that:

- 1. There shall be no final slopes having a grade in excess of a minimum ratio of one (1) foot vertical to five (5) feet horizontal;
- 2. For permanent water areas, for a distance of not less than ten (10) feet nor more than fifty (50) feet, the submerged slopes shall be graded from the water's edge at a grade not in excess of a minimum ratio of one (1) foot vertical to seven (7) feet horizontal;
- 3. The entire site shall be planted with sufficient vegetation so as to sustain short and long term growth, in order to avoid erosion and washout;
- 4. To the extent necessary to achieve this objective, suitable soils shall be placed on the property; and, all structures, machinery, equipment and improvements shall be removed from the site;
- 5. The City Council shall have the right to impose performance bonds or letters of credit to insure that the reclamation and restoration plans as submitted are implemented.

**Section 7.17 Golf courses, Par Three Golf Courses**

1. The principal and accessory buildings, including maintenance sheds, shall be set back at least seventy five (75) feet from all property and street lines.
2. Accessory buildings, structures and storage areas shall be screened on all sides from adjacent residential areas and public street rights-of-way.
3. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the Planning Commission to protect nearby residential districts.

**Section 7.18 Golf Driving Ranges, Miniature Golf Courses**

1. All traffic ingress and egress shall be from a major street, as classified by the PA51 street map.
2. Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer.
3. A minimum twenty five (25) foot wide greenbelt shall be provided along any public street or highway.
4. Site size shall be adequate to retain all golf balls within the site by means of a fence no more than eight (8) feet high with an opacity of fifty (50) percent.
5. The Planning Commission may restrict the hours of operation in consideration of the adjacent land uses and zoning.
6. Pro-shops, refreshment stands, retail shops selling golf-related items and maintenance buildings shall be permitted as part of the principal use and shall be subject to the dimensional requirements of principal buildings

**Section 7.19 Commercial Cider Mills and Amusement Parks**

1. A site plan shall be provided clearly defining activity areas using fences, buildings, walkways or other suitable barriers.
2. All buildings, structures and parking shall be at least three hundred (300) feet from any dwelling unit excluding any dwelling unit on the site.
3. The Planning Commission may require placement of a temporary six (6) foot high fence around all or part of the site.
4. Access into the site shall be controlled, with capability to accommodate at least two (2) lanes of ingress traffic. At least two hundred (200) feet of on-site stacking (queuing) area shall be provided on site before parking fee collection.

5. The amount of on-site parking shall be determined by the Planning Commission using a 4 to 1 ration of capacity to automobile.
6. The Planning Commission may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the Planning Commission as necessary to cover any potential damage or clean-up on the site or adjacent properties.
7. The Planning Commission may establish limits on hours of operation, time limits on validity of special use permit, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.
8. Prior to issuance of a Special Use Permit, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity.

### **Section 7.20 Accessory Dwelling Units**

The purpose of this section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in residential neighborhoods within the City. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which could, over time, disrupt the character of single-family neighborhoods. The following regulations shall apply:

1. One (1) accessory dwelling unit is allowed per lot.
2. The accessory dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.
3. The accessory unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the principal dwelling, whichever is less, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.
4. The accessory dwelling unit shall be provided electricity, plumbing, and heat.
5. The accessory unit shall be a self-contained unit and shall be:
  - a. located above an attached or detached garage, or
  - b. attached to the primary dwelling or garage, or
  - c. totally within a primary dwelling, or
  - d. a freestanding, detached unit.
6. The accessory unit shall have a separate exterior entrance which shall not be visible from the front yard.
7. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.
8. The accessory unit shall conform to current building code standards.

9. One additional parking space shall be provided on-site for the accessory dwelling unit.

## Section 7.21 Medical Marijuana Primary Caregiver Facility

### Section 7.21.1 Purpose and Intent.

It is the purpose of this section to give effect to the intent of Initiated Law 1 of 2008, as amended, (Michigan Medical Marijuana Act (the MMMA) being MCL 333.26421 et. seq.) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marijuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in the City of Grayling to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marijuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

### Section 7.21.2 Findings.

This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marijuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marijuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marijuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of the City of Grayling.
3. In other States where medical marijuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marijuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marijuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.
4. The City of Grayling finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

### Section 7.21.3 Permitted Use.

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted home

occupation limited to the RC, R-1A, R-1B, and R-2 Districts. No zoning permit is required. Standards contained in §7.21.4 below shall be adhered to.

**Section 7.21.4 Standards.**

1. **Primary Caregiver Facility.** All marijuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to subsection 5 hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
2. **Limits on Quantities.** A Primary Caregiver shall not possess more marijuana than 2.5 ounces or 12 marijuana plants for each Qualifying Patient to which he/she is connected.
3. **Combined Operations Prohibited.** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.
4. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any school, church, day care facility, or park. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the school, church, day care facility, park or dwelling.
5. **Dispensing Medical Marijuana.** No medical marijuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
6. **Prohibited Activities.** All commercial medical marijuana facilities including Provisioning Centers, Growers, Processors, Secure Transporters, and Safety Compliance Facilities as defined in **P.A. 281 of 2016 (Medical Marijuana Facilities Licensing Act)** are prohibited.

**Section 7.22 Sexually-Oriented Businesses**

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the City, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of City residents. The provisions of this Ordinance are not



intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by City Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The City further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

1. No sexually oriented business shall be greater than five thousand (5,000) square feet.
2. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
3. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
4. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection 2 and 3** above.
5. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
6. The proposed use must meet all applicable written and duly promulgated standards of the City and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
7. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
8. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
9. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”

10. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
11. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
12. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - a. shall be handicap accessible to the extent required by the Americans With Disabilities Act;
  - b. shall be unobstructed by any door, lock, or other entrance and exit control device;
  - c. has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - d. is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
  - e. has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

**Section 7.23 Wireless Communication Facilities**

**7.23.1 Purpose and Intent.**

It is the general purpose and intent of the City to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the City to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

- a. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- b. Establish predetermined districts or zones of the number, shape, and in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

- c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones.
- d. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- e. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights of way.

**7.23.2 Authorization.**

1. **Permitted Uses.** The following Wireless Communication Facilities shall be deemed permitted uses in any nonresidential zoning district and may be approved by the Zoning Administrator:
  - a. **New Support Structures fifty (50) feet or less in Height.**
  - b. **Existing Attached Wireless Communications Facilities.** An existing structure which will serve as an Attached Wireless Communication Facility where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance.
  - c. **Collocation.** A proposed collocation upon an Attached Wireless Communication Facility or existing wireless communications support structure.
  - d. **Wireless Communications Equipment.**
  - e. **Existing Utility Poles to Serve as Attached Wireless Communications Facility.** An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of- way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
  - f. **Facilities on Municipal Property.** Facilities located on municipally-owned property within the Industrial District.
2. **Special Uses.**
  - a. New support structures greater than fifty (50) feet in height in all nonresidential districts may be approved as a Special Land Use.
  - b. New support structures in all residential zoning districts may be approved as a Special Land Use within or upon:
    - (1) Municipally-owned sites; or

- (2) Public parks and other large permanent municipally owned open space areas when compatible.

Provided, at the time of the submittal, the applicant shall demonstrate that a location within a non-residential Zoning District cannot reasonably meet the coverage and/or capacity needs of the applicant.

If proposed within or upon (1) or (2) above, wireless communication facilities shall be designed to resemble an appurtenance, such as but not limited to a steeple, bell tower, or a form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the City.

**7.23.3 Special Land Use Approval Procedures.**

1. **Application.** An application for Special Land Use approval of wireless communications support structures shall include the following:
  - a. A site plan shall be prepared in accordance with §5.5.
  - b. A detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
  - c. A signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
  - d. A description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in §7.23.6 below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to timely remove the facility as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the City in securing removal.
  - e. A map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The

request for confidentiality must be prominently stated in order to bring it to the attention of the City.

- f. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

- 2. **Determination of Administrative Completeness.** After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

If, before the expiration of the 14-day period under **§7.23.3.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under **§7.23.3.2** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

- 3. **Planning Commission Decision.** The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

**7.23.4 Approval Standards Applicable to all New Facilities**

All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. The City may impose additional conditions as deemed necessary to protect the general health, safety and welfare of the public.

- 1. **Feasibility of Collocation.** Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- 2. **Public Health, Safety and Welfare.** Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- 3. **Harmonious with Surrounding Area.** Facilities shall be located and designed to be harmonious with the surrounding areas.
- 4. **Radio Frequency Emissions.** Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

5. **Access Drive.** There shall be an unobstructed access drive to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of fourteen (14) feet in width.
6. **Land Division.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
7. **Maintenance Plan.** A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
8. **Fencing.** Fencing shall be required to enclose the support structure(s) and any accessory structures for protection of the support structure and security from children and other persons who may otherwise access the facilities.
9. **Support Structure Standards.** Support Structures shall be designed according to the following:
  - a. **Height.** The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
  - b. **Setback.** The setback of the support structure from any residential district shall be no less than the height of the structure. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.  
  
Where the property upon which a new or modified support structure is proposed abuts a nonresidential Zoning District, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.
  - c. **Color.** The City shall, review and approve the color of the support structure and all accessory buildings, so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
  - d. **Equipment Enclosure.** The equipment enclosure may be located within the principal building, attached to the roof of a building, or may be an accessory building, according to the following:
    - (1) The accessory building shall be limited to the maximum height for accessory structures within the respective district.

- (2) Where an attached wireless communication facility is proposed on the roof of a building, it shall be screened by an equipment enclosure designed, constructed and maintained to be architecturally compatible with the principal building.
- (3) If equipment is to be located within an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- e. **Need.** The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one (1) or more of the following factors:
  - (1) Proximity to a major thoroughfare.
  - (2) Areas of population concentration.
  - (3) Concentration of commercial, industrial, and/or other business centers.
  - (4) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - (5) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - (6) Other specifically identified reason creating facility need.

The proposal shall be reviewed in conformity with the collocation requirements of this section.

**7.23.5 Approval Standards for Collocation.**

- 1. **Statement of Policy.** It is the policy of the City to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.
- 2. **Feasibility of Collocation.** Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:
  - a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
  - b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
  - c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.



- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the City, taking into consideration the standards set forth in this section.

**3. Requirements for Collocation.**

- a. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- b. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

**7.23.6 Removal.**

- 1. The City reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.
- 2. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one (1) or more of the following events:
  - a. When the facility has not been used for one hundred eighty (180) days or more. For the purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  - b. Six (6) months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.
- 3. The situations in which removal of a facility is required, as set forth in subsection 1 above, may be applied and limited to portions of a facility.
- 4. Upon the occurrence of one or more of the events requiring removal, specified in subsection 2 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- 5. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

**Section 7.24 Professional Offices in the CBD**

1. Buildings in which professional offices are located on the ground floor shall not exceed twenty-five (25) percent of the ground floor space in the whole of the CBD District. There is no limit in the CBD for professional offices located above the ground floor.
2. Publicly-owned buildings in the Central Business District shall not count toward the twenty-five (25%) percent limit in **§7.24.1**.

# Article 8

## Zoning Board of Appeals

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### Section 8.1 Authority

There is hereby established a Zoning Board of Appeals (ZBA), the membership, powers, duties of which are prescribed in Act 110 of the Public Acts of the State of Michigan of 2006, as amended. The Zoning Board of Appeals, in addition to the general powers and duties conferred upon it, by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this Ordinance in harmony with their purpose and intent as hereinafter set forth.

### Section 8.2 Membership

#### 8.2.1 Membership.

The City Council shall act as the Zoning Board of Appeals.

#### 8.2.2 Alternates.

The Grayling City Council may also appoint not more than two (2) alternate members to the Zoning Board of Appeals. The alternate members shall serve for two (2) year terms; provided, however, that for the first appointments one (1) alternate member shall serve a one (1) year term. The alternate members shall be called on a rotating basis to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member or when a regular member has abstained from participating in a case for reasons of conflict of interest. The alternate member appointed to sit as a regular 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 Zoning Board of Appeals.

#### 8.2.3 Employees.

An employee or contractor of the City may not serve as a member of the Board of Appeals.

#### 8.2.4 Terms of Office.

The terms of office for regular members of the Zoning Board of Appeals shall coincide with his/her term of office on the City Council.

**8.2.5 Officers and Compensation.**

The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson and Secretary. The compensation of the appointed members of the Zoning Board of Appeals may be established by the City Council.

**8.2.6 ZBA Member who is also Planning Commission Member.**

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

**8.2.7 Removal of ZBA Member.**

A member of the Zoning Board of Appeals may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

**Section 8.3 Meetings**

**8.3.1 Open Meetings.**

All decisions of the Board shall be made at a meeting open to the public. All deliberations of the Board constituting a quorum of its members shall take place at a meeting open to the public except as provided in compliance with **P.A. 267 of 1976, as amended (Open Meetings Act)**.

**8.3.2 Bylaws and Records.**

The business of the Board of Appeals shall be conducted in accordance with its adopted bylaws. The Zoning Board of Appeals shall keep a record of its proceedings showing:

1. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
2. The grounds for every determination made by the ZBA; and
3. The final ruling of each case.

The ZBA shall file a record of its proceedings in the office of the City Clerk, which shall be a public record.

**8.3.3 Quorum**

A majority of the members of the Board shall constitute a quorum for purposes of transacting the business of the Board and **P.A. 267 of 1976, as amended (Open Meetings Act)**. Each member of the Board shall have one (1) vote.

**8.3.4 Meeting Scheduling and Notice.**

Regular meetings of the Board shall be called as needed in response to receipt of a Notice of Appeal. The meeting can be called by the Zoning Administrator, the Chair of the Appeals Board, or, in his or her absence, the Vice-Chair. Public notice of the date, time, and place of a public meeting of the Board shall be given in the manner prescribed in **§9.4**.

**8.3.5 Oaths and Witnesses.**

The Chair, or in his or her absence, Vice-Chair may administer oaths and compel the attendance of witnesses.

**Section 8.4 Powers and Duties**

**8.4.1 Powers.**

The Board has the power to act on matters as provided in this Ordinance and [P.A. 110 of 2006, as amended \(Michigan Zoning Enabling Act MCL 125.3101 et. seq.\)](#) including the following:

1. **Administrative Review.** The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or other duly authorized enforcing agent, in enforcing any provision of this Ordinance.
2. **Interpretation.** The Board shall hear and decide requests for interpretation of this Ordinance or the Zoning Map taking into consideration the intent and purpose of the Ordinance and the General Development Plan.

A record shall be kept by the Board of all decisions for interpretation of this Ordinance or Zoning Map and land uses which are approved under the terms of this section. The Board shall request the Planning Commission to review any ordinance amendment it deems necessary.

3. **Variances.** Upon an appeal, the Board is authorized to grant a variance from the strict provisions of this ordinance, whereby extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features

of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance. Further, in granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance as outlined below. When granting any variance, the Board must ensure that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

Decisions of the Board shall be based on the following:

- a. **Use Variance.** The applicant must present evidence to show that if the zoning ordinance is applied strictly, unnecessary hardship to the applicant will result, and that all four (4) of the following requirements are met:
  - (1) That the property could not be reasonably used for the purposes permitted in that zone;
  - (2) That the appeal results from unique circumstances peculiar to the property and not from general neighborhood conditions;
  - (3) That the use requested by the variance would not alter the essential character of the area; and
  - (4) That the alleged hardship has not been created by any person presently having an interest in the property.
  
- b. **Nonuse Variance (Dimensional).** The applicant must present evidence to show that if the zoning ordinance is applied strictly, practical difficulties will result to the applicant and:
  - (1) That the ordinance restrictions unreasonably prevent the owner from using the property for a permitted purpose;
  - (2) That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners;
  - (3) That the plight of the landowner is due to the unique circumstances of the property; and
  - (4) That the alleged hardship has not been created by any person presently having an interest in the property.

**8.4.2 Exercise of Powers.**

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.

**8.4.3 Special Land Use and PUD.**

The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

**8.4.4 Powers Not Granted.**

Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Graying City Council in the manner provided by law.

**Section 8.5 Procedures**

**8.5.1 Notice of Appeal**

1. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the City of Grayling. In addition, a variance in the zoning ordinance may be applied for and granted under **Section 4 of P.A. 87 of 1980 (Uniform Condemnation Procedures Act MCL 213.54)**.
2. An applicant requesting any action by the Board shall commence such request by filing a notice of appeal, on the form supplied by the City, accompanied by such appeal fee as determined by the City Council, and all plans, studies and any other information and data as applicable, all of which shall be made a part of the record.
3. Every appeal from a determination of the Zoning Administrator or other duly authorized enforcing agent shall be made by the applicant within thirty (30) days of the date of the order issuance or refusal to issue permit, requirement, or refusal.
4. **Stay.** An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

**8.5.2 Documents Required**

The applicant shall submit seven (7) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary.

**8.5.3 Hearing & Public Notice**



1. **Date, Time & Notice.** Upon receipt of a Notice of Appeal, the Chair of the Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the City Clerk shall give public notice pursuant to §9.4.
2. **Appearance.** Any person may appear in person at the public hearing, or be represented by an agent or attorney, and present any evidence in support of their appeal. The Board of Appeals shall have the power to require the attendance of witness, administer oaths, compel testimony, and otherwise cause the production of books, papers, files, and other evidence pertaining to matters properly coming before the Board of Appeals.
3. The Board shall not decide an appeal until after a public hearing.

## Section 8.6 Decisions

### 8.6.1 Voting

1. The concurring vote of a majority of the members of the board shall be necessary to reverse an order, requirements, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the board shall be necessary to grant a variance from uses of land permitted in an ordinance.
2. The Board may reverse, affirm, vary, or modify, any order, requirement, or determination, as to which it has the power to consider, and have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

### 8.6.2 Conditions.

The Board may impose conditions with any decision. Such conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, public health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards. Violations of any of these

conditions shall be deemed a violation of this Ordinance, enforceable as such, and/or may be grounds for revocation or reversal of such decision.

**8.6.3 Decisions of the Board.**

1. **Findings of Fact.** All decisions of the Board shall be in writing and so far as it is practicable, in the form of a general statement or resolution reciting the conditions, facts, and findings of the Board. The applicant shall be advised of the decision after the public hearing unless the Board moves for a continuation of such hearing.
2. **Validity of Information.**
  - a. Any decision of the Board favorable to the applicant shall remain valid only as long as the information or data relating thereto are found to be correct, and the conditions upon which the decision was based are maintained.
  - b. The Board may reconsider an earlier decision, if, in the opinion of the Board, circumstances justify taking such action.
3. **Validity of Variance.**
  - a. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period of longer than two (2) years, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. If a building permit is not issued or if erection or alteration is not started within this time frame, the ZBA order may be extended by the Zoning Administrator for up to one (1) year, beyond the initial two (2) year period, upon letter of request by the variance recipient.
  - b. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than two (2) years, unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit. If the use is not started, a building permit is not issued or if erection or alteration is not started within this time frame, the ZBA order may be extended by the Zoning Administrator for up to one (1) year, beyond the initial two (2) year period, upon letter of request by the variance recipient. The ZBA order may be extended by the Zoning Administrator for up to one (1) year, beyond the initial two (2) year period, upon letter of request by the variance recipient.
4. **Resubmittal.** No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

5. **Appeal to Circuit Court.** Any person or persons, or any board or department of the City having an interest affected by a decision of the Board shall have the right to appeal to the circuit court on questions of law and fact. An appeal from a decision of a zoning board of appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

# Article 9

## Administration & Enforcement

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### Section 9.1 Zoning Administration

#### 9.1.1 Zoning Administrator.

1. The provisions of this Ordinance shall be administered in accordance with **P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.)**.
2. The Zoning Administrator, or his/her designees, shall be appointed by the City Manager and designated to administer and enforce the provisions of this Ordinance.

#### 9.1.2 Duties of Zoning Administrator.

1. **Review Applications for Planning Commission Submittal.** Receive and review for completeness all applications for site condominium projects, site plan review, and Special Use permits which the Planning Commission are required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
2. **Review Applications for Zoning Board of Appeals Submittal.** Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
3. **Review Applications for Ordinance Amendment.** Receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and City Council for determination.
4. **Review and Issue Permits for Specified Applications.** Review and approval duties are listed in the following table:

<b>Approval Summary Table</b>		
<b>Type of Use</b>	<b>Plan Required</b>	<b>Approving Body</b>
1. Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings (new or expansion)	Plot Plan	Reviewed and approved by Zoning Administrator.
2. Adult Foster Care Family Homes & State Licensed Residential Facilities	Plot Plan	Reviewed and approved by Zoning Administrator.
3. Residential Special Uses	Plot Plan	Reviewed and approved by Planning Commission after public hearing required as per <b>§9.4.</b>
4. Special Uses (non-residential)	Site Plan	
5. Parking Lots	Plot Plan	Reviewed and approved by Zoning Administrator.
6. Parking Lots that required flexibility in parking regulations per <b>§3.24.6(5)</b>	Site Plan	Reviewed and approved by Planning Commission.
7. Change of Use	-----	Reviewed and approved by Zoning Administrator.
8. Accessory Structures, Fences & Signs	-----	Reviewed and approved by Zoning Administrator.
9. Essential Services (const. of buildings)	Plot Plan	Reviewed and approved by Zoning Administrator.
10. New Uses/Construction except for #1, 2, 5, 7, 8 and 9 above.	Site Plan	Reviewed and approved by Planning Commission.
11. Alteration, expansion or renovation of existing use which increases the existing footprint more than 25 percent or 500 square feet, whichever is less (except #1, 2, 5, 7, 8 and 9 above.)	Site Plan	Reviewed and approved by Zoning Administrator.
12. Multiple-family dwelling units	Site Plan	Reviewed and approved by Planning Commission.
13. Planned Unit Developments	Site Plan	Reviewed and approved by Planning Commission after public hearing required as per <b>§9.4.</b>

- Site Inspections.** Make periodic site inspections of the City to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations.
- Permit Revocation.** Shall, after giving notice to perfect a violation of the ordinance, have the right to revoke a land use permit if the violation is not corrected within a reasonable period of time or issue a civil infraction.
- Implementation.** Implement the decisions of the Planning Commission and City Council.

**9.1.3 Zoning Permits.**

- Zoning Permit Required.** No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the City of Grayling and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.
- Final Plot Plan or Site Plan Approval Required.**

- a. The City shall not issue a zoning permit until a final plot plan or site plan has been approved and is in effect. A use, not involving a building or structure, shall not be commenced or expanded, nor shall the Zoning Administrator or designee issue a zoning permit for such use until a final plot plan or site plan has been approved and is in effect with the exception of subsection (1) below:
  - (1) The following uses require a zoning permit issued by the Zoning Administrator but require no plot plan or site plan: Accessory Buildings, Fences, and Signs.
- b. No grading, removal of trees or other vegetation, land filling or construction of improvements shall commence for any development which requires site plan approval until a final site plan is approved and is in effect.
- 3. **Other Required Permits.** A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.
- 4. **Zoning Permit Expiration.** The Zoning Permit will expire after one (1) year from date of issuance if no building permit has been taken out. Site plan approval may be extended pursuant to **§5.6.13**.
- 5. **Zoning Permit Revocation.** The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
- 6. **Payment of Fees.** No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the City Council.
- 7. **Conformance with Approved Plans:** Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.
- 8. Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary zoning permit shall be subject to **§9.7**.

**Section 9.2 Fees**

- 1. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the City, the City Council may adopt, by resolution, a Fee Schedule establishing basic zoning fees.

2. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
  
3. If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit, with the Zoning Administrator, such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the City in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

### Section 9.3 Performance Guarantee

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the City and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the City Council upon the recommendation of the Planning Commission shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, streets, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

#### 9.3.1 General.

Performance guarantee as used herein shall mean a cash deposit, certified check, or irrevocable bank letter of credit in the amount of 125% the estimated cost of the improvements to be made as determined by the applicant and acceptable by the City. The City shall be authorized to employ the City engineering consultant to review cost estimates and conduct periodic inspection of the



progress of improvements.

**9.3.2 Performance Guarantee Deposited Prior to Land Use Permit Issuance.**

Where the City Council requires a performance guarantee, said performance guarantee shall be deposited with the City prior to the issuance of a land use permit for the development and use of the land. Upon the deposit of the performance guarantee the City shall issue the appropriate permits.

**9.3.3 Time Period.**

The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the land use permit.

**9.3.4 Rebate.**

The Zoning Administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.

**9.3.5 Completion of Improvements**

Upon the satisfactory completion, as determined by the City, of the improvement for which the performance guarantee was required, the City shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the City is not required to deposit the performance guarantee in an interest-bearing account.

**9.3.6 Default on Improvements.**

In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

**9.3.7 Additional Funds.**

If the performance guarantee is not sufficient to allow the City to complete the improvements, the applicant shall be required to pay the City any of the additional costs of completing the improvements. Should the City use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the City's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining

being refunded to the applicant.

**9.3.8 Funds Posted Elsewhere for Improvements.**

If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City to insure completion of an improvement the applicant shall not be required to deposit with the City a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the City regarding the performance guarantee.

**Section 9.4 Public Notification**

All applications for development approval requiring a public hearing shall comply with **P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.)**, and the other provisions of this Section with regard to public notification.

**9.4.1 Published Notice.**

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning staff shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City of Grayling and mailed or delivered as provided in this Section.

**9.4.2 Content.**

All mail, personal and newspaper notices for public hearings shall:

1. **Describe the nature of the request.** Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
2. **Location.** Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
3. **Date, Time, and Location.** When and where the request will be considered: indicate the date, time and place of the public hearing(s).

4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled access.** Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

**9.4.3 Notice.**

1. Except as noted in **§9.4.3.2** and **§9.4.3.3** below, notices for all public hearings shall be given as follows:
  - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
  - b. Notice of the hearing shall be published in a newspaper of general circulation.
  - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
  - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
    - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
    - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in **§9.4.3.1** above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
3. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice that does not affect a specific property shall be only to the applicant and by newspaper publication, as required in **§9.4.3.1** above

4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. Zoning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

**5. Registration to Receive Notice by Mail.**

a. **General.** Any neighborhood organization, public utility company, railroad or any other person may register with the City Clerk to receive written notice of all applications for development approval or written notice of all applications for development approval within the zoning district in which they are located. The City Clerk shall be responsible for providing this notification, as established by the City Council.

b. **Requirements.** The requesting party must provide the City Clerk information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

**Section 9.5 Use of Consultants**

From time to time, the City Council and/or Planning Commission may employ planning, engineering, legal, traffic or other special consultants to assist in the review of Special Land Use permits, site plans, re-zonings or other matters related to the planning and development of the City.

**Section 9.6 Conditions**

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

**Section 9.7 Violations**

**9.7.1 Nuisance Per Se.**

Uses of land, buildings, or structures, including tents and mobile homes, erected, altered, razed, or converted in violation of this Ordinance are hereby declared to be nuisances per se.

**9.7.2 Municipal Civil Infractions.**

Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be guilty of a municipal civil infraction subject to a fine of not more than five hundred (\$500.00) dollars. Every day that such violation continues constitutes a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the City from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this Ordinance.

**9.7.3 Violation Procedure.**

1. The Zoning Administrator shall inspect each alleged violation of this Ordinance and issue an order to correct the violation to the offender within ten (10) days of his/her inspection.
2. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the Planning Commission shall permit. A violation not corrected within this period shall be reported to the Zoning Administrator who shall initiate municipal civil infraction violation procedures.
3. The City Council may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition of any fine shall not exempt the violator from compliance with the provisions of this Ordinance.
4. The City of Grayling Police Department is hereby designated as the authorized City official(s) in conjunction with the City Attorney and may issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in Court.
5. **Stop work Order.** Upon notice from the Zoning Administrator of the occurrence of unauthorized activity or the existence of site conditions contrary to any provisions of this ordinance or the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, such activity shall be immediately stopped and/or said site conditions shall be immediately abated.

Upon determining that such unauthorized conditions are present or such unauthorized activities are occurring, the Zoning Administrator shall post a stop work order on the said premises. The stop work order shall be in writing and shall also be given to the owner of the property involved, or

to the owner's agent, or to the person involved in such activity or the person responsible for such unauthorized site conditions or activity, and shall state the terms under which the stop work order will be rescinded or removed.

## Section 9.8 Rehearing Process

### 9.8.1 Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
3. The City attorney, by written opinion, states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

### 9.8.2 Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- 4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

### Section 9.9 Action Table

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

City of Grayling Zoning Ordinance FINAL DRAFT	1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
	6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments



Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Plot Plan Approval, accessory building, deck/patio, sign or fence permit	Applicant	Zoning Administrator	No	-----	-----	Zoning Board of Appeals
Site plan approval	Applicant	Planning Commission	No	Not required	Not required	Zoning Board of Appeals
Special use permit	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Planned unit development	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Variance	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal from decision	Any aggrieved party	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Rezoning (Amendment)	Applicant, Planning Commission	Step 1: Planning Commission recommends to City Council	Yes	Not less than 15 days	Not less than 15 days	No action until after City Council decision
		Step 2: City Council	No	-----	-----	Subject to protest petition
		Step 3: City Council publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8 <sup>th</sup> day after publication.				
Text change (Amendment)	Applicant, Planning Commission	Step 1: Planning Commission recommends to City Council	Yes	Not less than 15 days	Not required	No action until after City Council decision
		Step 2: City Council	No	-----	Not required	Subject to protest petition
		Step 3: City Council publishes Notice of Adoption in newspaper (within 15 days after adoption). Text change (amendment) goes into effect on the 8 <sup>th</sup> day after publication.				
<b>Zoning Ordinance Enforcement</b>	Zoning Administrator	-----	-----	-----	-----	Zoning Board of Appeals

# Article 10 Amendment & Adoption

Sec	Name	Pg
10.1	<a href="#">Amendment to this Ordinance</a>	10-1
10.2	<a href="#">Conditional Rezoning</a>	10-4
10.3	<a href="#">Interpretation and Conflict</a>	10-8
10.4	<a href="#">Repeal and Savings Clause</a>	10-8
10.5	<a href="#">Enactment and Effective Date</a>	10-9

## Section 10.1 Amendment to this Ordinance

### 10.1.1 General.

The City Council is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in **P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.)**.

### 10.1.2 Application Procedure.

1. **Amendment Initiation.** An amendment to the official zoning map or text of this Ordinance, except those initiated by the City Council or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the City, including an application fee, which shall be established from time to time by resolution of the City Council.
2. **Zoning Map Amendment.** In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application:
  - a. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
  - b. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
  - c. The existing and proposed zoning district designation of the subject property.
  - d. If required by the Zoning Administrator, a site analysis site plan illustrating existing conditions on the site and adjacent properties; such as woodlands, wetlands, soil conditions, steep sloped, drainage patterns, views, existing buildings, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
  - e. If required by the Zoning Administrator, a written environmental assessment describing site features and anticipated impacts created by the host of uses permitted in the requested zoning districts.

- f. If required by the Zoning Administrator, a traffic impact analysis shall be provided if any use permitted in the requested zoning district could generate 100 or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from city staff and consultants.
  - g. A written description of how the requested rezoning meets **§10.1.4**.
  - h. In the case of an amendment to the official zoning map (rezoning), the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
3. **Text Amendment.** In the case of an amendment to this Ordinance, other than an amendment to the official zoning map, a general description of the purpose and intent of the proposed amendment shall accompany the application form.

**10.1.3 Amendment Procedure.**

- 1. **Public Hearing.** Upon initiation of a rezoning, zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission in accordance with **§9.4**.
- 2. **Recommendation to City Council.** Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in **§10.1.4**, below, in making its finding and recommendation.
- 3. **City Council Action.** Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the Planning Commission findings of the proposed amendment and, in the case of a rezoning, the criteria listed in **§10.1.4** below and shall vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the City Council. The City Council may refer any proposed amendments to the Planning Commission for consideration and comment. The Planning Commission shall have sixty (60) days from such referral to make further recommendations to the City Council. In the event that an application is referred back to the Planning Commission, the City Council shall make specific mention of their objections to the Planning Commission's findings and recommendations. In order to lessen the possibility of adverse litigation concerning the zoning district decisions of the City Council, the City Council shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.
- 4. **Publication.** Once adopted by the City Council, amendments to this Ordinance shall be filed with the City Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. Any amendments to this Ordinance

shall take effect eight (8) business days after publication or at a later date as may be specified by the City Council at the time of adoption.

5. **Re-Submittal of Application for Amendment.** No petition for rezoning or zoning ordinance text amendment that has been denied by the City shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

**10.1.4 Criteria for Amendment of the Official Zoning Map (Rezoning).**

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the City Council may consider the following criteria in making its findings, recommendations, and decision:

1. Consistency with the goals, policies and Future Land Use Map of the City of Grayling Master Plan, including any subarea or corridor studies. If conditions have changed since the City of Grayling Master Plan was adopted, the consistency with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the potential uses allowed in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
5. The capacity of city infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the City.
6. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.
7. Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

**10.1.5 Protest Petition.**

1. An amendment to this Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to the Zoning Ordinance shall require a 2/3 vote of the legislative body, unless a larger vote, not to exceed a ¾ vote, is required by ordinance or charter.

The protest petition shall be presented to the City Council before final legislative action on the amendment and shall be signed by one (1) or more of the following:

- a. The owners of at least twenty (20) percent of the area of land included in the proposed change.
  - b. The owners of at least twenty (20) percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
2. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement under **§10.1.5.1**.

**10.1.6 Amendments Required to Conform to Court Decree.**

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

**Section 10.2 Conditional Rezoning**

**10.2.1 Conditional Rezoning - General.**

An applicant for a rezoning may voluntarily offer a Conditional Rezoning along with an application for rezoning before or following the public hearing for a proposed rezoning. An election to submit a Conditional Rezoning shall be pursuant to **P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.)** and this Section.

- 1. A Conditional Rezoning shall be a written agreement executed by the applicant and the City, shall be in recordable form and shall be recorded with the Crawford County Register of Deeds after execution.
- 2. A Conditional Rezoning may include limitations on the uses permitted on the property in question, specify lower or varying density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features than would otherwise be provided in this Ordinance.
- 3. A Conditional Rezoning may not authorize uses or developments of greater intensity or density, or which are not permitted in a proposed zoning district; nor may a Conditional Rezoning permit variations from height, area, setback or similar dimensional requirements that are less restrictive than a proposed zoning district.
- 4. A Conditional Rezoning shall include conditions that bear a reasonable and rational relationship and/or benefit to the property in question. A Conditional Rezoning may include conditions related to the use and development of the property that are necessary to:

- a. Serve the intended use of the property such as improvements, extension, widening, or realignment of streets, utilities, or other infrastructure serving the site.
- b. Minimize the impact of the development on surrounding properties and the City overall.
- c. Preserve natural features and open space beyond what is normally required.

**10.2.2 Content of Agreement.**

In addition to any limitations on use or development of the property or preservation of property features or improvements as described above, a Conditional Rezoning shall also include the following:

- 1. An acknowledgement that the Conditional Rezoning was proposed voluntarily by the applicant.
- 2. An agreement and understanding that the property shall not be developed or used in any manner that is not consistent with a Conditional Rezoning.
- 3. An agreement and understanding that the approval of a rezoning and a Conditional Rezoning shall be binding upon and inure to the benefit of the property owner and the City, and their respective heirs, successors, assigns, receivers or transferees.
- 4. An agreement and understanding that, if a rezoning with a Conditional Rezoning becomes void for any reason including, but not limited to, reasons identified in this Section, then no further development shall take place and no permits shall be issued unless and until a new zoning district classification for the property has been established.
- 5. An agreement and understanding that no part of a Conditional Rezoning shall permit any activity, use, or condition that would otherwise violate any requirement or standard that is otherwise applicable in the new zoning district.
- 6. A legal description of the land to which the agreement pertains.
- 7. Any other provisions as are agreed upon by the parties.

**10.2.3 Process.**

A Conditional Rezoning shall be reviewed concurrently with a petition for rezoning following the process in **§10.1.3**, and the following:

- 1. A Conditional Rezoning may be submitted prior to or following the Planning Commission public hearing. If the agreement is submitted following the Planning Commission public hearing, it must be reviewed by Planning Commission and a second public hearing shall be held prior to the Planning Commission making its recommendation on the rezoning and Conditional Rezoning to the City Council. A Conditional Rezoning shall be reviewed by the City Attorney to determine

that it conforms with the requirements of this Section, this Ordinance, **P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.)** and that the Conditional Rezoning is in a form acceptable for recording with the Crawford County Register of Deeds.

2. Following a public hearing for a proposed zoning amendment, the Planning Commission shall make a recommendation to the City Council based upon the criteria listed in **§10.1.4**. In addition, following a public hearing to consider a Conditional Rezoning, the Planning Commission shall consider and address in written findings whether a proposed Conditional Rezoning:
  - a. Is consistent with the intent of this Article.
  - b. Bears a reasonable and rational connection and/or benefit to the property being proposed for rezoning.
  - c. Is necessary to insure that the property develops in such a way that protects the surrounding neighborhood.
  - d. Leads to a better development than would have been likely if the property had been rezoned without a Conditional Rezoning, or if the property were left to develop under the existing zoning classification.
  - e. Is clearly in the public interest.
3. If a Conditional Rezoning has been offered by the applicant and recommended for approval by the Planning Commission, the City Council may approve a Conditional Rezoning as a condition to the rezoning if it meets all requirements of **subsection 10.2.2** above. The Conditional Rezoning shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning.
4. If a rezoning and Conditional Rezoning are approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the Conditional Rezoning the City Clerk shall maintain a listing of all properties subject to Zoning Agreements and shall provide copies of the Agreements upon request.
5. All other requirements of this Ordinance or any other City ordinances shall apply to the property to which a Conditional Rezoning applies.

**10.2.4 Expiration.**

1. Unless extended by the City Council for good cause, a rezoning and Conditional Rezoning shall expire two (2) years after adoption of the rezoning and Conditional Rezoning, unless substantial construction on the approved development of the property pursuant to building and other required permits issued by the City commences within the two (2) year period and proceeds diligently to completion.



2. In the event that substantial construction on the approved development has not commenced within the aforementioned two (2) years, or if construction and development does not proceed diligently to completion thereafter, a Conditional Rezoning and rezoning shall be void and of no effect.
3. Should a Conditional Rezoning become void, all development on the subject property shall cease, and no further development shall be permitted. Until action satisfactory to the City is taken to bring the property into compliance with this Ordinance, the City may withhold or, following notice to the applicant and being given an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.
4. Notwithstanding the above, if the property owner applies in writing for an extension of a rezoning and a Conditional Rezoning at least thirty (30) days prior to the expiration date, the City Council may, in its sole discretion, grant an extension of up to one (1) year. Future extensions may be granted, although the number of previous extensions granted to a particular rezoning and Conditional Rezoning shall be considered by the City Council.

**10.2.5 Reversion of Zoning.**

If a rezoning and Conditional Rezoning become void as outlined above, then the zoning classification of the property shall revert back to its previous zoning classification. The reversion process shall be initiated by the City Council by requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests, including the notice and hearing as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006), and this Ordinance. No building or other permit shall be issued or valid during the process described in this subsection.

**10.2.6 Continuation.**

Provided that all development and/or use of the property in question is in compliance with a Conditional Rezoning, a use or development authorized there under may continue indefinitely, provided that all terms of a Conditional Rezoning continue to be adhered to.

**10.2.7 Amendment.**

1. During an initial two (2) year period, or during any extension granted by the City as permitted above, the City shall not add to or alter a Conditional Rezoning, even with the landowner’s consent.
2. A Conditional Rezoning may be amended after the expiration of an initial two (2) year period and any extensions, in the same manner as was prescribed for the original rezoning and Conditional Rezoning.

**10.2.8 Violation of Agreement.**

Failure to comply with a Conditional Rezoning at any time after approval will constitute a breach of the agreement and also a violation of this Ordinance and further use of the property may be subject to legal remedies available to the City. Any violation of a Conditional Rezoning that is not cured within thirty (30) days after written notice of the violation is given shall permit the City Council, in its sole discretion, to declare a Conditional Rezoning void ab initio and of no effect.

**10.2.9 Subsequent Rezoning of Land.**

Nothing in a Conditional Rezoning, nor any statement or other provision, shall prohibit the City from later rezoning all or any portion of the property that is the subject of a Conditional Rezoning to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006).

**10.2.10 Failure to Offer Conditions.**

The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect the owner’s rights under this Ordinance.

**Section 10.3 Interpretation and Conflicts**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare of Grayling. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

**Section 10.4 Repeal and Savings Clause**

This Ordinance repeals and replaces any previous City of Grayling Zoning Ordinance in its entirety. The repeal of any previous City of Grayling Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore

**Section 10.5 Enactment and Effective Date**

- 1. This Ordinance was adopted on \_\_\_\_\_, by the Grayling City Council and will be effective on \_\_\_\_\_. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the City of Grayling Planning Commission on \_\_\_\_\_.

2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Grayling City Council after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3401 et. seq.).

I hereby certify that the above Ordinance was adopted by the Grayling City Council at a regular meeting held on \_\_\_\_\_.

Name

Title

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Affidavit of Publication Required.